

Board of Selectmen Meeting December 19, 2006

Workshop Meeting

Selectmen Present: Jim Saben, Suzanne McAuliffe, Jerry Sullivan, Bud Groskopf, Bill Marasco and Town Administrator Robert Lawton.

Chairman Jim Saben opened the meeting at 6:30 p.m. with the Pledge of Allegiance.

Public

Fire Chief C. Randall Sherman introduced some new trained firefighters and promotions within the Department.

New full time firefighter: Donald Klimm, son of Lt. Richard Klimm

Recent Recruit Training graduate from MA Firefighting Academy Louis Sarkas

New Call Firefighter graduates o BCFRTA FFI/II Training Program

Brendan Arledge (EMT)

Joshua Kelley

Shawn Rupani

Jeffrey Whitmore EMT)

Promoted to Lieutenant/Inspector/EMT James Armstrong

The Chief Congratulated all the New firefighters and Lt. Inspector as did the Selectmen

Patricia Groves – Cemetery Lot Discussion was put on hold at the request of Ms. Groves.

Baker's Path Affordable Housing Project Update

Karen Greene, Director of Community Development was present along with members of the Affordable Housing Committee. Kierian Healey, Vice Chairman of the Affordable Housing Committee said they were at the meeting to make a presentation what use to be known as Bakers Path but have changed the name of the project to Old Town Village.. The last proposal had parking lots on them and at the request of the selectmen, they moved one of the lots and the other would be for open space. The total of parking lots proposed is 12. They have met with the Planning Board and in general they were in favor of what they approved. He reviewed the plans with the selectmen. Following a lengthy

discussion, Mrs. McAuliffe moved to agree to ask the Affordable Housing Committee to proceed with additional work on the Affordable Housing Project. Mr. Healey explained they were talking about 12 single family homes for home ownership. They will be sold at an affordable level giving preference to Yarmouth residents. This plan has been made available to the neighborhood association and they have attended all of the meetings.

David, President of the Baker's Path Colony and Friends Neighborhood Association stated they regularly attend the Affordable Housing Committee meetings and they presented a version of this plan. There have been some minor alterations. The members in the association represent 17% of the homes. They had some further questions from the members and have forwarded that information to the Affordable Housing Committee. He commended the committee for their efforts to listen to the comments, the concerns and the input of their neighborhood and thanked the committee for the considerate manner to which they responded to the neighbors wishes. This present proposal responds to all the substantive matters that were raised in the various discussions with the neighbors and the members.

Mr. Saben read a statement sent to him by Donald Henderson, President of Trustees of the Yarmouth Conservation Trust. Mr. Saben read Mr. Henderson's letter into the record so everyone understands where the conservation people are on this. He was opposing the use of the town's parcel for affordable housing. They believe the highest and best use of this land is for open space. There is no current access to the property as it is on an unbuilt section of Old Town House Road. The cost of road improvements would in all likelihood make any development of this land unaffordable rather than affordable. There also may be legal issues relating to access. They are not opposed to affordable housing but believe it would cheaper, quicker, and better use of land to develop a program to buy existing houses and subsidize the purchase prices for qualified town residents.

Mrs. McAuliffe said she was surprised that a non public poling is before the board as some short of an official position by the Yarmouth Conservation Trust. She had hoped they would have worked with the Affordable Housing Committee in a more procedural and business like manner. Suzanne noted she appreciates the work the affordable housing committee has done to work with the people's concerns of .

Dr. Marasco said the State has mandated these 40B projects. Dr. Marasco was happy with the two plans and felt the project has reached a balance. Mr. Sullivan said we are developing 12 units which will be all affordable. The access will have to go over a county way. He noted solving the neighborhoods problem by having no access at all to that abutting road is significant. Jerry thanked the committee for their work. Karen Greene said we are required by law to have about 1206 units and we have just around 300. Mr. Groskopf asked if the neighborhood was in favor of the project. They said they were not in favor of the project.

Public

There were many neighbors and abutters who spoke against this issue on traffic, access road, specs on the houses, land leases.

Mr. Saben said 2002 he asked the board to postpone this decision when the conservation commission asked to have this land designated as conservation land. He asked that the affordable housing committee and conservation committee work together to find a mutually beneficial use of this land. Everything in moderation is the solution here. Our comprehensive plan lays out wildlife corridors and one of those happens to be where this road is to be. He was very willing to support affordable housing in this area provided certain things were achieved and as a result of this plan many of those are not achieved. He is deeply concerned about the road being Old Town House Road. He did live in that neighborhood, 3. As much as he is concerned about affordable housing, he is also an advocate of preserving and protecting our environment and he believes we can continue to work on a compromise with this particular property. He is not in favor of Old Town House Road. He believes that even lots 1 and 2 hinder the wildlife corridor that is designed and planned thru our comprehensive plan. He is very much in favor of going back to discussing having a road go thru the neighborhood vs. Old Town House Road. He felt Old Town House Road is a bad idea. To do this, he understands the Affordable Housing Committee will have to go to the Community Preservation Committee to come to town meeting and ask for \$500,000 to build this road. Even if this board says yes tonight, town meeting will have the opportunity to discuss this as well and at that point in time if you wish to vote against the Community Preservation Act, should they elect to bring that forward, we need to continue to work to address the needs of this community. Affordable Housing is a critical need of this community. We cannot ignore this subject. We cannot say not in our backyard. He made this recommendation when he lived in this neighborhood. We need to find solutions but in his opinion we also need to preserve the open space. He suggested this plan goes a little too far in meeting the needs of affordable housing and goes a little too far in overlooking the needs of open space and conservation.

Mrs. McAuliffe moved that the Board of Selectmen move forward with the proposal as presented this evening by the Affordable Housing Committee, seconded by Dr. Marasco. Mr. Sullivan asked the committee to continue to work with the abutters and to look at traffic solutions, including traffic calming. Vote 4-1 with Mr. Saben voting in the negative.

Mr. Lawton reminded the committee that we will need to have an article on the annual town meeting for the transfer of the property and ask them to follow up in January to ensure that such an article is placed on the warrant.

