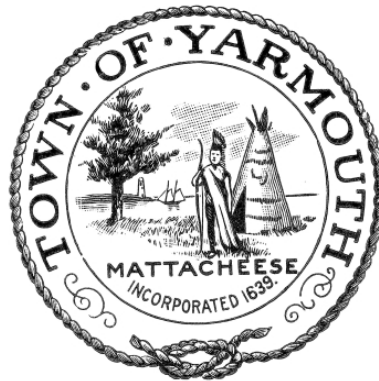


**TOWN OF YARMOUTH
WARRANT
and
RECOMMENDATIONS
of the
FINANCE COMMITTEE
For the Annual Town Meeting**



**April 4, 2011
6:30 P.M.
MATTACHEESE MIDDLE SCHOOL
WEST YARMOUTH**

PLEASE BRING THIS REPORT TO TOWN MEETING

FINANCE COMMITTEE REPORT

Welcome to Yarmouth's Annual Town Meeting (ATM) for 2011. The Annual Town Meeting is the opportunity for Yarmouth citizens, acting in concert as the municipal appropriating authority as well as the local legislative authority for setting the Town government priorities for the next Fiscal Year. The Fiscal Year for 2012 begins July 1, 2011. The role of your locally appointed Finance Committee is to serve as your board of fiscal advisors as you undertake your deliberations and decisions. The members of the Committee are:

Phil Morris, Chair	Norman Holcomb	Randall Stiffler
William Bastian, Vice Chair	John Moylan	Carlene Veara
Betty-Jane Burkhardt, Clerk	Carol Serafino	Dorothy Voelker

Beginning in December 2010, the Yarmouth Finance Committee began to carefully review, to ask detailed questions, and to provide recommendations on all the fiscal warrant articles. The largest part of our effort and attention has been spent on Article 5 (Operating Budget) and on Articles 6, 16 and 17 (Capital Improvements) followed by other matters of financial impact on the residents of Yarmouth. In particular, Article 7 (D-Y Regional School – Yarmouth Assessment) and Article 15 (Fire Department Override), underwent additional scrutiny. We have worked diligently to study the financial issues and fulfill our duties as your advisors and hope you find our input helpful.

At the beginning of the process in October 2010, of creating the municipal department budgets for the next Fiscal Year of 2012, the Town Administrator established a set of target guidelines to be followed by Town Departments:

- Town Departments were instructed to submit requests that include contractual wage increases only.
- No increases allowed for expenses with limited exceptions for fixed costs that cannot be controlled such as Insurance, Energy and Pension.

Additional adjustments had to be undertaken in February and March, when it became evident that estimated revenues were not sufficient to cover even the pared down budgets submitted by the Departments within the above guidelines.

Similar fiscal dynamics impacted both municipal and school fiscal planning, with the additional factor of the state's "minimum contribution / net school spending" impact on the D-Y Regional School assessment to Yarmouth remaining to be fully examined at the time of this report's production.

The Yarmouth Finance Committee wants to extend a heartfelt indebtedness and gratitude to the recently retired - and only - Yarmouth Town Administrator, Robert C. Lawton, Jr. for his impressive and extraordinary tenure of more than 32 years and for his exemplary and professional dedication to the quality of life for the residents of the Town of Yarmouth. We also extend our sincere appreciation to Patrick Foran, Robert Kaiser and Peter Slovak for their time and contributions to this committee prior to their resignations. Additional thanks are owed to Acting Town Administrator Peter Johnson-Staub for his tireless efforts, long hours, and evenhandedness in this difficult budget year while also effectively bridging the time gap between the retirement of Mr. Lawton and the mid-spring arrival of his successor, William Hinchey.

And, of course, we must appreciatively acknowledge the notable responses from Department Heads and staff members who have had to "do more with less," even before readjusting (i.e. cutting) their projected budgets as the cost to maintain existing service levels continues to rise faster than the revenues available to pay for these services. The recent times for municipal and school services as well as for local fiscal

planning have been complicated and difficult. The economic near future may have some hints of constrained improvement; but, in any case, the Yarmouth Finance Committee is committed to serving the Yarmouth residents in stewarding available financial resources in the best interests of our community.

Respectfully,

Phil Morris, Chair

HOW DO I MAKE A MOTION?

TABLE OF BASIC POINTS OF MOTIONS

RANK	Type of Motion	2nd Req'd.	May Debate	May Amend	Vote Req'd.	May Recon.	May Interrupt
MAIN MOTIONS							
None	Main Motion	Yes	Yes	Yes	Varies	Yes	No
Same	Reconsider or Rescind	Yes	Same	No	Majority	No	No
None	Take from the Table	Yes	No	No	Majority	No	No
None	Advance an Article	Yes	Yes	Yes	Majority	Yes	No
PRIVILEGED MOTIONS							
1	Dissolve or adjourn sine die	Yes	No	No	Majority	No	No
2	Adjourn to a fixed time or recess	Yes	Yes	Yes	Majority	No	No
3	Point of no quorum	No	No	No	None	No	No
4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Majority	Yes	No
5	Question of privilege	No	No	No	None	No	Yes
SUBSIDIARY MOTIONS							
6	Lay on the table	Yes	No	No	2/3	Yes	No
7	The previous question	Yes	No	No	2/3	No	No
8	Limit or extend debate	Yes	No	No	2/3	No	No
9	Postpone to a time certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or refer	Yes	Yes	Yes	Majority	Yes	No
11	Amend (or substitute)	Yes	Yes	Yes	Majority	Yes	No
12	Postpone indefinitely	Yes	Yes	No	Majority	Yes	No
INCIDENTAL MOTIONS							
Same	Point of Order	No	No	No	None	No	Yes
Same	Appeal	Yes	Yes	No	Majority	Yes	No
Same	Division of a question	Yes	Yes	Yes	Majority	No	No
Same	Separate consideration	Yes	Yes	Yes	Majority	No	No
Same	Fix the method of voting	Yes	Yes	Yes	Majority	Yes	No
Same	Nominations to committees	No	No	No	Plurality	No	No
Same	Withdraw or modify a motion	No	No	No	Majority	No	No
Same	Suspension of rules	Yes	No	No	2/3*	No	No

