



**Board of Selectmen**  
**Town Hall Hearing Room**  
**Regular Meeting**  
**February 28, 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.

**Public**

1. Blood Drive Award from Cape Cod Healthcare

*Represented by Kim Smith and Pat Copana from the Cape Cod Hospital who thanked the Town and the Yarmouth Police Department for holding the largest Blood Drive.*

*Town Clerk Jane Hibbert reminded voters in Precinct 5 & 6 will now be voting at Cape & islands Realtors Association. Notification postcards have been sent out.*

*Lou Nickanello thanked the Board and the Planning Board for the consistent direction of revitalizing Route 28 in making it a better place to live and work. Mr. Nickanello expressed concerns however of perceived conflict of interest that have been discussed at Planning Board public meetings.*

*Peter Kenney spoke about CLC and CVEC and asked how the Town was engaged in 3 years of contracts with CLC and CVEC that exceeded the available rates for electricity.*

*Gerry Bastian spoke about the DY assessment and the joint meeting held on March 4<sup>th</sup>, 2008 where the assessment calculations were agreed upon. Ms. McAuliffe added that an alternative calculation had never been placed in the agreement even though it was agreed upon by all parties.*

*Donna Hill asked why water meters are being replaced. Mr. Hinchey stated that the new water meters are automated and will save the Town money in the future. Ms. Hill also spoke about the revitalization of Route 28 but wanted to make sure the Planning Board keeps in mind the Year-Round residents and cape cod architecture.*

*Vida Morris asked about negotiations with Dennis on the School budget. Chairman Tolley stated that the DY budget will be discussed later in the meeting.*

*Peter Smith spoke about a memo, dated February 22<sup>nd</sup> regarding the Entertainment redevelopment zone from the CEDC. Mr. Smith asked if the Selectmen could set a deadline for the Planning Board to present articles at a Town Meeting.*

*Andrea St. Germain congratulated the Yarmouth Police Department and invited everyone on March 14-16 to see Oliver at the DYHS. Ms. St. Germain spoke about the Girls and Boys Hockey Teams.*

*Joe Glynn spoke about respecting citizens who come to the podium. Mr. Glynn spoke about absentee ballots, a zoning board meeting that disrespected a business owner and his petitioned article regarding withdrawing from the Cape Cod Commission.*

*Joyce Flynn spoke about energy contracts comparisons.*

*Bob DuBois spoke about revitalization on Route 28, and encouraged the Selectmen to look at the market plan, and keep Yarmouth in mind.*

**DPW Reorganization**

*Mr. Hinchey announced that the Assistant DPW Director will be retiring July 1<sup>st</sup> and starting April 1<sup>st</sup> Beaches will be moving under the direction of Recreation. In the fall, Cemeteries will be moved*

under Recreation. The current Waste Management Director will become the Assistant DPW Director as well. Ms. McAuliffe voiced concern with possibly overloading one Division head and adding Cemeteries to Parks & Rec seems unconventional. Mr. Hinchey assured the board that this transition will not overload a division head and today with so many reductions combining departments differently has become a necessity to keep things working productively.

**MOTION:** To move that the Board of Selectmen accept the Town Administrator recommendation with the reorganization of Department of Public Works, transferring the Parks & beach Department to the Recreation Division affective April 1<sup>st</sup>, and transferring the Cemetery Division to the Parks & Recreation Division affective October 1<sup>st</sup>.

**Motion by:** Tracy Post

**Seconded by:** Jim Quirk

Yea 5 Nay 0

## Annual Town Meeting

### 1. Review of Articles

- Planning Board Articles 26-27

*Represented by Planning Board. Chairman Roche explained the timeline of the motel cap bylaw. Chris Vincent updated the Board on the Town Center bylaw. Mr. Roche explained the benefits of centers and creating year-round jobs. Mr. Sears expressed concern with encroachment and length of the areas. Ms. Post asked what the vision statement was for the Town centers. Mr. Roche explained briefly the vision statement. Mr. Quirk suggested that Route 28 needs to be widened and a section needs to be focused on that are realistic in development rather than taking too long to plan something that no one will invest in. The Board viewed expressed disappointment that the Town Center article is not ready for the Annual Town Meeting; however they want to see it on the Special Town meeting warrant in the fall. The Board began talking about the Motel Cap bylaw Article. It was decided to keep the motel article on the warrant and postpone the town center article till a Fall Town Meeting. Mr. Sears expressed concern with the lack of time to promote the motel Article and educate the public.*

**MOTION:** To move that the Board of Selectmen place Article 27, the removal of the motel cap bylaw.

**Motion by:** Tracy Post

**Seconded by:** Suzanne McAuliffe

Motion Rescinded

**MOTION:** To move that the Board of Selectmen recommend Article 27 from the floor.

**Motion by:** Tracy Post

**Seconded by:** Suzanne McAuliffe

Yea 5 Nay 0

**MOTION:** To move that the Board of Selectmen remove FEMA Maps Article and remove Article 26 from the Annual Town Meeting Warrant and have Article 26 go before the next Special Town Meeting.