Hearing – Revocation the License for Storage of Gasoline at Bass River Sunoco. Mr. Sullivan read the legal ad which appeared in the Register on December 7. He stated they are no longer in business and they have not applied for a renewal. No one was present. No one from the public had comments. Mr. Sullivan recommended revoking the license for storage. Mrs. McAuliffe moved the recommendation, seconded by Dr. Marasco. Vote unanimous.

Mr. Sullivan reported he had a request for a one day entertainment license application which is generally pro forma approved after the town administrator asks the licensing chairman. We thought for this one it would be best to bring it here for consensus and for possible change in our policy. The Cranberry Moose dba Abbicci currently is a liquor license holder. They are asking for one day for New Year's Eve. Generally, one day licenses are given to establishments that don't have an entertainment license. Being New Year's Eve, Mr. Sullivan didn't see a problem because it is a three piece with no amplification. He recommended adding the Board's rules and regulations about noise and notify them if there is one confirmed complaint by the police department all entertainment would stop at this time. Mr. Sullivan said he would be bringing forward some amendments to the licensing policy that on one day licenses from currently licensed liquor establishments be required to ask for a hearing. We will have to have a time period. Mr. Sullivan said if the consensus of the board is there, he will approve the one day entertainment license and have Mr. Lawton issue it with the conditions we normally put on it. The Board generally agreed.

AmeriCorps of Cape Cod –

Sean Jordan, Supervisor for AmeriCorps of Cape Cod, made a presentation to the Board about their services. Ben Gildehouse was also with AmeriCorps. They explained this is the 8th year on Cape Cod. They passed out some information to the board which included copies of applications. AmeriCorps is a national service organization. It is a residential program. They have two homes, one in Bourne and one in Wellfleet. Each home has 14 people living in it. They serve the entire Cape. Each member completes 1700 service hours. It is a volunteer program and they receive a meager living stipend which basically pays for food. They do a variety of things. They service local government groups. They are involved in shellfish propagation, invasive species removal, chain saws for cutting down trees, etc. They explained their application for requests for proposal for group service projects. Mr. Saben thanked them for their services and commended them for what they are doing.

Appointments

Mrs. McAuliffe recommended to reappoint Mr. Aaron's to a regular three year term to run thru October 31, 2009 to the Affordable Housing Committee, Mr. Sullivan moved the recommendation, seconded by Mr. Groskopf. Vote unanimous.

Mrs. McAuliffe recommended to reappoint Mr. Fisher, the contractor/builder to the Old Kings Highway Committee and reappoint Ms. Swenson to the alternate position. The terms to run thru October 31, 2007. Mr. Sullivan moved the recommendation, seconded by Dr. Marasco. Vote unanimous.

Mrs. McAuliffe urged residents to fill out talent bank forms to join the town committees.

Town Administrator

Consent Agenda

Mr. Lawton reviewed the consent agenda which included gifts made to police and fire. Mr. Sullivan, moved to approve the consent agenda, seconded by Mr. Groskopf. Vote unanimous.

Mr. Lawton referred to a note from the School Committee inviting the Board of Selectmen to attend a meeting with the School Committee and the Town of Dennis on January 8 to discuss the budget.

Mr. Lawton asked about the MMA Meeting. He said he will need a count on who will be attending on Friday, January 12 and 13.

Selectmen Items

Mr. Groskopf said coming off of exit 8 there is a new retaining wall in front of the welcome to Yarmouth sign. This was done by Mr. Allaire out of some left over materials they had and Mr. Tom Roche and Anne Marie Carlson were the ones who did the wreaths. They will also be doing the upkeep and he wanted to congratulate them and commend them for what they have done.

Mr. Groskopf said he is continuing a tradition on Christmas Eve and on Christmas Day, Channel 18 will air a Norman Rockwell Christmas. It was done as a special for the Discovery Channel. It will be continuously run on Christmas Eve and Christmas Day. It is composed of all of Norman Rockwell's art and Christmas music.

Mrs. McAuliffe reported she attend the Airport Subcommittee Meeting for the Airport DRI last Thursday and interestingly the group that was presenting the DRI was requesting a phasing of the project to allow the airport terminal to go forward without the access road being completed within 6 months to a year. The subcommittee members were not in favor of that and were considering this project as an entire project and wanted the access road as part of the airport terminal expansion. The only way to consider traffic is with the Attuck's Road being completed. Suzanne delivered the letter that was written by the Board of Selectmen asking for an extension so we could have our consultants look at the hazard waste and water issues. They extended the DRI date to February 8 with the final hearings of the full commission on the 25th of January. The subcommittee will be meeting on the 8th of January and that is the date that we will be trying to get all of our information before the commission to make sure they have everything from Yarmouth so the subcommittee can make its final decisions and have are voices registered into the DRI approval.

Dr. Marasco said he and Bob have been looking at the Blue Ribbon Committee for the town and it is important we get people willing to serve.

Dr. Marasco said there is a lot of communication going between Bob, himself and the fire department. One of the questions is the manning levels for what you need to start a station. He spoke about ALS engines and the manning of these engines and the transport of patients to the hospital. Dr. Marasco said there is a lot more implication to removing the ALS engine that met the eye which was initially presented to the Board of Selectmen. Dr. Marasco said we are a part time Board of Selectmen and we have to rely on getting information from our department heads. Dr. Marasco noted the questions for the committee were: what should the response time be according to EMS and the hospital. What were the times for response and transport of the hospital prior to removal of the ambulance from West Yarmouth. What are the response times now with an ALS engine in West Yarmouth and what happens when a paramedic is not on duty in West Yarmouth and how are ALS calls handled and when does a paramedic arrive on scene.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Sullivan. Vote unanimous.

Board of Selectmen Meeting December 12, 2006

Workshop Meeting

Selectmen Present: Jim Saben, Suzanne McAuliffe, Jerry Sullivan, Bud Groskopf, Bill Marasco and Town Administrator Robert Lawton.

Review of Planning Board Articles

Terry Sylvia, Town Planner, referred to his document given to the selectmen in their packets. He noted there are 12 articles they wish to have in the upcoming town meeting.