* UNANIMOUS IF RULE PROTECTS MINORITIES; OUT OF ORDER IF RULE PROTECTS ABSENTEES

SOURCE: TOWN MEETING TIME, 3RD EDITION

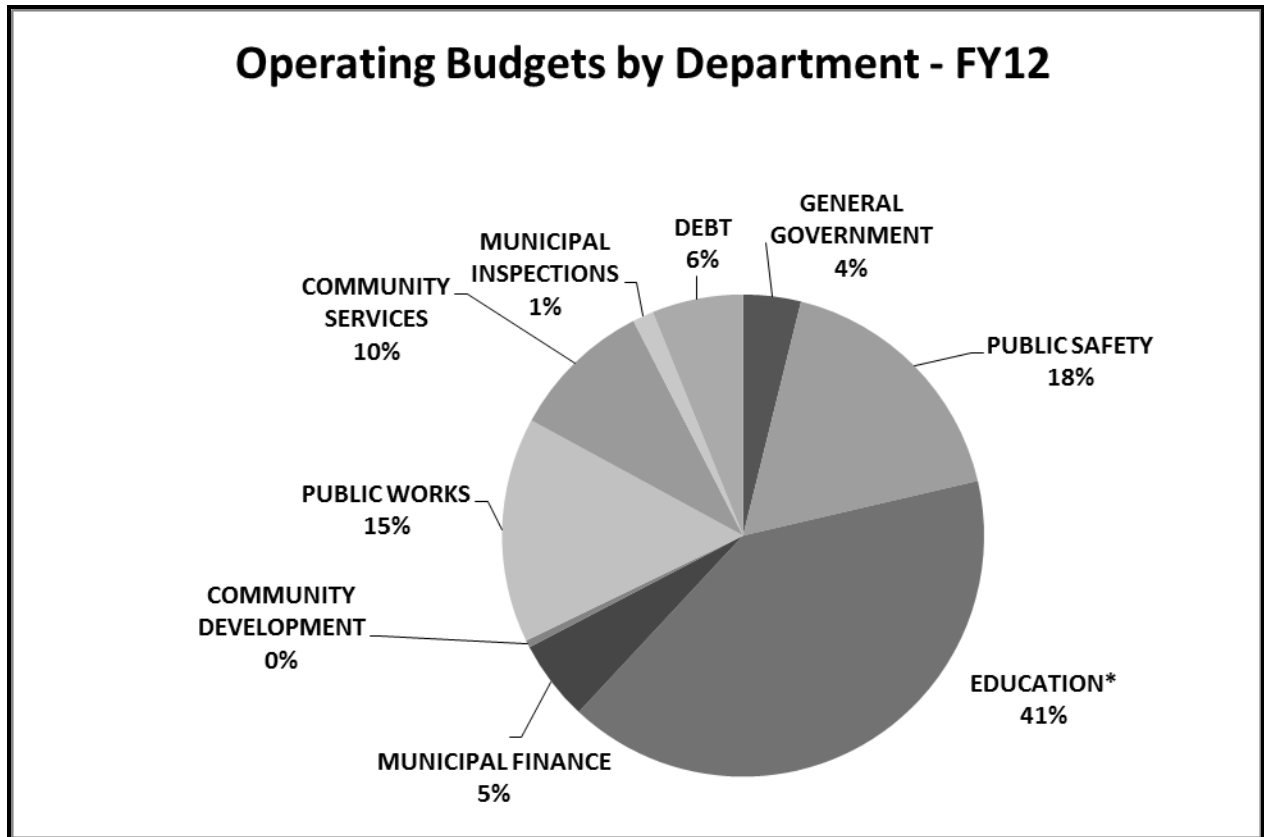
COMMON TOWN FINANCE TERMS

APPROPRIATION	An amount of money voted to be spent for special purposes. Available Funds (Free Cash) Surplus revenues less all uncollected taxes for prior years. A source for funds at special town meetings, special projects of lowering the tax rate.
CHERRY SHEET	The cherry-colored form received each year from the state listing the town's State Aid and county and state charges against the town.
EMINENT DOMAIN	The authority of the town to acquire a parcel of property. Eminent domain also clears any title problems with property.
ENTERPRISE FUND	A fund set up by town meeting which requires full funding of an activity. Funds received can only be spent for the particular activity and funds which are unspent remain in the account.
FISCAL YEAR	July 1st though June 30th are normally designated by the year in which it ends.
INDEFINITELY POSTPONE	Postpone action on an article indefinitely. The article can be brought back at a subsequent town meeting.
OFFSET ACCOUNT	A fund set up by town meeting to allow funds to be collected and expended in the same fiscal year. There is no effect on the tax rate using this account.
OVERLAY SURPLUS	A fund set up by town meeting to allow funds to be collected and expended in the same fiscal year. There is no effect on the tax rate using this account.
RAISE FUNDS	Authorization to include an amount as part of the tax rate.
RESERVE FUNDS	A fund to provide for extraordinary or unforeseen expenditures. A sum may be appropriated at the Annual Town Meeting not to exceed 5% of the tax levy of the preceding year.
STABILIZATION FUND	A fund appropriated in order to cover a portion of future capital expenditures. A total accumulation not to exceed 10% of valuation of preceding year.
SURPLUS REVENUE	The amount by which cash, accounts receivable and other assets exceed liabilities and reserve (a bookkeeping item not to be confused with Available Funds).
TRANSFER	The authorization to use an appropriation for a different purpose from the Reserve Fund for extraordinary or unforeseen expenditures.

OPERATING BUDGET SUMMARY -- ARTICLES 5,7 AND 8

	APPROPRIATED FY 10	APPROPRIATED FY 11	RECOMMENDED FY 12
GENERAL GOVERNMENT	\$2,620,347	\$2,581,439	\$2,640,055
PUBLIC SAFETY	\$11,193,425	\$11,742,010	\$11,934,765
EDUCATION*	\$25,581,346	\$26,694,346	\$27,691,524
MUNICIPAL FINANCE	\$3,310,721	\$3,464,935	\$3,690,180
COMMUNITY DEVELOPMENT	\$400,073	\$335,138	\$330,181
PUBLIC WORKS	\$10,879,950	\$10,150,487	\$10,306,229
COMMUNITY SERVICES	\$6,570,950	\$6,713,789	\$6,523,875
MUNICIPAL INSPECTIONS	\$934,751	\$882,798	\$956,603
DEBT	\$4,250,228	\$4,169,969	\$4,169,969
TOTAL	\$65,741,791	\$66,734,911	\$68,243,381

* Education figures include D-Y Regional School District and C.C. Regional Technical School



SUMMARY OF 2011 TOWN MEETING APPROPRIATIONS

Art. 1 - Stabilization Fund	\$155,154	
Art. 4 - Contractual Wage Increases	\$165,000	
Art. 5 - Operating Budgets	\$40,617,209	
Art. 6 - Capital	\$1,222,300	
Art. 7 - D-Y Schools	\$25,301,402	2/7/11 School Comm Budget
Art. 8 - CC Technical School	\$2,390,122	
Art. 9 - Upper Cape Technical School	\$15,231	
Art. 10 - Water capital	\$969,000	
Art. 11 - Water Service connection	\$44,000	
Art. 13 - Police/Fire Medical bills	\$40,000	
Art. 38 - Tourism Preservation	\$210,300	
SUBTOTAL APPROPRIATIONS (A)	\$71,129,718	

STATE & COUNTY CHARGES

Pension	\$3,167,473
Veterans	\$36,000
Old Kings Highway	\$8,250
Other State and County Charges	\$711,880
Overlay for property tax abatements	\$650,000
SUBTOTAL STATE & COUNTY CHARGES (B)	\$4,573,603

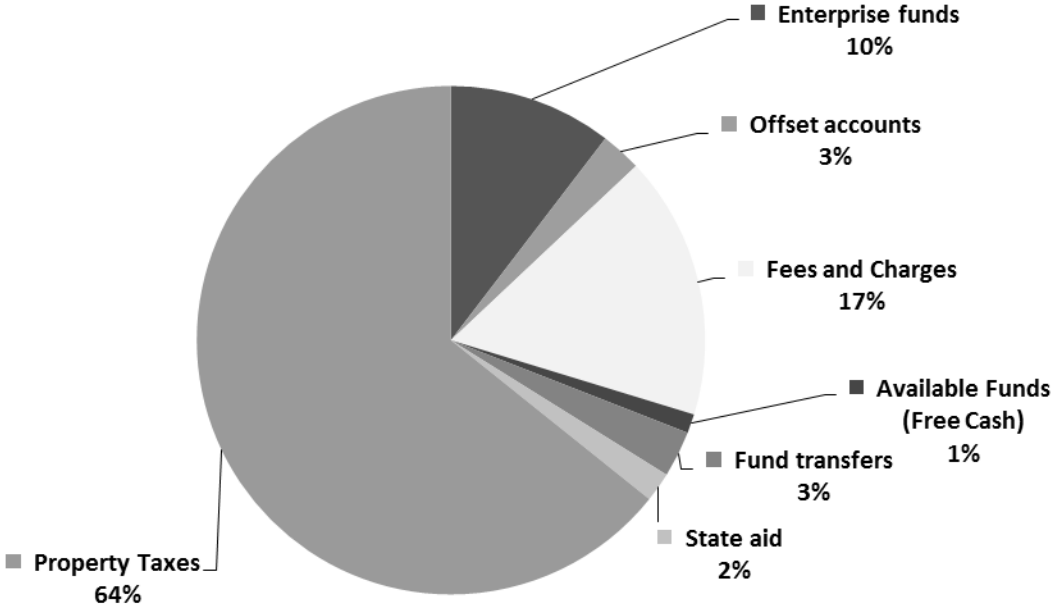
TOTAL EXPENDITURES (A+B) \$75,703,321

INCOME FY2012

Enterprise Funds	\$7,823,983
Offset Accounts	\$1,940,165
Fees and Charges	\$12,588,000
Free Cash	\$916,000
Fund Transfers	\$2,213,398
State Aid	\$1,404,460
Property Taxes	\$48,329,275
TOTAL INCOME (C)	\$75,215,281

SHORTFALL AS OF 3/7/2011 (A+B-C) -\$488,040

Income FY12



**ANNUAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
APRIL 4TH, 2011**

Barnstable, ss.

To the Constable of the Town of Yarmouth in the County of Barnstable, Greetings, In the name of the of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet in the Mattacheese Middle School Building in said Town, Monday, the 4th day of April 2011 at six-thirty o'clock (6:30 p.m.) in the evening, then and there to act on the following articles.

ARTICLE 1: To see if the Town will vote to transfer \$5,153.83 from the MTBE settlement and \$150,000 from available funds to the Stabilization Fund. **2/3 vote**

Selectmen Recommend

Finance Committee Recommend

(Board of Selectmen)

ARTICLE 2: To see if the Town will vote to raise or transfer from available funds and appropriate a sum of money to pay bills of prior years as provided by Chapter 44, Section 64 of the Massachusetts General Laws and to act upon any other bills that may properly come before this meeting. **4/5th Vote**

Selectmen Recommend from the Floor

Finance Committee Recommend from the Floor

(Finance Committee)

ARTICLE 3: To see if the Town will vote to accept the provisions of M.G.L. Chapter 32 §22(f) and 103 as amended by §18 and 19 of Chapter 188 of the Acts of 2010, or take any other action relative thereto.

Selectmen Recommend

Finance Committee Recommend

(Board of Selectmen)

ARTICLE 4: To see if the Town will vote to raise and appropriate \$165,000 to pay for salary and wage adjustments as a result of the settlement of collective bargaining and or employee contracts.

Selectmen Recommend

Finance Committee Recommend

(Board of Selectmen)

ARTICLE 5: To see what sums of money the Town will vote to raise or transfer from available funds and or be subject to an override of Proposition 2 ½ and appropriate such funds to defray the charges, expenses, salary, and payroll obligations of the Town, including debt and interest for the ensuing year, to provide for a reserve fund, and to fix the salaries and compensation for all elected officials of the Town or act on anything relative thereto.