**Motion by:** Jim Quirk

**Seconded by:** Tracy Post

Yea 5 No 0

- Petitioned Article 14

*Continued from the last meeting, the Board reviewed the chronology of the property. Ms. Post expressed concern that the petitioned article did not solve any issues. Town Counsel Bruce Gilmore explained in detail the rights of the Housing Authority in developing the Forest Road property. A 40B development does not require a Cape Cod Commission review however State and local board reviews are required.*

**MOTION:** To move that the Board of Selectmen not recommend Article 14.

**Motion by:** Tracy Post

**Seconded by:** Suzanne McAuliffe

Yea 5 No 0

- Transfer Station Article 10-11 (update)

*Mr. Hinchey updated the Board on the progress of the privatization RFP of the Transfer Station. The date to receive the RFP has been delayed, and DOR is requiring certifying the balance of the enterprise fund prior to being transferred over to Free Cash. Mr. Hinchey recommends that the Board remove Article 10.*

**MOTION:** To move that the Board of Selectmen remove the article to dissolve the Transfer Station Enterprise Fund.

**Motion by:** Suzanne McAuliffe

**Seconded by:** Jim Quirk

Yea 5 No 0

**MOTION:** To move that the Board of Selectmen recommend Article 11.

**Motion by:** Suzanne McAuliffe

**Seconded by:** Jim Quirk

Yea 5 No 0

- DY School Operating Budget Article 3 (update)

*Mr. Hinchey updated the Board of the challenge to fund DY and presenting a revised formula. The Yarmouth assessment came in at \$699,000 which is achievable. The School has put together a maintenance budget and an enhanced budget. Mr. Hinchey recommends earmarking the required Chapter 70 \$32,000 for the maintenance budget. There was consensus of the Board to earmark the \$32,000, at a minimum.*

**MOTION:** To move that the Board of Selectmen recommend the DY Assessment Article from the Floor.

**Motion by:** Suzanne McAuliffe

**Seconded by:** Jim Quirk

**Yea 5 No 0**

## Board of Selectmen

1. Old Business
2. New Business
  - Individual Items

*Ms. McAuliffe notified the Board that next week she will be requesting the Board to sign a letter to the FAA regarding flight patterns. She looked at the Cape Wind agreement and did not find an expiration date. Ms. McAuliffe reminded the Board that in two days the Cape Cod Commission will be discussing Wastewater which she will be attending.*

*Mr. Sears stated that Spryo Mitikastas would like to come present the county budget at a future selectmen meeting. Mr. Sears also received numerous complaints of faulty streetlights.*

*Mr. Tolley asked Mr. Hinchey to meet with the school consultants to follow-up with the Chapter 70 assessments.*

*Mr. Quirk voiced disappointment in customer service from Board members.*

## Town Administrator's Items

1. Consent Agenda
    - ~~Resolution & Letter of Support – Taunton State Hospital~~
    - Proclamation – Girl Scouts 100<sup>th</sup> Anniversary
    - OKH Insert – 2012 Spring Water Bills
    - Appointment of Licensing Authority Agents
      1. Lieutenant Patrick Carty
      2. Sergeant Kalil Boghdan
      3. Officer Phil Magnuson
      4. Officer Erica Wenberg
      5. Officer Gordon Gibbons
      6. Officer Chris Marino
      7. Officer Sean Gannon
    - Special Liquor License – The Causal Gourmet/Cultural Center
    - Fee Waiver
      1. Cape Cod Antique Dealers Association – Simpkins Field Non-Profit Fee: \$280
    - Donations
      1. Police Department
        - Estate of Wilhelmina I Gomes \$416.96
        - \$416.96**
      2. Senior Services
        - Shirley Sprague \$25.00
        - Margaret Taylor \$43.00
        - Marcel A. LaRue, Jr. \$100.00
        - Charlie Kelleher \$100.00
        - Cash Donations \$355.00
        - \$623.00**
3. Recreation Division

▪ United Way of MA	\$79.56
	<u>\$79.56</u>
4. DPW – Streetlight	
▪ Paula Reese	\$80.00
▪ John Eatough	\$80.00
	<u>\$160.00</u>

**Total            \$1,279.52**

**MOTION:** To move that the Board of Selectmen approve the Consent Agenda as amended.

**Motion by:**    Tracy Post                            **Seconded by:** Jim Quirk                            Yea 5    No 0

*The Board discussed the Taunton State Hospital request for a resolution & letter of support.*

**MOTION:** To move that the Board of Selectmen approve resolution and send the letter.

**Motion by:**    Suzanne McAuliffe                            **Seconded by:** Curt Sears                            Yea 4    No 1


2. Items

### **Adjourn**

**MOTION:** To move that the Board of Selectmen adjourn the meeting at 9:22pm

**Motion by:**    Suzanne McAuliffe                            **Seconded by:** Jim Quirk                            Yea 5    Nay 0

Respectfully submitted,



Elizabeth G. Hartsgrove