Terry reviewed the quick reference chart for possible zoning articles – the articles are:

Eliminate Reference to defunct sign committee

Further define duties of design committee

Eliminate reduced frontage lots

Define term Caliper

Create Hotel/Motel Overlay District

Park – add parking requirement for day care centers and stacking lane requirement for drive-thrus

Remove lot from Motel District

Housekeeping – define “Units-Per_Acre”

Rezone Berry Avenue Lot

Affordable Housing Bylaw article to correct potential issues with LIP in the counting of affordable housing units – not yet written.

Other people who have submitted planning articles

Create Fees in Lieu by law for affordable housing

Wind energy bylaw.

Terry also discussed future action and/or discussion

Add Historical Committee to site plan for historic structures

Delete condominium conversion section

Re-establish discontinued residential uses

Create bicycle parking requirement

Define building coverage

There was a general discussion.

Mr. Saben spoke about not rushing to get things done, make sure we get all of the hearings done and get as much input that we can from the public so when we get to town meeting it will be smooth and everyone will know what we are talking about.

CAPITAL BUDGET COMMITTEE – Potential FY '08 Debt Exclusion

Mr. Art deBonville, Chair of the Capital Budget Committee, reviewed items proposed for an infrastructure and facilities repairs debt exclusion. Although there may be adjustments the committee is now proposing a debt exclusion amount of \$483,000. He reviewed the list of items proposed (see attached). The selectmen discussed the list with the Committee. Art noted the committee was making a recommendation that this article appear on the town warrant. Mr. Saben noted the Selectmen would be reviewing the request again in the near future and thanked the Capital Budget Committee all of their work and for volunteering for their community.

Mrs. McAuliffe stated that the Board of Selectmen met with the Finance Committee last night to discuss items of mutual concern, ie. Budget, money, etc. One of the things that came up is she thinks the Board of Selectmen needs to have some sort of coherent policy to make sure that our administrator, department heads and our finance committee know where they are going forward. We need decide on this policy by the end of this month. Mr. Saben said we already know we are starting in arrears. The policy of this board what we have asked to bring back to the department heads is one of level funding. As a result of the discussions there may be some areas we need to go above and beyond. He was concerned with the overtime budgets. We need to consider all options including level funding the overtime budget. We talked about social services and talked about the schools. We need to have these discussions sooner rather than later. The finance committee members are interviewing each of the departments, reviewing their budgets and having discussions as to how we can do better. They need some guidance from this board. The board discussed the fire and police overtime budgets. Dr. Marasco said we also need to look at overtime budgets also in other departments. He spoke about the importance of supporting the social service budgets for our citizens. If we don't do it, it will fall upon us anyway. We need to analyze each one we do to see if it has an impact on the citizens of Yarmouth. Suzanne was concerned about totaling abandoning human services because the papers mentioned the county was going to step away from human services. She felt it would be appropriate to look at this budget in more detail and fine tuning it to a certain degree. Mr. Lawton said the town gives the county a lump sum and they have hearings and decide where it goes. The problem we had was hearing presentations from all of the ten or twelve groups for \$1,000 or \$1,500. Dr. Marasco said he would prefer not sending the check to the county and finding the services that affect Yarmouth and make sure we can find ways to bring revenues to them. Mr. Lawton said we provide the county with a list of who we funded last year but they do all the administrative funds. Mr. Lawton would give the selectmen the list.

Mr. Saben noted that out of a 45 million dollar, half of that is untouchable. It is monies that are fixed. It is people, insurance, offsets, enterprise funds, legal, medicare, etc. The budget is a work in progress.

Mr. Lawton reviewed the consent agenda. The three items were:

Bill inserts. Mr. Lawton reviewed the bill insert policy he developed for the Board's review and approval. He mirrored the law and met the criteria of the board that they had previously discussed.

Unpaved Road Policy – Mr. Lawton reviewed the Unpaved Road Policy he developed for the Board's review and approval. The Board began to review this in October. It simply puts in writing the policy that DPW would like to adopt giving people who live on unpaved roads that are not town roads the option of having them paved with a binder mix or some similar material to stabilize the road or if they wish to have it as dirt it is their road and they certainly can do that and the town would only be doing the scraping or some maintenance once a year. The problem the highway division has come up against was that people who want to keep their dirt roads want the highway division to come down once a month to do maintenance work. Mr. Lefter said he cannot do that any more. He would be willing to do this binder paving and that would stabilize the road. Mr. Lawton wanted to make sure the Board was comfortable with this decision.

The Police Department received donations amounting to \$9,950 for recruiting drive examination registrations.

Mr. Sullivan moved the consent agenda as presented, seconded by Mr. Groskopf. Vote unanimous.

Dr. Marasco asked if Mr. Lawton could bring a dollar amount that would be saved in our budget because of this new policy so we can show the citizens.

Selectmen Items

No items

Mr. Lawton said that next week the board will be meeting early with the Town of Dennis on KeySpan issues. As a result, we are going to start the regular Selectmen's meeting at 6:30.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Sullivan, vote unanimous.

Board of Selectmen Meeting December 5, 2006

Selectmen Present: Jim Saben, Bud Groskopf, Suzanne McAuliffe, Bill Marasco, Jerry Sullivan and Town Administrator Robert Lawton. .

Chairman Jim Saben opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag.

The 7:15 item has been postponed to a future date – Fluoridation -

Public

Peter Kenney, South Yarmouth, referred to the 21st Century Task Force. He had several comments on the report. Mr. Saben said the board has the report and they will be discussing it at great length in the near future.

Peter Dorin, Barnstable Village, spoke on the airport issues and the culture of the airport.

Tom Sullivan, West Yarmouth, asked if the board was going to allow brief comments after the Cape Cod Commission speaks. Jim Saben said it was not his intent to allow public comment after that discussion. but if time permits he might allow them.

Suzanne McAuliffe spoke on the airport DRI and according to Commission procedure because the current deadline for the DRI is January 12, they have to have one meeting before the deadline so they don't run out of time. This is the reason for having the meeting on the 14th. It is not to except the DRI. The DRI is incomplete. The traffic part is currently only in draft form and even the Commission people themselves have not seen the final information from the Barnstable Airport. The meeting on the 14th is not to approve the DRI, it might be to extend the deadline or vote down a DRI.

Mr. Sullivan felt there was a lot of pressure to get this DRI pushed thru. He said there are still a lot of unanswered questions on the draft DRI.