Selectmen Recommend

Finance Committee Recommend

(Board of Selectmen)

Code	Actual FY10	Appropriated FY11	Request FY12	Finance Comm FY12
ELECTED/GENERAL GOVERNMENT				
MODERATOR				
E-1 salary (1)	500	480	480	480
SELECTMEN				
E-2 salary (5)	15,000	14,400	14,400	14,400
E-3 expense	7,478	6,850	6,850	6,850
TOWN ADMINISTRATOR				
GG-1 salary (2)	253,389	245,255	245,255	260,255
GG-2 wages (2.8)	124,772	133,449	135,985	135,985
GG-3 expense	5,887	5,705	5,705	5,705
GG-4 employee increment	17,500	17,500	17,500	17,500
GG-5 unemployment compensation	38,998	50,000	50,000	40,000
GG-6 energy	798,012	892,800	946,780	945,021
GG-7 legal	88,989	90,000	90,000	90,000
GG-8 bargaining legal	14,463	35,000	35,000	35,000
GG-9 training	5,969	8,000	8,000	8,000
GG-10 telephone	113,858	87,000	87,000	87,000
GG-11 o.s. travel	989	2,500	2,500	2,500
GG-12 general insurance	664,151	754,335	753,494	753,494
GG-13 town report/warrant	16,687	6,000	6,000	6,000
FINANCE COMMITTEE				
GG-14 wages	758	0	1,000	1,000
GG-15 expense	447	1,000	0	0
GG-16 reserve	145,000	145,000	145,000	145,000
CENTRAL PURCHASING				
GG-17 purchasing	82,143	81,950	81,950	81,950
PERSONNEL				
GG-18 wages	0			
GG-19 expense	3,204	4,215	4,215	3,915
TOTAL WAGES	411,919	411,084	414,620	429,620
TOTAL EXPENSES	1,986,275	2,170,355	2,222,494	2,210,435
TOTAL ELECTED / GEN. GOVT.	2,398,194	2,581,439	2,637,114	2,640,055

Code		Actual FY10	Appropriated FY11	Request FY12	Finance Comm FY12
MUNICIPAL FINANCE					
TOWN ACCOUNTANT					
MF-1	wages (4.5)	283,182	287,838	291,606	291,606
MF-2	expense	3,510	34,644	34,644	34,644
ASSESSORS					
MF-3	wages (4.5)	263,045	229,804	230,511	230,511
MF-4	expense	3,163	3,170	2,189	2,189
TREASURER					
MF-5	wages (3)	158,724	148,389	153,019	153,019
MF-6	expense	26,084	51,263	55,523	55,523
MF-7	Medicare	227,597	239,226	242,659	242,659
MF-8	health insurance	2,006,553	2,239,567	2,519,513	2,444,513
MF-9	veterans pension reimbursement	836	900	900	900
COLLECTOR					
MF-10	wages (4)	208,739	201,273	205,755	205,755
MF-11	expense	28,861	28,861	28,861	28,861
	TOTAL WAGES	913,690	867,304	880,891	880,891
	TOTAL EXPENSES	2,296,604	2,597,631	2,884,289	2,809,289
	TOTAL MUNICIPAL FINANCE	3,210,294	3,464,935	3,765,180	3,690,180
COMMUNITY DEVELOPMENT					
CONSERVATION					
CD-1	wages (0)	86,956	0	0	
CD-2	expense	590	0	0	
BOARD OF APPEALS					
CD-3	wages (0)	42,826	0	0	
CD-4	expense	730	0	0	
HISTORICAL COMMISSION					
CD-5	expense	3,119	0	0	
OLD KINGS HIGHWAY					
CD-6	wages (0)	36,108	0	0	
CD-7	expense	700	0	0	
COMMUNITY DEVELOPMENT					
CD-8	wages (5.2)	206,856	314,613	315,656	309,656
CD-9	expense	5,020	20,525	20,525	20,525
	TOTAL WAGES	372,746	314,613	315,656	309,656
	TOTAL EXPENSES	10,159	20,525	20,525	20,525
	TOTAL COMMUNITY DEVELOPMENT	382,905	335,138	336,181	330,181

Code		Actual FY10	Appropriated FY11	Request FY12	Finance Comm FY12
COMMUNITY SERVICES					
GENERAL LIBRARY					
CS-1	wages (11)	487,994	470,328	472,354	463,495
CS-2	expenses	167,059	163,080	163,080	156,939
NATURAL RESOURCES					
CS-3	wages (7.8)	599,429	499,137	500,759	500,759
CS-4	expense	95,181	132,558	132,558	132,558
CS-5	shellfish offset	6,366	8,500	8,500	8,500
SENIOR SERVICES					
CS-6	wages (3.8)	166,373	166,219	170,399	170,399
CS-7	expense	13,202	8,037	8,037	8,037
RECREATION					
CS-8	wages (1+ Seasonal)	300,216	325,747	327,555	287,555
CS-9	expense	33,029	38,067	38,067	38,067
CS-10	off set account	355,463	474,926	577,866	577,866
GOLF					
CS-11	wages (18 + Seasonal)	1,255,365	1,469,811	1,440,486	1,440,486
CS-12	expense	1,863,927	2,364,849	2,148,677	2,148,677
INFORMATION TECHNOLOGY					
CS-14	wages (2)	146,668	153,588	154,821	154,821
CS-15	expense	160,279	147,219	147,219	147,219
TOWN CLERK					
CS-16	wages (4.8)	212,376	204,053	216,628	210,628
CS-17	expense	7,770	21,640	22,025	22,025
ELECTION & REGISTRATION					
CS-18	wages	3,244	5,505	4,981	4,981
CS-19	expense	32,555	60,525	50,863	50,863
	TOTAL WAGES	3,171,665	3,294,388	3,287,983	3,233,124
	TOTAL EXPENSES	2,734,831	3,419,401	3,296,892	3,290,751
	TOTAL COMMUNITY SERVICES	5,906,496	6,713,789	6,584,875	6,523,875

Code		Actual FY10	Appropriated FY11	Request FY12	Finance Comm FY12
PUBLIC SAFETY					
POLICE					
	overtime in wages	(749,346)	(719,079)	(694,754)	(694,754)
PS-1	wages (72)	5,403,002	5,755,822	5,923,813	5,903,813
PS-2	expense	176,919	199,000	199,000	194,000
FIRE					
	overtime in wages	(961,671)	(853,468)	(853,468)	(853,468)
PS-3	wages (67)	5,296,278	5,303,683	5,353,272	5,353,272
PS-4	expense	395,142	482,505	534,680	482,680
EMERGENCY PREPAREDNESS					
PS-5	expense	555	1,000	1,000	1,000
	TOTAL WAGES	10,699,280	11,059,505	11,277,085	11,257,085
	TOTAL EXPENSES	572,616	682,505	734,680	677,680
	TOTAL PUBLIC SAFETY	11,271,896	11,742,010	12,011,765	11,934,765

MUNICIPAL INSPECTIONS

BUILDING INSPECTOR

MI-1	wages (7.2)	398,778	371,508	375,364	364,364
MI-2	expense	6,298	4,894	4,894	4,894
MI-3	Inspections Offset	15,488	13,500	16,100	16,100

BOARD OF HEALTH

MI-4	wages (4.0)	268,684	248,420	254,028	251,028
MI-5	expense	9,925	8,779	8,779	8,779
MI-6	hazardous waste collections	63	0	0	0
MI-7	offset account (3)	128,734	137,258	151,999	154,999
MI-8	Human Services		0	0	0
MI-9	Nursing Services	6,495	8,439	8,439	6,439
	TOTAL HUMAN SERVICES	0	8,439	8,439	6,439
M-10	Veterans - expenses	150,604	90,000	150,000	150,000

	TOTAL WAGES	667,462	619,928	629,392	615,392
	TOTAL EXPENSES	317,607	262,870	340,211	341,211
	TOTAL MUNICIPAL INSPECTIONS	985,069	882,798	969,603	956,603

Code	Actual FY10	Appropriated FY11	Request FY12	Finance Comm FY12
PUBLIC WORKS				
ADMINISTRATION				
PW-1 wages (3)	235,556	231,328	237,928	237,928
PW-2 expenses	1,659	1,800	1,800	1,800
CEMETERY				
PW-3 wages (2 + Seasonal)	139,682	121,417	111,879	111,879
PW-4 expense	19,803	22,766	22,766	17,766
PW-5 off set account	0	24,500	24,500	24,500
ENGINEERING				
PW-6 wages (5)	399,476	380,600	343,397	343,397
PW-7 expense	8,686	15,880	54,103	39,103
HIGHWAY				
PW-8 wages (13)	664,847	624,143	601,912	601,912
PW-9 machinery repair	36,792	37,029	37,029	37,029
PW-10 expense	64,335	90,263	90,263	85,263
PW-11 sweeping	0	0		
PW-12 Tree expense	5,034	20,200	20,200	10,200
PW-13 greenhead fly	1,700	1,700	1,700	1,700
SNOW & ICE				
PW-14 wages	58,780	40,900	41,000	41,000
PW-15 expense	148,673	95,700	95,800	95,800
BUILDINGS & GROUNDS				
PW-16 wages (9 + Seasonal)	509,153	520,934	530,209	527,209
PW-17 expense	160,305	154,146	176,565	176,565
PW-18 off set account	37,729	37,800	37,800	37,800
SANITATION				
PW-19 wages (7)	398,049	349,232	357,163	357,163
PW-20 expense	136,213	132,918	132,923	132,923
PW-21 off set account	737,233	1,123,400	1,123,400	1,123,400
RECYCLING				
PW-22 wages (2.1)	54,678	105,444	107,434	107,434
PW-23 expense	23,625	30,000	30,000	30,000
TRANSFER STATION				
PW-24 wages (7)	406,989	416,419	427,253	427,253
PW-25 expense	1,417,323	1,899,175	1,988,829	1,988,829
SEPTAGE PLANT				
PW-26 expense	1,299,722	1,222,250	1,211,700	1,211,700

WATER					
PW-27	wages (22)	1,080,927	1,122,682	1,204,371	1,204,371
PW-28	expense	1,118,314	1,327,861	1,332,305	1,332,305
	TOTAL WAGES	3,948,137	3,913,099	3,962,546	3,959,546
	TOTAL EXPENSES	5,217,146	6,237,388	6,381,683	6,346,683
	TOTAL PUBLIC WORKS	9,165,283	10,150,487	10,344,229	10,306,229

DEBT SERVICE					
DS-1	Regular Debt	1,451,465	1,458,249	1,441,624	1,416,624
DS-2	Exempt Debt	2,571,279	2,711,720	2,818,697	2,818,697
	TOTAL DEBT	4,022,744	4,169,969	4,260,321	4,235,321

	GRAND TOTAL WAGES (all Depts.)	20,178,177	20,476,383	20,768,173	20,685,314
	GRAND TOTAL EXPENSES (all Depts.)	17,157,982	19,560,644	20,141,095	19,931,895
	GRAND TOTAL Article 5	37,336,159	40,037,027	40,909,268	40,617,209

ARTICLE 6: To see what sums of money the Town will vote to raise or transfer from available funds and appropriate to purchase and equip the following goods, or services, and to authorize the Town Administrator to sell, trade, lease or exchange, or otherwise dispose of old equipment or vehicles deemed advisable and in the best interests of the Town.

