

Minutes
Board of Selectmen
Regular Meeting
January 27, 2009

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

Public:

1. Jerry Sullivan

Selectmen Sullivan speaks about his health and informs the public that his cancer has returned but he does not intend to step down from the Board before his term is up.

2. Ed Tierney - St. Patrick's Day Update

Mr. Tierney speaks to the Board about the St. Patrick's Day Parade. He asks the Board for permission to hold the parade on March 7th, 2009 at 11:00am. He says there will be a surprise start to the parade. He also indicates that the parade will be streamed live on the web for people who cannot attend. www.capecodstpatparade.com He says tonight they are requesting that the Board approve the parade and waive the Police detail administrative fee (\$250.00) for the parade.

Ms. McAuliffe indicates that the parade is a great event for the community as well as an economic boom for the town. She says that she appreciates all the effort put into the parade. Dr. Marasco thanks Mr. Tierney for all his efforts and says that the event is great for the community. Ms. McAuliffe asks for the consensus from the Board on the waiving of the Police administrative fee of (250.00). John Fallon from the Police Department indicates that he and other members of the Department will donate their time to help with details for the parade. Dr. Marasco says that if members of the Police Department are willing to donate their time, then he will willing to approve the waiver of the administrative fee. Mr. Groskopf motions to waive the Police administrative fee for the St. Patrick's Day Parade. Mr. Sullivan seconds. VOTE 5-0.

3. David Reid – Acknowledgement of Service to the Board of Appeals

Ms. McAuliffe indicates that the Board would like to acknowledge David Reid for all his time as a member and Chairman since 1996 on the Board of Appeals. She says that not only was David Reid a member of the Board of Appeal he has also written a lot of the opinions for the Board of Appeals. Ms. McAuliffe presents Mr. Reid with a certificate of appreciation for his dedicated work to the town on the Board of Appeals.

Mr. Reid speaks about his time on the Board of Appeals, he says he appreciates the Selectmen's support over the years and hopes that the relationship stays the same in the future.

4. Phil Morris D-Y School Committee Member

Mr. Morris thanks the Board of Selectmen for attending the joint School Committee-Town, D-Y Regional District budget meeting. He says that the meeting will be rebroadcast for the public. He says last night's meeting was very somber due to the budget crisis. In summary he states that as it stands now the school budget has increased by 2.72% over FY09. He says that even though there is an increase of 2.72 staffing levels will have to be reduced by 26 ¼ full time positions. He reviews the mandated costs that have increased since last year. Mr. Morris again thanks the Selectmen for their presence at last night's meeting and says if any residents have questions they can go to the school's website or drop by the main office.

Ms. McAuliffe acknowledges that the school district has worked hard to reduce their budget in consideration of the tough economic times. Mr. Morris says that the school committee is very cognizant of the tough financial situations both towns are facing.

Appointments:

1. Joint Meeting with Yarmouth Housing Authority to fill one vacant elected position

Mr. Hoben says that the Board will conduct a joint meeting with the Yarmouth Housing Authority to fill one vacancy. Mr. Hoben welcomes Maryann Walsh from the Housing Authority he also welcomes both candidates to the position. Mr. Hoben asks Maryann to describe the role of the Housing Authority and role of the candidates. Ms. Walsh describes the role of the Housing Authority including Section 8 vouchers and managing affordable housing units within the community.

Mr. Hoben says that there is an elected seat open on the Authority until the next election in the spring. Mr. Robert Milne says that he has worked with the New York State Dept. of Labor for years 20+ years and has no experience in housing but would like to give back to the community. Mr. Milne says that he has a lot of experience in all levels of government and he would run for the position in the election in the spring. John Reid the other candidate reviews his background including being a recent retired school teacher and formally the equity officer for the Barnstable Public Schools. Mr. Reid says that he has a lot of community activism experience with the Town of Barnstable. Mr. Reid also says that he intends to run for the position in the spring.

Mr. Hoben says that he would like the people to decide who the new member would be. Dr. Marasco says that he supports Mr. Hoben's decision to not fill the position for only two months but to leave the position open until the election. Ms. Walsh says that she believes the Authority could make do without a final member of the Authority until the election. Mr. Sullivan thanks both candidates for their interest in the position. He also says there are several housing committees within the town that have openings available. Mr. Sullivan says he will support not have the appointment made this evening tonight. Dr. Marasco motions to not appoint someone to the Housing Authority. Mr. Sullivan seconds. VOTE 5-0

2. Barnstable County Regional Emergency Planning Committee T.O.Y. Reps – 1 Regular & 2 Alternates

Mr. Hoben reviews the appointment to the Barnstable County Regional Emergency Planning Committee. Motioned. Seconded. VOTE 5-0

Selectmen's Items:

1. Finalize ATM Warrant Articles

Mr. Lawton reviews the latest list of the town meeting articles including the Governor's idea to increase the hotel/motel tax and meals tax. Mr. Lawton also speaks about the Capital Budget Committee potential articles. Mr. Lawton asks the Board to review the articles and vote to include the articles for the annual town meeting in May. Mr. Sullivan motions to include the articles in the 2009 warrant. Mr. Hoben seconds. VOTE 5-0 Unanimous to include the 50+ articles in the warrant.