Planning Board Map Fees – Second Reading

Mr. Lawton said he did not receive any letters concerning the dollar raise in the map fees nor to the best of his know the planning board. No comments from the public. Mrs. McAuliffe moved to accept the increases as printed on the legal notice. Seconded by Mr. Sullivan, vote 5-0.

Selectmen Items

Mr. Sullivan moved to approve the selectmen minutes of their regular meeting of August 1, seconded by Mr. Groskopf, vote unanimous.

Mr. Groskopf announced on Thursday at the Senior Center at 11 a.m. it will be “Tell It to Bud Time” and he will be there to answer any question.

Bill Marasco spoke about the Fire Station in West Yarmouth. He said initially the board had a discussion about the fact that the overtime budget for the fire department which ranges from \$14,000 per individual up to \$45,000 per year per individual and in spite of having that much allocated we are still short. As a result we have to make some changes in the way we provide fire service. They talked about different options. It was his impression that the moving of the ambulance was done. He was not at the last meeting and he became aware after the fact there had been a rediscussion and the initial idea of the selectmen to maintain the ambulance and remove the ALS ambulance to get this budget under control had been changed. The first thing was he thought as a board they had a policy that they would not make major decisions unless we have a full board. In the future going forward he will understand completely. If you are not here you can't have your say. Mr. Saben said there was not a vote of the board on that subject. The meeting was informational to this board. Bill was concerned about the situation of the fire services. He thought the board was going to try to do something temporary in the meantime. Also, the debate of what is more important, fire coverage or emergency coverage. They are both important. It is not fire service anymore. It is really emergency response service and how best to provide that in the town. We need to relook at how we provide fire services.

The first item he would like to have some more discussion about moving the ambulance and ALS engine, the pros and cons of that and secondly, as a board think about how are we going to approach this. We have a fire audit. Mr. Saben agreed this may be the time to take a look at how we provide our services. Things need to change on how we provide our services, how we do our callbacks.

Chief Sherman said he met with Dr. Marasco for over an hour and one half. He stated he disagrees with Dr. Marasco and he disagrees with the Chief's. They are providing timely emergency response to medical calls, fire calls, hazardous calls, any kind of call with the ALS equipment and personnel in that station. There is no removal of personnel from the station. The response time in the West Yarmouth area are the best response time for the whole district in the community. The personnel can initiate and deal with any type of call obviously backed up when necessary as we do in reverse.

Dr. Marasco sees his responsibility on a different level from the Chief's. His goal is to provide public health and public safety. His responsibility doesn't end when they are dropped off at the hospital. We need to look at the broader issue and the way we provide service. Dr. Marasco suggested talking with the hospital. Mr. Saben suggested that maybe the Chief and he and Bob Lawton can try to get some additional information and get that to all board members as soon as possible.

Mr. Saben suggested that Dr. Marasco and Selectmen Groskopf and the Chief take some time and get together with Mr. Lawton and come back to the board with their final recommendations. Mr. Sullivan suggested it not be either or the two because of what

might be perceived. He said he and Suzanne could do it. Suzanne has background in medicine and he could review statistics as well as anyone else. Mr. Saben said Mr. Lawton has the ability to appoint an individual committee and ask them to come back with some responses. The board generally agreed to this and Mr. Lawton and Dr. Marasco would meet to discuss the charge for the committee. Mr. Saben thanked the Chief for coming into the Selectmen's meeting this evening.

Cape Cod Commission – Update and Process – Barnstable Airport Terminal Review

Present: Margo Fenn, Director of Cape Cod Commission, Bob Mumford, Head of Transportation Program, Scott Michaud, Hydrologist, Andrea Adams, Planner in charge of Barnstable Airport Project.

Yarmouth's Representative to the Airport Bob Howard was present, along with Chuck Lockhart, Yarmouth's Representative to the Cape Cod Commission and Art Kimber, Chairman of the Airport Commission.

Margo said they were at the meeting to give the board an update on the review of the project. She had no formal presentation prepared but was prepared to answer any questions the board had about what is going on with the airport review. The commission is in the process of crafting a decision. They had hoped to have it before the full commission this month but there are some outstanding transportation issues.

There was a question and answer period.

There was a discussion on hazardous material, water protection issues, traffic, long range future plans, access plans, and quality of life issues.

Suzanne stated the board would like the Cape Cod Commission to consider mitigation for this project – nitrogen loading, traffic problems, and water treatment. She said maybe they could find a creative way to look at quality of life issues or go the legal route with land takings. The Selectmen asked the Commission they consider far more mitigation than the improved road.

Bob Howard spoke on his work with the Airport Commission and he is working with the airport regarding noise issues and felt some progress is being made. They will be talking about early morning flights. He stated that many of the early flights are due to Nantucket and it is not the airport's fault.

Margo concluded by stating there is still an opportunity to weigh in. The board may want to put some of their concerns in writing to the subcommittee.

Mr. Saben asked that the members of the public put their concerns in writing and thanked Margo and her staff for their update.

21st Century Report

Suzanne McAuliffe said it is an understatement that the Town of Yarmouth is very disenfranchised by the 21st Century Report. Yarmouth has not been represented in terms of input. When people go to give testimony, they are told to keep it brief, only allow one person to speak. We have not had an opportunity for our town people who are key and crucial to give input. We feel we had a very difficult time getting our hands on the draft report. The process was horrible. It was not public. We were finally able to go thru some other mechanism to get our hands on the report and also on the minority report. She said in terms of the 21st Century Report that is coming in to the commission tomorrow, the draft that we have seen does not address Yarmouth's needs and does not address the needs of other Cape Cod towns. The Town of Yarmouth has not felt as if it has had any input into the report. Our issues are more in the vein of the minority report and are not addressed in the 21st Century report and this is due to a lack of involvement or even the interest of having input from the Town of Yarmouth. It was noted that no one in the leadership positions in Yarmouth were interviewed in this process. It is disturbing that this report comes out and the leadership does not even get asked a single question about the Cape Cod Commission or the 21st Century Report.