DIVISION	ITEM/PROJECT	Dept. Request	Recommend
Building & Grounds	Dump Truck Stake Body F450 (R)	50,000	50,000
Building & Grounds	Police Station Heating & Cooling System (R)	80,000	39,000
D-Y School District	Security Improvements matching funds (N)	49,000	49,000
D-Y School District	Classroom Technology (R)	57,358	43,000
Highway	Residential Road Maintenance & Sealing (M)	805,000	100,000
Highway	Pick-up Truck with plow (R)	37,000	37,000
Natural Resources	Navigation Buoys (R)	20,000	5,000
Police	Police Vehicles w/ancillary equipment (R)	233,000	139,000
Recreation	Pick-up Truck with plow (R)	37,000	37,000
Assessor	Assessor Revaluation (M)	98,300	98,300
Natural Resources	Waterways Dredging (M)	100,000	50,000
SUBTOTAL – General Fund Available Funds		\$1,566,658	\$647,300

FIRE RESERVE FOR APPROPRIATION

	ITEM/PROJECT	Dept. Request	Recommend
Fire Department	Pumper - Second Lease Purchase Payment (R)	175,000	175,000
Fire Department	Electrocardiogram Machine (R)	100,000	100,000
Fire Department	Self-Contained Breathing Appratus (R)	80,000	80,000
Fire Department	Design of Build Out for West Yarmouth Station #3	55,000	0
Fire Department	Dive Gear (R)	15,000	15,000
Fire Department	Portable Radios (R)	15,000	15,000
Fire Department	Surplus Offroad Vehicle - Equip and Repairs (R)	30,000	30,000
Fire Department	Rescue Air Bags (R)	30,000	30,000
SUBTOTAL - Fire Reserve for Appropriation		\$500,000	\$445,000

Transfer Station Enterprise

	ITEM/PROJECT	Dept. Request	Recommend
Transfer Station	Back Hoe Replacement (R)	130,000	130,000
SUBTOTAL – Transfer Station Available Funds		\$130,000	\$130,000

GRAND TOTAL Article 6

\$2,196,658

\$1,222,300

Selectmen Recommend

Finance Committee Recommend

(Capital Budget Committee)

ARTICLE 7: To see if the Town will vote to raise or transfer from available funds and appropriate a sum of money to fund the Dennis-Yarmouth Regional School District for FY'12 and to see whether such sum shall be raised by taxation, transferred from available funds and/or be subject to an override of Proposition two and one half.

Operation

Actual FY'10	Appropriated FY'11	Certified FY'12
23,144,104	24,294,999	25,301,402

Selectmen Recommend from the Floor

Finance Committee Recommend from Floor (Dennis Yarmouth School Committee)

ARTICLE 8: To see if the Town will vote to raise and appropriate a sum of money to fund the Town of Yarmouth's share of the Cape Cod Regional Technical High School District budget for FY '12 and to see whether such sum shall be raised by taxation, transferred from available funds.

Operation

Actual FY'10	Appropriated FY'11	Certified FY'12
2,437,242	2,399,347	2,390,122

Selectmen Recommend

Finance Committee Recommend (Cape Cod Regional Tech. High School)

ARTICLE 9: To see if the Town will vote to transfer from available funds and appropriate the sum of \$15,231 to fund the Town of Yarmouth's share of the Upper Cape Cod Technical High School District budget for FY '11.

Selectmen Recommend

Finance Committee Recommend (Upper Cape Technical High School)

ARTICLE 10: To see if the Town will vote to transfer from available funds in the DPW Water Division and appropriate the sum of \$ \$969,000 for the use of the DPW Water Division for the purpose set forth in the Acts of 1928, Chapter 146, or under Mass. General Laws, Chapter 41, Section 69B, and to fund such expenditure raise and appropriate the sum of \$738,751 and transfer \$230,249 from Water fund balance.

	ITEM/PROJECT	Dept. Request	Committee Recommend
Water Division	Well Inspection, Redevelopment & Pump Replacement (R)	325,000	325,000
Water Division	Repairs to the System (M)	100,000	100,000
Water Division	Undersized Main Replacement (R)	100,000	100,000
Water Division	Distribution Improvements (M)	100,000	100,000
Water Division	Pick-up with Plow (R)	38,500	38,500
Water Division	Pick-up with Plow (R)	38,500	38,500
Water Division	Water Meter Replacement (R)	150,000	150,000
Water Division	Tank Inspection and Painting (M)	107,000	107,000
Water Division	Chemical Feed System (R)	10,000	10,000
SUBTOTAL Water Special Revenue		\$969,000	\$969,000

Notes: (N) = New, (R) = Replacement, (M) = Maintenance
 Selectmen Recommend

Finance Committee Recommend

(Department of Public Works)

ARTICLE 11: To see if the Town will vote to transfer from funds reserved as Service Connection Receipts \$52,640 to be used for service connections and overtime to repair water services and appropriate such sums for these purposes.

Selectmen Recommend

Finance Committee Recommend

(Department of Public Works)

ARTICLE 12: To see if the Town will vote to amend the FY11 Yarmouth operating budget as follows:

1. Transfer the sum of \$130,000 from the Transfer Station Reserve account to line PW-25 Transfer Station Expenses.
2. Transfer a sum of money from the Fire Reserve for Appropriation to line PS-3 Fire Wages.
3. Transfer the sum of \$29,000 from Fire Reserve for Appropriation to line PS-3 Fire Wages.
4. Transfer the sum of money from Yarmouth Dennis Septage Treatment Plant enterprise fund to PW-26 Septage Plant.

Selectmen Recommend from the Floor

Finance Committee Recommend from the Floor

(Board of Selectmen)

ARTICLE 13: To see if the Town will vote to transfer from available funds and appropriate the sum of \$40,000 for payment of medical bills of Yarmouth police officers and firefighters who are injured in the line of duty, as provided for under Chapter 41, Section 100 of the Massachusetts General Laws.

Selectmen Recommend

Finance Committee Recommend

(Board of Selectmen)

ARTICLE 14: To see if the Town will vote to reauthorize a Police Department revolving fund under M.G.L. Chapter 44 Section 53-E ½ for the purpose of depositing money from the crash recovery charges to be used by the Yarmouth Police Department for expenses, capital items and or personnel costs and authorize the Police Chief, with the approval of the Town Administrator, to spend such funds as received for the above purposes.

Selectmen Recommend

Finance Committee Recommend

(Police Department)

ARTICLE 15: To see if the Town will vote to raise and appropriate the sum of \$326,068 subject to an override of Proposition 2 ½ for Fire Department wages and benefits.

Selectmen Recommend 4-1

Finance Committee Recommend 7-2

(Fire Department)

ARTICLE 16: To see if the Town will vote to appropriate the sum of \$736,000 to pay costs of (i) purchasing a 20-ton, 16-wheel dump truck for the Highway Division, (ii) making heating and ventilation improvements at the Police Station, (iii) making residential road and parking lot improvements, (iv) making improvements to the Town building at 597 Forest Road to facilitate its re-use as a building maintenance workshop, (v) purchasing a digital document management server, (vi) purchasing a network attached storage server, (vii) purchasing a software application and hardware for licensing, permits and inspections, and for the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to

issue bonds or notes of the Town therefor; provided, however, that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude from the limitations of Chapter 59, Section 21C of the General Laws (Proposition 2 ½), the amounts required to be raised in each year to repay any borrowing by the Town pursuant to this vote. **2/3 Vote**

Board of Selectmen Recommend

Finance Committee Recommend

(Finance Committee)

ARTICLE 17: To see if the Town will vote to appropriate the sum of \$400,000 to pay costs of making improvements to the Flax Pond Lodge Building, including construction of an addition with restrooms and the installation of a septic system, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however, that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude from the limitations of Chapter 59, Section 21C of the General Laws (Proposition 2 ½), the amounts required to be raised in each year to repay any borrowing by the Town pursuant to this vote. **2/3 Vote**

Board of Selectmen Recommend

Finance Committee Recommend

(Finance Committee)

ARTICLE 18: To see if the Town will vote to allocate the following sums of money from the estimated annual revenues of the Yarmouth Community Preservation Act in FY 2012 as required by G.L. c.149, §298 of the Acts of 2004.