2. Approval of BOS Minutes 1-6-09

Motioned. Seconded. VOTE 5-0

Town Administrator's Items:

1. Consent Agenda

Mr. Lawton reviews the consent agenda. The Board discusses the energy questionnaire and the ability to place wind towers within the community. Motioned. Seconded. VOTE 5-0

2. Budget Issues

Mr. Lawton reviews the level funded budgets that the Department Head's have created. He also says that he is waiting on the information from the governor regarding the state budget.

He discusses the possibility of more reductions due to a loss in state aid in FY09' and also FY10'.

Dr. Marasco speaks about level funding the town budgets. He says that this budget shows the commitment from the employees and department heads to complete a level funded budget. He reviews the increases that the school has proposed in their budget. Ms. McAuliffe reiterates that we as a community has been in a saving's mode since the budget cuts in September.

3. Chief Walker Welcome Lunch

Mr. Lawton informs the Board that the Fire Fighter's Union will be putting on a welcoming lunch for Chief Walker at the Irish Village on February 2nd, 2008 from 12:00-2:00pm.

4. Town Counsel Search

The Board speaks about Town Counsel interviews. Mr. Sullivan says although it is the Board's final decision on who to hire for Town Counsel he would feel more comfortable if Mr. Lawton is actively part of the procedure. Dr. Marasco says he would like a final recommendation from Mr. Lawton. Mr. Sullivan says that Mr. Lawton has worked with all of the candidates in the past.

5. Hampton Inn Tour

Mr. Lawton reminds the Board that there will be a tour of the Hampton Inn on February 7th, 2009. Mr. Sullivan says that he will be able to attend.

6. RFP Review

Mr. Lawton asks the Board to review the John Simpkins School RFP. The Board discusses the RFP and Mr. Hoben motions to approve the RFP to be published. Mr. Groskopf seconds. VOTE 5-0

Selectmen's Items Continued:

1. Chief Walker Employment

Mr. Sullivan says that he would like the Board to support a motion to unanimously support the hiring of Chief Walker for the Fire Chief. Mr. Sullivan motions that the Board unanimously support Michael Walker as the Fire Chief. Mr. Groskopf seconds. VOTE 5-0

2. Housing Trust

Mr. Hoben says that Our First Home is almost completed with a home on Old Cedar Lane for an affordable unit. He reviews the project. He also reviews the housing buy-down project that the Affordable Housing Trust is working on.

3. Appointment Policy

Mr. Hoben speaks about restricting regulatory board's meeting times to be 5:00pm or after. Mr. Hoben reads the potential policy. He feels that there will be more volunteers for committees if regulatory boards are required to meet in the evening. Ms. McAuliffe says that her only concern is that the Board of Selectmen may not have the authority to enforce the policy. The Board discusses the policy. Mr. Sullivan suggests sending an informal letter to the Board of Health asking them to move their time to 5:00pm. Mr. Lawton says that three letters have already been sent to the Board of Health asking them to change their time. Mr. Hoben asks to have the Board of Health in before the Selctmen to discuss the issue. Mr. Lawton says he will schedule the Board of Health to come to a future Selectmen's Meeting.

4. Tell it Bud Time

Mr. Groskopf informs residents about Tell it to Bud Time.

5. Casual Golfer Membership

Dr. Marasco speaks about a possible resident discount for the casual golfer. He feels that it is a good idea to have a casual golfer membership for residents.

6. Public Safety

Dr. Marasco suggests the Police Department use cameras on town facilities to deter crime. He believes that surveillance cameras will save time and money.

7. Recycling Committee

Ms. McAuliffe asks the Board to review the charge of the RASWAC Committee and would like to have the Committee before the Selectmen sometime in the future.

8. Residential Exemption

Ms. McAuliffe says the Board of Selectmen will discuss the residential exemption again in February to allow the assessors enough time to get ready to set the tax rate in September. Mr. Hoben asks if Mr. Zurowick will bring in examples of the impact on different house amounts. Mr. Lawton said that Mr. Zurowick will bring in examples for the Board.