Margo Fenn said there is a lot in the majority report that is very useful and that can make a big difference and they are prepared to act on that and she would be happy to come back and talk in more detail about the substance of these recommendations. She is interested in hearing specific issues that the board has. Their job is going to respond as best as they can. It doesn't mean that we are limited to the things that are recommended in the report. The report is coming to the County Commissioners tomorrow. Mr. Saben said once Margo Fenn gets the report in her hands and to review it to be prepared to meet with the board again, he would be glad to make some time available so they can have a substantive discussion with regards to the findings of that commission. He said at this time the leadership of Yarmouth is deeply disappointed in its findings and he looks forward to give them the opportunity to review the report. Margo agreed to come back at a future date.

Town Administrator

Mr. Lawton submitted to the board in their packets the FY '08 proposed budget and the capital improvement plan as per the charter. No action has to be taken this evening. The finance committee received the same documents last night. The departments did do what Mr. Lawton asked them to do. They kept their requests limited which is approximately 2.1%. we will have to reduce the operating budget by approximately \$150,000.

Mr. Lawton referred to a request from the Capital Budget Committee to see if the Board of Selectmen would consider the possibility of a debt exemption question for the annual meeting. A look of work will be needed to develop some type of debt exemption for

certain items which were listed in addition on the capital budget sheet. The capital budget committee didn't want to go thru a month of review if the board as a policy matter indicated that the board would most likely not support such a debt exempt. If the board believes they may support it and would like to hear more, the capital budget committee has said they would be willing to go thru the effort to produce such a document. Art DeBonville, Chairman Capital Budget Committee stated recently the committee voted to recommend a debt exclusion in the amount of \$483,000 relating to infrastructure types of needs. Article 6 has been under funded for many years by a half a million dollars a year. The board agreed that this is a subject that needs to be discussed.

Mr. Lawton reviewed the consent agenda.

Our First Home has requested that their fees be waived because they received the bid to do the Brush Hill Project.

Second issue is request by Chief Sherman on a policy on the waiver of ambulance fees. It is for town employees who are injured on the job. The issue is that the town pays itself. We do have workers comp insurance and we have a special policy for police and fire. We are trying to gather some information so we can make a better quality decision. Mr. Lawton suggested that be held at this time.

Mrs. McAuliffe moved to waive the permitting fees for Our First Home, seconded by Mr. Sullivan. Vote unanimous.

Mr. Lawton reviewed a policy he developed on the town's financial management plan. Standard and Poor's suggests that the Board of Selectmen adopt the policy. Most of the items are already covered in the charter or are standard practice. Mr. Lawton reviewed the policy and Mrs. McAuliffe moved to adopt the Financial Management Policy as presented, seconded by Mr. Sullivan. Vote unanimous.

Mr. Lawton said the Finance Committee has invited any board members to their meeting either on December 11 or 13th if there is an interest.

Mr. Lawton referred to the note requesting the Chair of the Board of Selectmen sign an endorsement to the Cape Cod Water Resource Restoration Project. We sent a letter several weeks ago and the USDA now wish to have the Chairman be authorized to express the Selectmen's support for the plan. This support does not obligate the town to expend any funds. It simply authorizes the project to be submitted to the appropriating agencies of the federal government so funding can be obtained at the federal level. Mr. Lawton recommended to the board they vote to support this program and authorize the Chairman to sign the resolution. Mrs. McAuliffe so moved, seconded by Mr. Sullivan vote was unanimous.

Mr. Lawton noted Jim Robertson called and he wanted to make sure the Board of Selectmen knew that on 12/2 the flu clinic was held and he wanted to make note that Bruce Murphy, the volunteers and staff did an outstanding job of getting people through.

Mrs. McAuliffe noted the volunteer appreciation breakfast was this morning and very well attended and she took the opportunity to encourage people to continue to consider volunteering and you will get to come to the great breakfast and hang out with some great people and also enjoying some time with people doing some committee work in the town of Yarmouth. The board is most appreciative of what the committee members do for the town of Yarmouth.

Mr. Saben thanked the Bass River Association for the lighting of Anniversary Park and also thanked the work of the Yarmouth Garden Club for their work throughout the town.

Mr. Sullivan moved to adjourn. Seconded by Mrs. McAuliffe. Vote unanimous.

Board of Selectmen Meeting November 14, 2006

Selectmen Present: Jim Saben, Bud Groskopf, Suzanne McAuliffe, Bill Marasco and Town Administrator Robert Lawton. Jerry Sullivan absent

Chairman Jim Saben opened the meeting with a moment of silence for Don Trepke, Selectman from Dennis.

Public

Chief Peter Carnes was present to introduce new police officers. This is a result of the support of the community. The police department promoted 3 sergeants, added 5 police officers and 2 two detectives. He announced the retired of Hiram Tony Collado. He introduced Sergeant Tom Hennessey, Sergeant John Fallon, Sergeant Patrick Carty and reviewed their backgrounds.

Chief Carnes then introduced Detective Eric Nuss, Detective Steven Renzi and he reviewed their backgrounds.

Chief Carnes then introduced the new patrol officers Erica McGrath, James Chervie, Mellissa Alden, Justin Haire, Christopher Marino and Mary Gibney.

This completes the recent activity in the police department and he thanked his administrative staff for their help.

Chief Carnes said he appreciated the support from the Board of Selectmen and the Town Administrator and most of all from the community.

Golf Fee Hearing for 2007 – First Reading

John Reed, Chairman introduced the members of the committee. The fees for 2007 have been unanimously approved by the committee. In the first year of the enterprise fund they accumulated approximately \$110,000 which will be put to good use. John had a slide presentation.

	2006	2007
Resident Golf Pass	\$665	\$695
Junior Golf Pass	\$115	\$120
Senior Ten Play(two per season)	\$ 57.75	\$ 60
Resident Ten Play(one per person)	\$150	\$157.50
Non Resident Golf Pass	\$935	\$980
Non Resident Junior Golf Pass	\$150	\$157.50
Golf Car Pass Holder	\$ 10.40	\$ 10.75
Golf Car	\$ 17.25	\$ 18.00

The presentation also reviewed their budget income and expenditures.

Following a discussion, the hearing was continued to the 2nd reading.

Board of Appeals – Annual Meeting

David Reid introduced his committee members and reviewed the information that was given to the Selectmen in their packets which discussed the committee charge, past years accomplishments, coming year's goals and upcoming years goals. He thanked his regular and alternate members and Rhonda LaFrance for their dedicated service to the town throughout the year.