FY 2011	Amount
Community Housing Reserve	\$168,000
Open Space Reserve	\$168,000
Historic Preservation Reserve	\$168,000
Budgeted Reserve	\$900,000
Operating Expenses	\$84,000

Selectmen Recommend

Finance Committee Recommend

(Community Preservation Committee)

ARTICLE 19: To see if the Town will vote to transfer and appropriate for community housing purposes the sum of \$240,000 from the Community Preservation Act Undesignated Fund Balance to Habitat for Humanity of Cape Cod, Inc. to create affordable housing at or below 65% of the Area Median Income.

Selectmen Recommend

Finance Committee Recommend

(Community Preservation Committee)

ARTICLE 20: To see if the Town will vote to transfer and appropriate for community housing purposes the sum of \$236,000 by transfer of \$167,000 from the Community Preservation Act Housing Reserve and \$69,000 from the Undesignated Fund Balance to the Yarmouth Municipal Affordable Housing Trust created under G.L. c.44, §55C to create, preserve, and support affordable housing at or below 80% of the Area Median Income.

Selectmen Recommend

Finance Committee Recommend

(Community Preservation Committee)

ARTICLE 21: To see if the Town will vote to transfer and appropriate for community housing purposes the sum of \$430,000 from the Community Preservation Act Undesignated Fund Balance to the Yarmouth Affordable Housing Trust Fund created under Massachusetts General Law c.44, §55C for its Buy-Down Program to support the acquisition, rehabilitation, and resale of single-family affordable homes to households at or below 80% of the Area Median Income.

Selectmen Recommend

Finance Committee Recommend

(Community Preservation Committee)

ARTICLE 22: To see if the Town will vote to transfer and appropriate for recreational purposes the sum of \$16,200 from the Community Preservation Act Undesignated Fund Balance to Community Connections, Inc., a non-profit organization, to create a handicap accessible community garden.

Selectmen Recommend

Finance Committee Recommend

(Community Preservation Committee)

ARTICLE 23: To see if the Town will vote to transfer and appropriate for recreational purposes the sum of \$30,000 from the Community Preservation Act Undesignated Fund Balance for design and engineering services at Englewood Sailing Center building located on 26 New Hampshire Avenue in West Yarmouth.

Selectmen Recommend

Finance Committee Recommend

(Community Preservation Committee)

ARTICLE 24: To see if the Town will vote to transfer and appropriate the sum of \$19,656 from the Community Preservation Act Historic Reserve to preserve the Taylor-Bray Farm with an archeological site survey.

Selectmen Recommend

Finance Committee Recommend

(Community Preservation Committee)

ARTICLE 25: To see if the Town will vote to transfer and appropriate a sum of \$75,000 from the Community Preservation Act Undesignated Fund Balance to rehabilitate the historic farmhouse at Taylor-Bray Farm located on 108 Bray Farm Road North in Yarmouth Port.

Selectmen Recommend

Finance Committee Recommend

(Community Preservation Committee)

ARTICLE 26: To see if the Town will vote to transfer and appropriate the sum of \$140,778 from the Community Preservation Act Historic Reserve to preserve the historic Town Clerk records.

Selectmen Recommend

Finance Committee Recommend

(Community Preservation Committee)

ARTICLE 27: To see if the Town will vote to appropriate the sum of \$10,300 by transfer of \$6,566 from the Community Preservation Act Historic Reserve and \$3,734 from the Community Preservation Act Undesignated Fund Balance to restore the Barnstable, Dukes & Nantucket Counties Map, created in 1858 by Henry F. Walling, owned by the Town of Yarmouth.

Selectmen Recommend

Finance Committee Recommend

(Community Preservation Committee)

ARTICLE 28: To see if the Town will vote to transfer and appropriate a sum of money from the

Community Preservation Act Undesignated Fund Balance for the reconstruction of the historic resource known as the “Cellar House” circa 1730 at Packet Landing, 1377 Bridge Street, South Yarmouth.
Selectmen Recommend from the Floor
Finance Committee Recommend from the Floor (Community Preservation Committee)

ARTICLE 29: To see if the Town will vote to transfer and appropriate the sum of \$80,972 from the Community Preservation Act Undesignated Fund Balance to rehabilitate and restore the historic Captain Bang Hallet Museum located on 11 Strawberry Lane in Yarmouth Port.
Selectmen Recommend
Finance Committee Recommend (Community Preservation Committee)

ARTICLE 30: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise for conservation, open space and passive recreation purposes, for the general public, consistent with the provisions of Massachusetts General Laws, ch. 40, §8C, 310 C.M.R. 22.00, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the land situated in the Town of Yarmouth, Massachusetts, consisting of a vacant parcel of land located on White Rock Road, and described as follows: 10.46 acres, more or less, together with all rights and easements and subject to rights and easements of record, which is identified on Assessor’s Map 114, Lot 5.2, and shown on Land Court Plan 14095A, sheet 2; described in a deed recorded on July 24, 2008 at the Barnstable Land Court Registry as document 1,094,707; and to appropriate a sum of money, including closing costs and grant funding application, and grant compliance, including all expenses and costs incidental and related thereto, from the Community Preservation Act Open Space Reserve and Community Preservation Act Undesignated Fund Balance, or any other sum, for said acquisition; pursuant to the provisions of ch.149, §298 of the Acts of 2004, as amended by ch. 352, §§129-133 of the Acts of 2004, the so-called Community Preservation Act; To authorize the Board of Selectmen and the Conservation Commission to apply for, accept and expend any funds which may be provided by the Commonwealth or other public or private sources to defray a portion or all of the costs of acquiring this property, including but not limited to funding under the Self-Help Act, General Laws, ch.132A, §11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897; To authorize the Board of Selectmen to grant to the Yarmouth Conservation Trust, or other governmental agency or non-profit organization, for no consideration, a perpetual Conservation Restriction, pursuant to the provisions of General Laws, ch.184, §31 through §33, limiting the use of the property to the purposes for which it was acquired, to be recorded at the time of closing or within a reasonable amount of time thereafter; to authorize the Conservation Commission to assume the care, custody, control and management of the property; and to authorize the Board of Selectmen and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to effect this purchase and obtain reimbursement funding to be returned to the Community Preservation Act Fund, or to take any other action relative thereto. **2/3 Vote**

Selectmen Recommend from the Floor
Finance Committee Recommend from the Floor (Community Preservation Committee)

ARTICLE 31: To see if the Town will vote to update reference to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) in Section 201.4 by deleting the first sentence and substituting the following new language:

The Floodplain Zones are designated on maps filed with the Town Clerk entitled “FIRM FLOOD INSURANCE RATE MAP BARNSTABLE COUNTY, MASSACHUSETTS ALL

JURISDICTIONS” Town of Yarmouth, panels 0557, 0559, 0567,0569, 0576, 0577, 0578, 0579, 0583, 0586, 0587, 0588, 0589, 0591, 0782, as currently amended. **2/3 Vote**

Selectmen Recommends

Finance Committee Recommend from the Floor

(Planning Board)

ARTICLE 32: To see if the Town will vote to amend the provisions Zoning Bylaw section 404, Motels, to include Route 28 properties previously excluded from the Motel Bylaw by:

1. Revising the Zoning Map to include the following parcels to the Hotel/Motel Overlay District 1 (HMOD1):

Map 32, Parcels 65, 66, 68, 69, 83, 84, 85, 87, 88, 89, 90, 91, 92, 93, 119, 120, 121, 122, 123, 135, 136, 154, 155, 169, 170, 171, 189, 190, 191;

Map 60, Parcels 121, 122, 129, 130, 131,132, 133, 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 171, 172, 195, 196, 197; and

Map 61, Parcels 22, 23, 24, 25, 28, 29, 31, 57, 58, 59, 60, 74, 75, 76, 77, 78, 79, 80, 81, 82.

2. Deleting Zoning Bylaw section 404.1.2, Applicability in the HMOD1, in its entirety and replacing it with the following new text:

404.1.2 Applicability in the HMOD1. The provisions of this subsection shall apply to those properties or lots which are within the Hotel/Motel Overlay District 1 (HMOD1) for which a motel license has been issued, pursuant to M.G.L. c. 140, §32B, prior to and is in effect on April 11, 2006 or was issued a motel license after April 11, 2006 (“Applicable Property”). **2/3 Vote**

Selectmen Recommend from the Floor

Finance Committee Recommend from the Floor

(Planning Board)

ARTICLE 33: To see if the Town would clarify the provisions Zoning Bylaw section 412, Affordable Lots, by:

1. Adding the following new sentence to section 412.5.3, paragraph 7: The existing setbacks of principal structures on the lots immediately adjacent to the subject lot must be shown on the plans.
2. Adding the following new paragraph to section 412.5.4: 3. All criteria outlined in section 412.5.3, except the minimum 10,000 square foot requirement of 412.5.3, paragraph 3, must be met for Board of Appeals approval of a lot with an area under 10,000 square feet in size. **2/3 Vote**

Selectmen Recommend from the Floor

Finance Committee Recommend from the Floor

(Planning Board)

ARTICLE 34: To see if the Town would clarify the provisions of the Motel Bylaw in Zoning Bylaw sections 404.1.6 and 404.2.6 by adding the following new sentence to each subsection:

Development and redevelopment of buildings and sites are subject to the provisions of the Yarmouth Architectural and Site Design Standards (Standards), as outlined in section 103.4. The Standards are to be applied to an entire site, including the landscape, parking, lighting, signs, buffers and all existing and new buildings and structures on a site; it is not the intent of the Standards to allow a partial site compliance. **2/3 Vote**

Selectmen Recommend from the Floor

ARTICLE 35: To see if the Town will vote to authorize the Board of Selectmen to convey on terms and conditions acceptable to the Board of Selectmen, a parcel of Town-owned land located on West Yarmouth Road, as shown on Assessors Map 115, Lot 216.3, totaling 1.22 acres, more or less, together with all rights and easements and subject to rights and easements of record, to the Yarmouth Affordable Housing Trust for the purpose of contracting with a developer to construct no more than two (2) single family affordable homeownership units to serve households earning less than 80% of the Area Median Income under the Commonwealth of Massachusetts Local Initiative Program, or similar program, and to attach an affordable homeownership deed restriction on each individual parcel; and furthermore such obligations imposed by the deed restriction shall be in effect in perpetuity and shall be deemed to run as a binding servitude with the property and survive foreclosure; and furthermore the deed restriction shall extend to and be binding upon the respective successors in interest and all persons hereafter.