9. Cape Cod Commission Withdrawal

Ms. McAuliffe says that the withdrawal from the Cape Cod Commission is on the warrant again for this town meeting. She says that she will contact Paul Niedzwiecki the Director of the Cape Cod Commission to inform him that the article will be on the warrant.

10. Zoning South Shore Drive

Ms. McAuliffe speaks about the Davenport Co.'s plans to redevelop the South Shore Drive area. Dr. Marasco comments on future developments on South Shore Drive; he is not in favor of large redevelopment on South Shore Drive. Mr. Sullivan says that the Board of Selectmen can comment on Zoning Board's articles for town meeting but essentially it's the Zoning Board's prerogative to put articles on the warrant. He also states that he likes to hear about ambitious positive plans in the town such as Davenport's plan. Mr. Hoben says that he would like to see the economic analysis estimate for the redevelopment plan from the Davenport Co. Mr. Hoben believes that if the Board of Selectmen is going to have specific projects before the Board for comment then all projects should get the same treatment. Ms. McAuliffe indicates that there will be many projects coming before the Board in the HMOD2 and also on Rt. 28 in the future and thus the Board should be willing to hear from each project. She also says that this particular project is important because this might be the first of several big projects in the South Shore Drive area. Ms. McAuliffe also states that the Board of Selectmen should understand that this is a fact finding mission and not the time to endorse or not endorse a specific project. Dr. Marasco feels that this is not the time to discuss the particular project on South Shore Drive, he says that several residents are against raising the height on South Shore Drive. Mr. Marasco says he would prefer to see what the Planning Board is going to do with the potential article for South Shore Drive before discussions continue. Ms. McAuliffe politely disagrees with Dr. Marasco and indicates that not allowing comments on potential projects by the Board of Selectmen is abdicating the Board's responsibility. Curt Sears feels that the Board should comment on potential projects. Mr. Groskopf says that it is up to the developer whether or not they would like to come before the Board to review potential projects. The Board continues to discuss height on South Shore Drive.

Ms. McAuliffe indicates that she has spoken with Davenport Co. and they are willing to do a short 15min. presentation on their proposed redevelopment on South Shore Drive. She polls the Board to see the members would like Davenport Co. to be on a future agenda. The Board continues to discuss the issue and does not come to a conclusion. Mr. Hoben says that he would agree to see Davenport if they present the net benefits to the community.

Bob Dubois, Director Yarmouth Chamber of Commerce says that having only companies come before the Board who have projects that will create net benefits to the community means that the Selectmen are missing the point. He says that there are other benefits to the town than just monetary items such as aesthetics. Mr. Dubois says that the Board of Selectmen will send a bad message if developers can't come before the Board for comments during the development

stage. Mr. Dubois says the Board should send the right message that Yarmouth is ready for investment and redevelopment and the Selectmen will review each and every project for all the benefits to the community. Dr. Marasco disagrees with Mr. Dubois and says that the Board of Selectmen has listened extremely well over the past year about the potential project on South Shore Drive. He states that this project has taken up the majority of the Planning Board's time over the past year. Ms. McAuliffe says that if Dr. Marasco is unsupportive of a particular project he tends to try and delay making decisions even if the entire Board approves. She says that last year Dr. Marasco did not approve of the height change in the HMOD2 and also the GIZ. She again asks to poll the Board to see if they would like to have the Davenport Co. before the Board. Mr. Marasco says that he was a proponent of the height on South Shore Drive if a special permit was required. Ms. McAuliffe asks for a consensus from the Board: Mr. Sullivan – Yes, Mr. Hoben – Yes, Mr. Groskopf – Yes, Dr. Marasco – No, Ms. McAuliffe – Yes. Ms. McAuliffe says that the Davenport Co. will be on a future agenda.

11. MA Municipal Association Annual Conference

Ms. McAuliffe says that the event was a worthwhile trip for all the Selectmen. She also informs the residents that this year the Selectmen paid for all their own meals, and hotel for one night and the town only compensated the members for the event registration. She says the conference gives the Board lots of new ideas.

Adjourn

Motioned. Seconded. Meeting adjourned at approximately 9:10pm.

CONSENT AGENDA

Donation to the General Fund:

Dick Neitz \$ 24.49

Donation to the Police Department

Recruiting Exam @ \$50.00 per \$1,500.00

Memorial Donations in Memory of John Creney
\$1,250.00

Approval of Energy Questionnaire to be included within the Tax Bill mailing or Water Bill mailings

Date: 1-27-09

Approved: VOTE 5-0