Jim Saben thanked David for his work and for the work of his committee.

Fire Chief Sherman Discussion on Response Times – Comparisons and Station #3 Building Update

Chief Sherman reviewed his comparisons and gave his update on Station #3 building. There was much discussion on the staffing in West Yarmouth Fire Station. There was also a discussion on the overtime budget. The recommendation was to remove the fire truck from station #3 on a temporary basis and would analyze this on a monthly basis and bring back other recommendations. The consensus of the board was to accept the recommendation and to report back to the board on a regular basis.

Reappointments

Suzanne McAuliffe recommended that Dr. Benjamin Gordon be reappointed to the Board of Health for a regular 3 year term to run thru October 31, 2009. Mr. Saben so moved, seconded by Mr. Groskopf vote was unanimous.

Mrs. McAuliffe moved to reappoint Mr. Ted Galkowski as the Town of Yarmouth's Representative to the Steamship Authority, term to run thru November 08 and to reappoint Mr. James Hall as the alternate representative, term to run thru 11/07. Mr. Saben so moved, seconded by Mr. Groskopf, vote was unanimous.

Mrs. McAuliffe recommended that to reappoint Mary Manwaring and Forrest White to the regular terms on the Disability Commission, terms to run thru September 09. Mr. Saben so moved, seconded by Mr. Groskopf, vote unanimous.

Mrs. McAuliffe recommend appointing Mr. Curtiss Sears to the regular three year term on the Planning Board, term to run thru July 31, 09. Mr. Saben so moved, seconded by Mr. Groskopf, vote unanimous.

Town Administrator

Mr. Lawton reviewed the consent agenda which had several gifts as well as a bench to be placed on Parkers River donated by Robert Bowie in memory of his late wife. Mrs.

McAuliffe moved to accept the consent agenda with gratitude, seconded by Mr. Groskopf. Vote unanimous.

Mr. Lawton referred to a note regarding the Old Kings Highway Election to be held November 8 at the Fire Station #3 hearing room. Suzanne McAuliffe offered to attend on behalf of the board.

Mr. Lawton referred to the several memos and emails from him to Mr. Finnell who is the business manager of school and from him to Mr. Lawton. It concerns the amount of borrowing that is being completed for the high and also the issue of a reimbursement that the Town of Yarmouth received for some work at the Mattacheese Middle School. Mr. Lawton was looking for some additional information from the school concerning the structure of the debt that is going to be issued so he clearly understands the specific amounts that are going to be bonded and the various reimbursements the towns are eligible for. When he receives this information he will be recommending to the board how those funds should be applied.

Mr. Lawton stated that finally we are making progress on the Parkers River and Marine Park and there will be a hearing by the Cape Cod Commission on November 27 at 6:30 in this room. Karl vonHone and Mr. Lawton would be attending this meeting along with the Marina Committee.

Selectmen Items

Dr. Marasco spoke about some votes that were taken at the special town meeting. Some funds were set aside to look at developing a community center. We were hoping some of those funds would be able to be used by the John Simpkins re-use committee so we could look at the community center and also look at the John Simpkins project being part of that community center. There were also some funds that can be diverted to the John Simpkins Committee but they are predominantly from a housing standpoint. He felt the John Simpkins site was a great opportunity for the town to sit back and look at its needs, look at the project we have done at what we can best do with the Simpkins. He would like to see on this project not to expend tax payer dollars until we are pretty sure where we want to go.

Suzanne said she gave the committee direction that anything and everything is to be considered and nothing is off the table. Art deBonville is the Chair of that committee. Mrs. McAuliffe felt they will need funds to evaluate the capacity and the availability of that building for anything. We may need some engineering money to evaluate the building.

Mr. Groskopf felt we have to decide what it is before we start throwing money at it. the ball stays in the committee's court and when they decide which is the best use for the building for the town, then we go forward.

Mr. Saben said the committee needs to approach it under a highest and best-use analysis. We shouldn't start giving them direction as to one use or another but allow them to look at it and analyze what the best uses of that property are. Once we understand that then we can move forward. There will need to be money available for certain types of engineering studies. The consensus is that the Johnson Simpkins Committee should proceed as planned with an open mind and an open view of things.

Mr. Groskopf offered to hire a bus to take the committee to Duxbury at his expense, not the town's.

Mr. Saben referred to the 16 items the Community Preservation Committee is currently considering for town meeting. He asked the board to take a look at them because he is concerned with some of the applications. He said the projects should be for the common good. Mr. Lawton said the committee is looking for some input from various committees and that is why they have provided us with a list of submissions. There has been no action taken on any of these to the best of his knowledge. Mr. Saben suggested the committee match up some of the items with the Selectmen's goals.

Approval of Minutes

Mrs. McAuliffe moved to accept the minutes of the Selectmen's meetings of June 13, July 18, June 27 and July 25, 2006 and the executive session minutes of October 17 and October 24, 2006 and hold the executive session minutes. Seconded by Mr. Groskopf. Vote unanimous.

Mr. Saben announced that the flu shots will be given at the Mattacheese School on Higgins Crowell Road, West Yarmouth 10 a.m. to 1 p.m. and must be over 65.

Being no further business, Suzanne McAuliffe moved to adjourn, seconded by Mr. Groskopf, vote unanimous.

Board of Selectmen Meeting: October 24, 2006 Workshop Meeting

Present: Suzanne McAuliffe, Dr. William Marasco, Bud Groskopf, Jim Saben and Jerry Sullivan and Town Administrator Robert Lawton.

Chairman Jim Saben opened the meeting at 7:00 p.m. following an executive session

Pledge of Allegiance

Public

Arthur Luke, Richard Hurley were present along with many of the package store owners in Yarmouth. They were present because of ballot question 1 which would allow chain stores as well as convenience stores and gas stations to have liquor licenses. It is a convenience license and will not have to show public need whatsoever.

Dick Hurley spoke about the opponents view. The liquor stores owners and their representatives are opposed to question 1 but are enjoyed by a long list of endorses. They explained their reasoning for opposing this question. He noted their opposition does not even have one endorsement from anyone in the State. Mr. Luke said they look forward to the Board considering their view.