Selectmen Recommend

Finance Committee Recommend from the Floor

(Affordable Housing Trust)

ARTICLE 36: To see if the Town will vote to authorize the Board of Selectmen to grant an easement to NSTAR Electric Company for an underground electrical system on land of the Town of Yarmouth (Flax Pond Recreation Area) described as follows; Being shown as Parcel 4 on a plan of land entitled “Plan of Land in South Yarmouth, Mass., for the Town of Yarmouth, Scale: 1” = 100’, dated August 12,1985, Edward E. Kelley, Reg. Land Surveyor, Cummaquid, Mass. and recorded in Barnstable Registry of Deeds in Plan Book 405, Page 46.

Selectmen Recommend

Finance Committee Recommend from the Floor

(Department of Public Works)

ARTICLE 37: To see if the Town will vote to amend the Demolition Delay Ordinance by making the following changes:

1. Revise the § 92-2. Definitions, as follows:

a) By revising the definition of Building by adding the phrase “having a roof and/or having formed” to read:

Building – Any combination of materials having a roof and/or having formed a shelter for persons, animals, or property.

b) Adding a definition of Structure to read:

Structure – A combination of materials, other than a building, including, but not limited to, a wall, fence, walk, driveway.

c) By revising the definition of Significant Building to include Significant Structures by adding the word “structure” as follows:

Significant Building or Structure – Any building or structure or portion thereof which is not within a regional historic district subject to regulations under the provision of MGL C. 40c and has been listed or is the subject of a pending application for listing on the National Register of Historic Places or has been listed on the Massachusetts Register of Historic Places or is over seventy-five (75) years of age:

A. Is associated with one (1) or more historic persons or events contributing to the cultural, political, economic, or social history of the town or the commonwealth; or

B. Is historically or architecturally important (in terms of period, style, method of construction, or association with a famous architect or builder), either by itself or in the context of a group of buildings or structures.

2. Revise §92-3. Procedures, as follows:

- a) By increasing the number of days to determine the significance of a building from seven (7) to ten (10), as follows:
§92-3. C. The Commission within ten (10) days of the receipt of the application shall determine the significance of said building. When said building is determined to be a significant building, in accordance with the criteria set forth in the definition of “significant building” in § 92-2, the Commission shall notify, in writing, the Building Commissioner, the Town Clerk, and by certified mail, the owner of record as indicated on the application.
- b) By adding the word “structure” to §92-3. D, as follows
§92-3. D. The Commission shall hold a public hearing on said signification building or structure application within thirty (30) days after the date it is filed with the Town Clerk and shall give notice thereof by publishing the date, time, place, and purpose of the hearing in a local newspaper at least fourteen (14) days before such a hearing and also within seven (7) days of said hearing and shall mail a copy of said notice to the applicant. The commission may also require that the applicant maintain on said significant building or structure a notice in a form designated by the Commission, visible from the nearest public way, of any hearing upon the subject matter of such application.
- c) By revising §92-3. E with the insertion of “business” and “or structure”, as follows:
§92-3. E. The Commission shall notify the applicant, the Building Commissioner, and the Town Clerk within ten (10) business days from the close of the public hearing if the Commission determines that the demolition of the significant building or structure would not be detrimental to the historical, cultural, or architectural heritage or resources of the town. The Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules, and regulations, issue the demolition permit.
- d) By revising §92-3. F with the insertion of “business”, “or structure,” and the replacement of “sixty (60)” by “one hundred eighty (180)”, as follows:
§92-3. F. The Commission shall notify the applicant, the Building Commissioner, and the Town Clerk within ten (10) business days from the close of the public hearing if the Commission determines that the demolition of the significant building or structure would be detrimental to the historical, cultural, or architectural heritage or resources of the town, and no demolition permit may be issued until at least one hundred eighty (180) days after the date of such determination by the Commission.
- e) By revising §92-3. G (2) with the replacement of “sixty (60)” by “one hundred eighty (180)”, adding the phrase “as evidenced by monthly progress reports”, and adding the words “or structure,” as follows:
§92-3. G. (2) The Commission is satisfied that for at least one hundred eighty (180) days the owner has made continuing, bona fide, and reasonable efforts as evidenced by monthly progress reports to locate a purchaser to preserve, rehabilitate, or restore the subject building or structure, and that such efforts have been unsuccessful.

3. Revise §92-4. Emergency demolitions, as follows:

- a) Insert the words “or structure”, as follows:
Nothing in this chapter shall restrict the Building Commissioner from ordering the demolition of a significant building or structure determined by him to present danger to the safety of the public which only demolition can prevent.
- b) Add a second paragraph to §92-4, as follows:
In such event, the Building Commissioner shall notify the Historical Commission in writing

within five (5) days of the decision to approve the emergency demolition.

4. Revise §92-5 Violations and Penalties, as follows:

- a) Add the wording “per day until the violation has been cleared by the Building Commissioner” to §92.5. A, as follows:

§92.5 A. Whoever violates any provision of this chapter shall be penalized by a fine of not more than three hundred dollars (\$300) per day until the violation has been cleared by the Building Commissioner.

Selectmen Recommend

Finance Committee Recommend from the Floor

(Historic Commission)

ARTICLE 38: To see if the Town will vote to raise or transfer from available funds and appropriate a sum of \$210,300 to fund the Tourism Revenue Preservation Fund as authorized by Chapter 338 of the Acts of 2006 of the Massachusetts General Laws originally approved Annual Town Meeting 2006 under Article 14.

Selectmen Recommend

Finance Committee Recommend

(Board of Selectmen)

ARTICLE 39: To see if the Town will vote to modify Chapter 16 of the Yarmouth Code-Capital Budget Committee by removing the words “one member from the Planning Board, appointed annually” from section 16-1.

Selectmen Recommend

Finance Committee Recommend

(Finance Committee)

ARTICLE 40: To see if the Town will vote to delete Chapter 94, Section 502 “Junk Dealers” of the Yarmouth Code and replace it with “Secondhand Dealer and Secondhand Collectors” and the following language:

502-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCEPTABLE IDENTIFICATION means either:

- A. A current driver's license which includes the date of birth, photograph, and physical description of the person offering the identification; or,
- B. Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and which includes the date of birth, photograph and physical description of the person offering the identification.

POLICE CHIEF means the Chief of Police of the Town of Yarmouth or her or his designee.

REGULATED PROPERTY means the following used property:

- A. Precious metals, including but not limited to any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.
- B. Precious gems, including but not limited to any gem valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or other precious or semiprecious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.

- C. Watches and jewelry containing precious metals or precious gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wristwatches, or stopwatches.
- D. Sterling silver items, including but not limited, to flatware, candlesticks, coffee and tea sets, ornamental objects, or bars;
- E. Coins and currency bought or sold at a price greater than its face value.
- F. Electronic devices which receive, transmit, or reproduce information, or audio or visual representations, or which compute or process information, including but not limited to: televisions, radios, computers, cell phones, I Phones, I Pads, Blackberrys, MP3 players, GPS devices, electronic games and all similar electronic devices.
- G. Tools of any kind, excluding antique tools;
- H. Musical instruments, including electronic devices used in conjunction with musical instruments, excluding antique musical instruments.

SECONDHAND COLLECTOR Shall mean any person or other business entity which is a “junk collector” or “collector” of “old metals or secondhand articles” as defined by M.G.L. c. 140 §§ 54 and 56, which does not have a place of business licensed under this Chapter within the Town of Yarmouth and which purchases, sells, or barter Regulated Property, or solicits the purchase, sale, or barter of Regulated Property within the Town of Yarmouth. Persons who collect Regulated Property for personal use or enjoyment and who are not engaged in business with respect to Regulated Property shall not be considered Secondhand Collectors under this chapter.

SECONDHAND DEALER Shall mean any person or other business entity which is a "junk dealer" or "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" as defined by M.G.L. c. 140, § 54, and which purchases or sells Regulated Property and maintains a place of business within the Town of Yarmouth.

SUITABLE PERSON Shall mean an individual or the principals of partnerships or other corporate entities who by reputation and business experience are deemed to be trustworthy and compliant with the requirements of Section 502-2. The licensing authority shall consider, in making such determination, any criminal history including pending cases, compliance with state and local regulations, complaints filed with the Better Business Bureau and any history of violations of the consumer protection laws.

WILLFUL VIOLATION Shall mean any violation committed with the intent to conceal or misrepresent any transaction or property regulated by this Chapter; to conceal or misrepresent the identity of any person involved in a transaction regulated by this Chapter; or to obstruct, mislead, impede or delay the Police Chief or his designee in the performance of his/her responsibilities under this Chapter.

