

**Minutes
Board of Selectmen
Workshop Meeting
January 13, 2009**

Present: Selectmen – Suzanne McAuliffe, Jim Hoben, Dr. Marasco, Bud Groskopf; Town Administrator – Robert C. Lawton Jr.; Jerry Sullivan absent.

Planning Board – ATM Articles Review

Ms. McAuliffe welcomes Mr. Terry Sylvia, Town of Yarmouth Planner, and the Planning Board, Curt Sears, Tom Roach, Brad Goodwin and Tracy Post. Chairman Tracy Post says that the potential zoning articles are very preliminary at this point.

Mr. Sylvia reviews the several potential zoning articles. See the attached potential zoning articles. Mr. Sylvia explains the petition zoning article from Harris Contos to prohibit any new drive-through facilities.

Mr. Sylvia says that the petitioner will present the article at town meeting. Mr. Sylvia reviews another petitioned article to eliminate time-shares condominiums on South Shore Drive. Dr. Marasco disagrees with restricting time-shares on South Shore Drive, because the HMOD2 was created to promote economic growth in Yarmouth. Mr. Sylvia said that the Planning Board will take into consideration all avenues when the petitioner comes before the Board to present this article.

Mr. Sylvia reviews another petitioned article to allow hotels to have toasters. Dr. Marasco says if the town allows toasters in hotels there should also be mandatory sprinkler systems.

The Planning Board reviews several other zoning articles for the annual town meeting, including clarifying the Revitalization Overlay Architectural District bylaw. The Board continues to discuss the ROAD bylaw. The Board discusses the sign bylaw.

Mr. Sylvia reviews four articles written by the Community Housing Committee. The Board continues to discuss building height on South Shore Drive. Mr. Hoben suggests allowing a special permit for buildings above 48ft. on South Shore Drive. Mr. Sylvia says having a special permit would add time to the permitting process for the developer. Dr. Marasco has concerns with allowable height being over 48ft. on South Shore Drive. Ms. McAuliffe asks for a consensus from the Board. Mr. Hoben says that he still had questions regarding how the 48ft. is measured, but if a special permit was required he could agree with the article. Mr. Groskopf and Dr. Marasco believe that a special permit is needed. Ms. McAuliffe says that she is ok with the article voted at the April 08 town meeting. Ms. McAuliffe suggests that the Planning Board go forward with their hearings to place the article on the spring town meeting warrant.

Chief Almonte – Review potential ATM Articles

1. No Knock, Door to Door Solicitation

Chief Almonte says that the “no knock” bylaw is very similar to the “do not call” registry. Deputy Frederickson says that this bylaw would allow for the residents in Yarmouth to refuse door to door solicitors. He states that many residents are very concerned with solicitors coming onto their property. Deputy Frederickson says that residents will be able to register in writing and online for the “no knock” list. The Board discusses which groups this bylaw will effect. Deputy Frederickson says that the Police will be able to issue warnings. The Board approves of the potential article.

2. Public use of Marijuana

Chief Almonte reviews the bylaw to prohibit use of marijuana in public. He says that he wants everyone to know that marijuana is still illegal and the new law only changes the repercussions for possession of under an ounce. Chief Almonte says that the bylaw will prohibit any use of marijuana in public including land owned by the Town of Yarmouth, D-Y Regional School District and public transportation. Chief Almonte also explains that anyone in violation of this bylaw may be arrested if previous warnings are not followed. Ms. McAuliffe asks Chief Almonte if he believes that marijuana usage will rise due to the decriminalization of the drug. Chief Almonte concurs that the usage in the community will increase and thus the reason for this bylaw. The Board continues to discuss the bylaw. The Board approves of the potential bylaw.

John Simpkins School – Update/Discussion

Mr. Lawton says that CPC money has been approved and is in use to preserve the building but it is now time to move forward for future uses of the building. He says currently there are no grants available from the state but there are loans available which he does not recommend. Mr. Lawton says that right now the project is on hold unless the Board wants to proceed in a certain way. Mr. Groskopf says that he believed the Board approved putting out an RFP. Ms. McAuliffe states that the Board was going to wait on the RFP to see if there was grant money available, she says that now there is no money so the Board should consider approving the publication of the RFP. Mr. Lawton indicates that the RFP is open-ended, he asks for direction from the Board regarding the RFP.

Mr. Groskopf motions to allow Mr. Lawton to publish the RFP for the use of the John Simpkins School. Mr. Hoben seconds the motion for discussion. Dr. Marasco suggests speaking with the John Simpkins School Review Committee and Demetrius Atsalis about their ideas for funding sources. He does say that he has no problem with approving the publication of an RFP. Mr. Lawton says that if the Board puts out an RFP, the Board needs to be serious about the responses the town receives. Mr. Lawton says that he will send a copy of the RFP to the Board again for review. Ms. McAuliffe and Mr. Groskopf both agree that something needs to be done sooner than later. Mr. Lawton states that after the Selectmen review the RFP they will need to make a decision at a future meeting. Mr. Groskopf withdraws his motion to put out the RFP. Ms. McAuliffe confirms that the Board will review the RFP and make a decision at their next meeting in two weeks.

Appointments & Re-Appointments:

Board of Appeals – 2 Regular & 7 Alternates; Design Review Committee Reappointments

Mr. Hoben reviews the appointments. Motioned. Seconded. VOTE 4-0. The Board says they would like to send a thank you letter to David Reid for his service on the Planning Board.

Mr. Hoben reviews the reappointments to the Design Review Committee. Motioned. Seconded.

Other Appointment Items:

The Board discusses regulatory boards being required to meet at or after 5:00pm.

Mr. Lawton informs the Board that there is an opening on the Yarmouth Housing Authority and at a future meeting the Board will have to have public interviews of the candidates and appoint a member in conjunction with the Housing Authority.

Selectmen's Items:

Dr. Marasco asks to receive information regarding implementing a “no smoking ban” on Yarmouth beaches. Ms. McAuliffe speaks about ambulance call backs and contract language. Mr. Lawton says that his understating is that when an ambulance is committed then there is a call

back. A representative from the Fire Department says that the Department is following the contact and not being fiscally irresponsible. Ms. McAuliffe says that she is sorry if she misspoke at the last Selectmen's meeting, but budget issues are still being worked through and this topic will be discussed at a future meeting.

Release of Executive Session Minutes for 3-4-08 & 9-18-07

Motioned. Seconded. VOTE 4-0

Town Administrator Items:

Mr. Lawton informs the Board that there is now a snow and ice deficit due to several early season snow and ice storms. (Ref. M.G.L. Chapter 44 Section 31D)

At this point he says the Board must authorize the town to go into deficit with the snow and ice budget. Mr. Groskopf motions to approve deficit spending in the snow and ice budget. Mr. Hoben seconds. VOTE 4-0

Mr. Lawton also states that the Cape Cod Light Compact has been working with Acting Chief Kelleher and will be investing \$75,000 in all three Yarmouth fire stations to make the buildings more energy efficient.

Mr. Lawton says that under the direction of the Board he has spoken with the Moderator about the start time of town meeting. He states that the Moderator suggested starting at 6:30pm to get business done before 7:00pm.

Mr. Lawton also informs the Board that the County Commissioners would like to come before the Board on February 3rd.

Lastly, Mr. Lawton speaks about the Lt. Governor's request for town's to submit a listing of everything the town believes could use federal bailout money.

Adjourn

Motioned. Seconded. VOTE 4-0 Meeting adjourned at approximately 9:25pm.