Mr. Sullivan noted he would like to discuss this. Since the Board was running late, they will possibly take this up at the end of the meeting.

Mr. Will Crocker, running for the Second Barnstable State Representative seat, spoke about his concerns is the situation with regard to the voting member from the Town of Yarmouth on the Barnstable Airport Commission. He went on record that he does think it is a matter of fairness. He felt Yarmouth deserves a voice on the Airport Commission because of impact.

Sue Raubach from Senator Rob O'Leary's office was present to visit and listen to the meeting. She said the Tourism Revenue Preservation Fund was enacted by the House and the Senate will enact it very shortly. Senator O'Leary also wanted her to let the board know about the progress of his legislation regarding the catastrophic insurance fund. He is finding there is increased interest in this on Beacon Hill. He is planning to refile this an hoping there will be full debate on this in the next session.

Library Board – Discussion about Hours and their Annual Meeting

George Burr, President of the Library Board was present. He reviewed the accomplishment and goals of the libraries as stated in their report given to the Selectmen in their packets.

Regarding the hours, their was a citizen survey taken to assist in developing goals and plans for library services and facilities in the Fall of 2005/Spring 2006.

Jackie Adams, Library Director, noted the proposal for library hours.

Continued operation of the three village libraries

Retention of evening hours for at least one village library until 8 p.m. Monday through Thursday

Sunday Hours for South Yarmouth 12-4

Reduced weekday hours of operation for South Yarmouth (2) West Yarmouth (2) and Yarmouth Port (2).

Jackie noted once all of the contingencies are resolved she will make adjustments.

Dr. Marasco noted this was a great start and was pleased with their focus on special programs.

Jackie showed some of the electronic resources that were available. They can search for books, new titles, awards, monitor account, reserve books, etc.

Jackie referred to their five year plan. She sees the libraries as a flexible place, not to do any particular thing. Rooms for people to have common space to come together to talk, people to do reading, and space to accommodate new technologies. She sees a place to adapt as the needs of the community changes.

Mr. Saben encouraged parents with young children to visit the library downstairs, the renovations are done. He thanked everyone for coming.

Government Oversight Committee – Discussion of ATM Changes with the Finance Committee

Charlotte Striebel, said Jesse Mazzur, Chairman of the Government Oversight Committee had a previous commitment and ask Charlotte to oversee this meeting. Charlotte introduced Jack Grebe, Jack Howard, and Joe Hall. Charlotte said they were present to discuss the Board's letter asking the Government Oversight Committee to see what they thought were the reasons that people were not coming to town meetings.

Charlotte reviewed their report given to the selectmen in their packets. She reviewed the Government Oversight Committee's recommendations.

The date of the ATM be moved to the last Monday, Tuesday, Wednesday in April – More residents returned from winter vacations, more daylight and less time elapses between ATM and elections.

ATM starting time to remain the same, 7:00 p.m., no new article to be presented after 10:00 p.m. to continue a 2/3rds vote would be required.

Lottery system for articles, excluding all "housekeeping articles".

Tape ATM for delayed showing rather than have it live. If people can watch at home, why come to the meeting?

Moderator announces time to be allowed for audience to speak and enforces it.

Suzanne agreed with the suggestions – two fall under the moderator’s purview. The tape delay showing received negative press. She felt we would need to get input from the voters to see what their views would be.

The Board discussed their suggestions.

Tom George Moderator referred to his letter of September 12, 2006. He felt pretown meetings may be worth a try. To change the date of town meeting is the purview of the Board of Selectmen. A banner advertising town meeting is a good idea and stated he would be willing to purchase the first 6’ by 3’ banner. He said he had mixed emotions about taping the meeting for later viewing and the lottery are worth trying. Mr. Saben noted that there is now a sign in front of the Recreation Building purchased by the Rotary. We will take an opportunity to put up information on the this board as well. Mr. George felt the contents of the articles is the biggest factor in attendance, nothing will motivate voters if they are not interested in the subject.

Mr. Saben suggested if we were going to have a pre town meeting, we might want to look at bringing in the younger people into it by doing something over at the high school. Bill Bastian, Chairman of the Finance Committee, felt the lottery system may boost the attendance because people won’t know when their issue is coming up. One concern is if we have consultants or advisors attending that might be a financial burden. He asked if some or all of the changes need to be implemented at the same time? Charlotte said the Government Oversight Committee was presenting ideas to the Board of Selectmen as to what might be done to improve attendance. None of them have to be implemented if the Board and/or the moderator didn’t agree. One suggestion Mr. George presented was why not slip a notice in the tax bill – “You are now paying your taxes, come to town meeting and lend your voice”. He also suggested instead of pre town meeting, change it to preview of town meeting. Jim Saben thanked everyone for coming in and said if they come up with anything else to please let them know.

Taylor Bray Farm Update

Karen Greene, Community Development Director, introduced Ted Weisberger and Priscilla Gregory and Charlie VanVoorhis, Architect. Karen reviewed the handout regarding Bray Farm (attached) and the future plans for the renovation. Information from the Phase I work will be used to make an application to the Town’s Community Preservation Committee for consideration for the upcoming Annual Town Meeting (2007).

The building will continue to be used as it is today primarily for educational purposes. Mr. Saben spoke about the Taylor Bray Farm Preservation Association and how they have been instrumental in saving this property and they put together a wonderful program

and asked everyone to take the opportunity to go down and see the wonderful things they are doing there and he looks forward to the renovations. The Board appreciates all the hard work.

Appointments

Mrs. McAuliffe recommended that Rebecca Nystrom be appointed to a regular three year term on affordable housing committee, term to run thru October 31, 2009. Mr. Sullivan moved the recommendation, seconded by Mr. Groskopf. Vote unanimous.

Mrs. McAuliffe noted the reappointments to the Community and Economic Development Committee. She recommended reappointing Mr. Jack McCormack, Mr. John Baker to regular three year terms. Terms to run July 31, 2009. Mr. Sullivan moved the motion, seconded by Mr. Saben. Vote unanimous.

Town Administrator

Mr. Lawton reviewed the consent agenda. Mrs. McAuliffe moved to adopt the consent agenda, seconded by Mr. Groskopf. Vote unanimous.