502-2 Issuance, Renewal and Revocation of Licenses.

- A. Secondhand Dealers and Secondhand Collectors must obtain a license to conduct business within the Town of Yarmouth.
- B. The Board of Selectmen of the Town of Yarmouth may, after notice and a public hearing, deny an original or renewal application for a Secondhand Dealer or Secondhand Collector license or suspend or revoke a previously issued license if it has probable cause to believe any of the following conditions exist after a public hearing:
 - 1. The applicant, or any § 54 or who has owned or operated a Secondhand Dealer or Secondhand Collector business under this regulation or any substantially similar regulation and, within the five years prior to the application date, has had a Secondhand Dealer or Secondhand Collector

- license revoked for a reason that would be grounds for a denial or revocation pursuant this Chapter.
2. The Secondhand Dealer or Secondhand Collector business has been found to constitute a public nuisance.
 3. The licensee, applicant, or any person who, in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business, has been convicted of a felony or any crime involving a false statement within 15 years prior to the application date or hearing date.
 4. The applicant has:
 - a) Knowingly made a false statement in the application;
 - b) Knowingly omitted information requested to be disclosed in the application; or,
 - c) Completed the application with reckless disregard for the truth or accuracy of the statements made therein.
 5. A lawful inspection of the Secondhand Dealer or Secondhand Collector business records or premises by the Police Chief or his designee has been unjustifiably refused by a person who, in part or whole, manages or operates the business.
 6. The Secondhand Dealer or Secondhand Collector, the applicant, or any person who, in part or whole, owns, manages, or operates the Secondhand Dealer or Secondhand Collector business commits or has committed:
 - a) Three or more violations of this Chapter or any state or federal law, or the regulations of any other Town or political subdivision with substantially equivalent provisions; or,
 - b) One or more willful violation(s) of this Chapter or any state or federal law or the regulations of another town or political subdivision with substantially equivalent provisions.
 7. The Secondhand Dealer or Secondhand Collector, the applicant, or any person who, in part or whole, owns, manages, or operates the Secondhand Dealer or Secondhand Collector business has been or subsequently is convicted of any law of the Commonwealth of Massachusetts that is inconsistent with lawful operation of the type of Secondhand Business to be conducted, including but not limited to, receiving stolen property, any form of breaking and entering, larceny or any crime of which larceny is an element, or any form of aggravated assault.
 8. Such other grounds as the Board of Selectmen determine to be in the public interest or in violation of the conditions of the license or any law or regulation of the Commonwealth or the Town of Yarmouth.
- C. Subject to the provisions of the Massachusetts Criminal Records Offender Statute, M.G.L. c. 6 §167 *st seq.* as amended, and regulations promulgated thereunder, the Board of Selectmen shall conduct a Criminal Records Check of each applicant for an original license under this Chapter, and may conduct a criminal records check on an applicant for a renewal license or on any licensee or person who, in part or whole, owns, manages or operates a previously existing Secondhand Dealer or Secondhand Collector business.

502-3 Inspection of Property and Records.

- A. All records and photographs required by this Chapter or any other law of the Commonwealth, shall be open to inspection by the Chief of Police or his/her designee, or any other person authorized by law, during the Secondhand Dealer or Secondhand Collector's regular business hours or at any other time when said establishment is open for business. Records shall include photographs required by this by-law.
- B. The Premises of any Secondhand dealer or Secondhand Collector, and all Regulated Property located therein, shall be open to inspection by the Chief of Police or his/her designee, or any other person authorized by law, during the Secondhand dealer or Secondhand Collector's regular

- business hours or at any other time when said establishment is open for business.
- C. At any time when the Police Chief or his designee has reasonable grounds to believe it is more likely than not that a specific item of Regulated Property held by a Secondhand Dealer or Secondhand Collector is associated with criminal conduct, the Police Chief or his designee may enter the premises of the Secondhand Dealer or Secondhand Collector at any reasonable time, provided that the premises is occupied at the time of entry and the Police Chief or his designee presents proper official identification at or near the time of entry. If entry is refused, the Police Chief or his designee shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.
 - D. Authority to inspect Secondhand Dealer or Secondhand Collector premises under this regulation is in addition to and not in limitation of the authority the Town or the Police Chief or any police officer would otherwise have to enter the business premises.

502-4 Recordkeeping.

- A. The Police Chief or his designee shall design a purchase report form and make copies available to all Secondhand Dealers or Secondhand Collectors. Secondhand Dealers or Secondhand Collectors shall utilize these forms, or any other substantially similar form approved by the Police Chief, to record purchases of Regulated Property. The form may require any information reasonably calculated to help the Police Chief identify the purchaser, the seller or the property associated with the purchase of Regulated Property.
- B. Whenever a Secondhand Dealer or Secondhand Collector purchases regulated property, the Secondhand Dealer or Secondhand Collector shall obtain Acceptable Identification from the seller along with the seller's current residence address, a photocopy of which shall be attached to the form. The Secondhand Dealer or Secondhand Collector shall fill out a purchase report form in all relevant aspects at the time of the purchase. A purchase report form as required to be filled out by this section shall be filled out in ink and in legible English. The seller shall sign his or her name on the filled-out form.
- C. A digital photograph will be taken of each item purchased as defined under "Regulated Property" in § 502-1. The photographs may be stored electronically, but are subject to the same recordkeeping requirements as listed in § 502-4 and 502-8. Copies of the photographs are subject to inspection by the Police Chief or his designee in the same manner as other records.
- D. The licensee shall cause to be delivered to the Yarmouth Police Department, on a weekly basis, a copy of all transactions recorded on the form provided, and all required photographs. Photographs shall be delivered on digital media. Forms and photographs for transactions during a calendar week shall be provided the following Monday or such other day as the Chief of Police or his designee shall specify in writing. If during the preceding week such Secondhand Dealer or Secondhand Collector has taken no articles in, he/she shall make out and deliver to the Police Department a report of such fact.
- E. Each Secondhand Dealer or Secondhand Collector shall record each transaction in a bound book with consecutively numbered pages, of a size and style approved by the Chief of Police or his designee. All entries shall be in ink, legible, and in English. Each entry shall be assigned a number which shall be attached to the item and indicated on the purchase report form. Book entries shall be made contemporaneously with each purchase. The transaction books shall be kept as long as the Secondhand dealer or Secondhand Collector is engaged in business in the Town of Yarmouth and a minimum of three (3) years thereafter.

502-5 Posting of Licenses and Notices.

- A. All licenses shall be conspicuously posted in an accessible place on the licensed premises, available

at all times to the proper authorities.

- B. A Secondhand Dealer shall post the following notice, no smaller than 8 1/2 inches by 11 inches with lettering no smaller than 1/2 of an inch in height, outside each point of entry intended for patron use and at or near each place where a Secondhand Dealer purchases Regulated Property in the course of business. If a significant number of the patrons of the Secondhand Dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

NOTICE

PHOTO IDENTIFICATION REQUIRED FOR ALL SALES

ALL SALES REPORTED TO POLICE

POSSESSION OF STOLEN PROPERTY IS A CRIME PUNISHABLE BY IMPRISONMENT IN
THE STATE PRISON OR BARNSTABLE HOUSE OF CORRECTION
SALE OR ATTEMPTED SALE OF PROPERTY WITHOUT THE CONSENT OF THE OWNER IS
ALSO PUNISHABLE BY A FINE OF \$300 PER ITEM

502-6 Purchases by Dealers or Collectors.

- A. A Secondhand Dealer or Secondhand Collector shall not make any cash purchase in an amount that exceeds \$50.
- B. A Secondhand Dealer shall not carry on the business of buying or selling Regulated Property except at the premises designated in the Secondhand Dealer license. This paragraph shall not apply to dealers in antiques who acquire Regulated Property incidentally with non-regulated property at the home of the owner of the Regulated Property.
- C. A Secondhand Dealer or Secondhand Collector shall not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
- D. A Secondhand Dealer or Secondhand Collector shall not purchase Regulated Property from any person under the age of 18.

502-7 Unauthorized Sale of Property.

- A. No Secondhand Dealer or Secondhand Collector or any other person may purchase or sell any property of any type without the consent of the owner of such property.

502-8 Holding Periods.

- A. A copy of every purchase report form, transaction book and photograph required by this Chapter shall be kept on the premises of the Secondhand Dealer or Secondhand Collector business during normal business hours for at least three years from the date of purchase. The purchase report, transaction book, and photograph shall be subject to inspection by the Police Chief or his designee.
- B. All Regulated Property purchased by a Secondhand Dealer or Secondhand Collector shall be held by said Secondhand Dealer or Secondhand Collector for at least 21 days from the date of purchase.
- C. The Secondhand Dealer or Secondhand Collector shall maintain the property in substantially the same form as when purchased and shall not alter, exchange, or commingle the property. During the holding period the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Police Chief or his designee.
- D. The Police Chief or his designee may give written notice to a Secondhand Dealer or Secondhand Collector holding Regulated Property that the Police Chief or his designee has reasonable grounds to believe that more likely than not a specific item or items of Regulated Property is associated with criminal conduct. The Secondhand Dealer or Secondhand Collector holding the Regulated Property shall then continue to hold the specified items in the notice in the same manner and place as required under Subsections B and C of this section until released by the Police Chief.

- E. The holding period for any item of Regulated Property shall not exceed 180 days from the date of purchase.
- F. Secondhand Collectors shall provide the licensing authority and Police Chief with the address where the required records will be maintained and where the Regulated Property will be stored during the holding period.
- G. A Secondhand Dealer or Secondhand Collector may from time to time request, in writing, that the Police Chief shorten the length of the holding period for a specific item or items of Regulated Property. The request shall identify the property and state the basis or bases of the hardship. If the Police Chief or his designee determines that: (1) relief from the holding period is appropriate due to circumstances which involve a particular hardship; and, (2) the purpose and intent of this chapter can be accomplished under such circumstances with a shorter holding period, the Police Chief or his designee shall provide the Secondhand Dealer or Secondhand Collector who requested relief with written authorization to sell, transfer or otherwise dispose of the Regulated Property. The authorization shall be effective only upon delivery of the written authorization to the Secondhand Dealer or Secondhand Collector.

502-9 Testing of weighing and measuring devices.

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Yarmouth Weights and Measures Department or designee prior to being placed in service.

502-10 Violations and penalties.

- A. Violation of any provision of this Chapter may be prosecuted as a criminal matter or as an administrative procedure or by the method provided in § 21D of Chapter 40 of the General Laws. Each violation shall be considered separately.
- B. Whoever violates the provisions of this Chapter shall be fined not more than \$300. The Board of Selectmen may suspend, revoke or modify any license issued by it as provided by this Chapter or as otherwise provided by law. Any violation of this chapter may be enforced by the methods provided in § 21D of Chapter 40 of the General Laws or as otherwise provided by law.

502-11 Exemptions.

This Chapter shall not apply to

- A. Auctioneers licensed pursuant to MGL. c. 100, or to property sold by such Auctioneers, provided that:
 - 1. The Auctioneer keeps and sells such property at its licensed place of business; and,
 - 2. At least ten (10) days prior to the auction sale, the auctioneer publishes, by paper or electronic media available to the public, a catalogue of items to be sold and provides a copy said catalogue to the Police Chief or his designee upon request.
- B. Thrift shops operated by charitable or religious organizations which accept donated property, or to the property sold by such thrift shops.
- C. Persons holding licensed yard sales and property sold at licensed yard sales.

502-12 Interpretation.

This Chapter shall not be construed or interpreted to authorize the licensing of Pawnshops pursuant to MGL. c. 140 § 70.

502-13 Consignment Transactions.

Secondhand Dealers and Secondhand Collectors accepting Regulated Property for sale on Consignment are exempt from the requirements of Sections 502-4 and 502-8 of this Chapter with respect to consigned items,

provided that:

- A. The Secondhand Dealer or Secondhand Collector accepting Regulated Property on consignment obtains Acceptable Identification from the consignor along with the seller's current residence address, a photocopy of which shall be retained.
- B. The Secondhand Dealer or Secondhand Collector accepting Regulated Property on consignment records the consignment in the transaction book in accordance with §502-4 (E) of this Chapter, clearly designating the entry as a consignment transaction.
- C. The sale proceeds from consigned property are held for a minimum of thirty (30) days after sale before disbursement to the consignor.

502-14 Severability.

Each provision of this Chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

2/3 Vote

Selectmen Recommend from the Floor

Finance Committee Recommend from the Floor (Police Department)

ARTICLE 41: To see of the Town will vote to amend Chapter 44 of the bylaws by adding a new section as follows:

§44-15 Removal of appointed members of boards, commissions and committees.

The Board of Selectmen may remove for cause a member of a multi-member board, committee, or commission for which the Selectmen are the appointing authority. This vote to remove an appointed committee member shall require the affirmative vote of four (4) members of the Board of Selectmen, after a public hearing or a hearing in executive session pursuant to M.G.L. Chapter 30A Section 21.

This procedure to remove a committee member will be conducted pursuant to the procedure set forth in the Selectmen's policy manual.

Selectmen Recommend from the Floor

Finance Committee Recommend from the Floor (Removal Committee)

ARTICLE 42: To see if the Town will vote to amend Chapter 44 of the bylaws by adding a new section 44-15 as follows:

Censure of Selectmen.

Any sitting Selectman(men) may be censured “for cause” by registered voters of the Town in the manner provided herein:

- 1. Any registered voter of the Town may file with the Town Clerk an affidavit, or a declaration under the pains and penalty of perjury, stating the allegations calling for censure of a Selectman(men). The allegations should be as specific as possible with regard to date, time, and the action forming the basis for the allegations. Any and all documentation in support of the allegations (meeting minutes, video, documents, etc.) should be provided within seven (7) days of the original filing with the Town Clerk.
- 2. The Town Clerk shall within one working day following receipt of such filing submit copies to the full Board of Selectmen, the Town Administrator, and to the Town Moderator who, upon adoption of this section, will have the authority:
 - i. to investigate allegations, request further information, if necessary, and determine within a period not to exceed thirty (30) days from the allegations’ final supplementation, whether cause exists to hold a formal public hearing. A notice of receipt of the allegations will be sent by the

Moderator to the party making them, the Chair of the Board of Selectmen, and the Town Administrator, with an anticipated time line for investigation and response. Cause will be defined as “evidence that a reasonable mind might accept as adequate to support a conclusion” (MGL Ch. 30A §1). An additional thirty(30)-day extension(s) may be exercised by the Moderator for further investigation, if necessary, in which case parties will be notified of the revised decision date.

- ii. to name four registered voters, none of whom shall be a past or present Selectman, to an *ad hoc* censure committee of five, with the Town Moderator comprising the fifth and presiding member, no later than thirty (30) days from the Moderator’s determination that sufficient basis exists to hold a public hearing.
3. The Town Moderator shall preside over the public hearing. After hearing of testimony and review of evidence, the *ad hoc* censure committee will vote on the whether to censure the Selectman(men) against whom the allegations were filed. The standard of review to be applied in making this decision is preponderance of the evidence. The affirmative vote of at least four members of the censure committee will sustain censure.

Selectmen Recommend from the Floor

Finance Committee Recommend from the Floor

(Petitioned Article)

ARTICLE 43: To see if the Town will vote to adopt a resolution as follows:

Whereas, the Supreme Court decision in FEC v. Citizens United, on January 21, 2010, opened the final flood gates to corporate funding of our federal elections; and

Whereas, democracy means governance by the people and interference with the democratic process by corporations frequently usurps the rights of citizens to fund campaign and elect our public officials; and

Whereas, corporations are artificial entities separate and apart from natural persons, not naturally endowed with consciousness, but creatures of the law and only permitted to do what is authorized under the law; and

Whereas, rejecting the concept of corporate personhood – including First Amendment freedom of speech for corporations, intended for natural persons – will advance meaningful campaign finance reform; and

Whereas, it is large corporations who benefit from the Court-bestowed right to unrestricted candidate funding, to the detriment of small business like those in Yarmouth.

Now, therefore, be it resolved that the Town of Yarmouth agrees with Supreme Court Justice Hugo Black in his 1938 opinion in which he states: “I do not believe the word “person” in the 14th Amendment includes corporations,” and

Be it further resolved that: the Town of Yarmouth shall encourage public discussion on the role of corporations in public life and urge other communities to foster similar public discussion.

Or to take any action relative thereto.

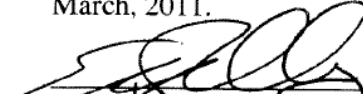
Selectmen Do Not Recommend

Finance Committee Recommend from the Floor

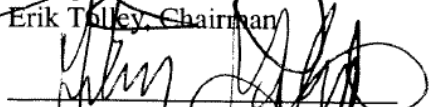
(Petitioned Article)

AND, also, in the name of the Commonwealth, you are hereby directed to serve this Warrant by posting attested copies thereof at four public places, one on the north side of Town and three on the south side and also by publication in the Yarmouth Register at least seven days before the time of holding said meeting, as aforesaid.

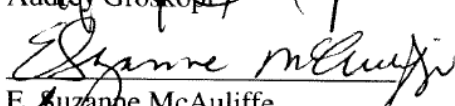
Hereof, fail not, and make return of this Warrant with your doings thereon at the time and place of said meeting. Given under our hands and the seal of the Town of Yarmouth, hereto affixed this 1st day of March, 2011.



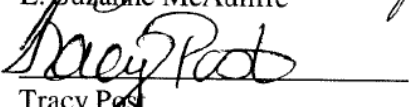
Erik Tolley, Chairman



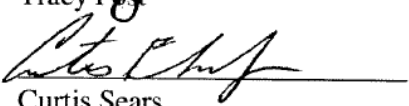
Audrey Groskopf



E. Suzanne McAuliffe



Tracy Post



Curtis Sears
Board of Selectmen

TAX RATE ESTIMATES:

If the Finance Committee recommendations are approved and there are no overrides or debt exemptions, then the estimated FY2012 tax rate will add **25 cents** to the current rate of \$8.64 which represents an increase of **\$75** for a home with an assessed value of \$300,000.

The CPA Surcharge of 3% adds to the above rate is **27 cents**.

If approved by Town Meeting and by voters at the Town Election May 17th, the following amounts would be added to the estimated tax rate:

- For debt exemptions no impact FY2012. The combined impact of Articles #16 and #17 in FY2013 would be **4 cents** on the tax rate or **\$12** for a home with an assessed value of \$300,000.
- For Fire Override Article #15, the tax impact would be **6 cents** or **\$18** for a home with an assessed value of \$300,000.

The above tax rate estimates are based upon actual FY2011 real estate values (as of January 1, 2010.) The actual FY2012 tax rate will be adjusted based on values as of January 1, 2011.

The average (mean) assessed value of a single-family dwelling in Yarmouth for FY2011 is \$310,729.