Mr. Lawton said this was voted on several weeks ago – cemetery lot purchase. The selectmen voted to allow this person because of a particular set of circumstances to purchase lots as a resident. The problem came after that fact that the person had someone else purchase the lots and then that person authorized this family to use them. He now wishes to purchase the lots on his own. He wants to purchase those lots at the old price which changed in July. The start of the requests was in June. He chose a different method because that he was indicated he had to do if he really wished to purchase the lots. The board recently voted to authorize him to purchase them. He is asking for another consideration to purchase the lot for \$1200 rather than \$2400. Mr. Smith was advised by town staff that the process should be such that a friend or neighbor should purchase these in his behalf and simply give him a note that allows him to be buried there. It was an unusual process and that was the advice given him by town staff and then came to us to ask if he could directly purchase these rather than have a note from a friend. This is an exception to the rule where he got caught in the change and Mr. Saben said he brought back this request thru his recommendation. Mr. Saben felt Mr. Smith should buy at the present price. Following a discussion, Mr. Marasco suggested taking no action and has them change the name on the deed. Mrs. McAuliffe moved to approve the name change on the deed, seconded by Mr. Sullivan – vote 4-1 with Dr. Marasco voting in the negative.

Mr. Lawton announced the groundbreaking for IFAW is tomorrow and Suzanne and Jerry will attend.

The Selectmen and Finance Committee will be attending the tour at the high school at 5:00 p.m. on Thursday.

Selectmen Items

Bud Groskopf announced the hearing regarding the sidewalks will be held in the South Yarmouth Library at 6:30 p.m. tomorrow and encouraged anyone living in the Bass River area that are concerned about the safety involved to attend this meeting.

Bud attended the annual golf meeting last night and can only say the golf situation probably has never been in better shape than it is right now. Everyone was happy about the way things are going.

Suzanne McAuliffe said she attended a meeting at Mass Municipal Association and they are still trying to put together a resolution about increasing State Aid to municipalities, they are trying to work out formulas

Dr. Marasco spoke about fluoride in water and how it occurs naturally in water. He spoke to the State Health Department and the water is actually added after, once it is being processed and sent out. A discussion regarding this issue will take place at a future meeting. There was a suggestion to have a non binding ballot question.

The Board spoke about the ballot question again regarding selling wine in liquor stores. Each board member gave their input and Jim Saben encouraged all residents and taxpayers to go to the ballot box.

Mr. Sullivan announced to the Chairman that they have his approval to use his name as an individual elected official only because the board does not officially endorse ballot questions and I am sure others of us here might also join as individual elected official. Mrs. McAuliffe and Mr. Groskopf said they may put their names on the list as well.

Being no further business, Mrs. McAuliffe moved to adjourn the meeting, seconded by Mr. Sullivan. Vote unanimous.

Jd

Board of Selectmen Meeting: October 17, 2006 Workshop Meeting

Present: Suzanne McAuliffe, Dr. William Marasco, Bud Groskopf, Jim Saben and Jerry Sullivan and Town Administrator Robert Lawton.

Chairman Jim Saben opened the meeting at 7:00 p.m. following an executive session

Pledge of Allegiance

Public

Joan Shostak, Chairperson of the Board of Directors of the Education Foundation of Dennis and Yarmouth was present. She read their mission statement. She thanked Bud Groskopf for his help at the spaghetti supper last year and that is why she was present tonight to announce they were having another spaghetti supper at Jack's Outback II on October 29. there will be a 5:30 sitting and a 7:00 sitting.

Next year will be their 15th anniversary and Paul McCormack, Chair of the Ways and Means Committee is planning a big event. Joan also asked if their poster could be posted in the town hall.

Joan also announced an art show sponsored by the Yarmouth Art Guild to be held on November 17 and 18 at the First Congregational Church in Yarmouth Port on 6A. They give them 15% of their sales from the paintings sold.

Joan said they have given over 100 grants since the foundation was founded in 1992.

Jim Saben thanked Joan and said the Board looked forward to good support for those events.

Annual Meeting with the Board of Health

Dr. Benjamin Gordon made his presentation outlining the information provided to the Selectmen in their packets. Bruce Murphy, Health Director also discussed emergency management and also motel issues. There was a lengthy discussion on hotel issues. The Board of Health then reviewed their goals as listed in their handout.

Cape Cod Hospital Renovation/Addition Update:

Present were Pat Butler, Special Counsel to the Cape Cod Hospital and Eliza Cox and Randy Hart, VHP Traffic Engineer. Also, Lynn Fisher, Director of Project Planning for Cape Cod Health Fair and Mr. Terry Whitemore, Director of Facilities for Cape Cod Health Care. He passed out some handouts to the Selectmen. They reviewed the progress with the additions and to discuss the roundabout they propose.

Pat Butler reported they were very near completion. He expressed appreciation to Mr. Brandolini, Building Commissioner. Both towns took on an entirely joint site plan

review process. They work together with the fire departments and the building inspectors in both towns agreeing to jointly administer the projects. It involved an awful lot of time and coordination.

They reviewed the patient bed expansion project and the materials management component. He noted they have met with the Hyannis Park Association. He also reviewed copies of the Phase I Plan for Hadaway Road.

Pat Butler also reviewed steps that are being taken to help direct traffic that will be leaving the patient bed addition back to the north away from the southern portions and easterly portions of the neighborhood and the hospital campus.

He noted the map of the hospital site together with the decision of the Board of Appeals decision. He highlighted portions of the decision. He showed the plan of the proposed round-about. It provides for a mechanism for people leaving the valet parking area to come down enter the round-about to have appropriate protection in terms of traffic coming in all directions. The analysis tells us that is a safety benefit.

Chief Sherman explained his concerns regarding the round about. He said when we get into the formal process they will be looking at not having as much landscaping in the middle and having what you see listed as a truck apron, make it a little bit larger on the east side so if necessary during an emergency, they will be able to straight down Bayview Street to continue to serve that neighborhood. Going south is a serious delay. The layout is far enough west and he felt it could be an accommodating design. The issue is not new. Deputy Chief raised this very issue two years ago. He had a question that the new plan is substantially south of the new tower. As he looks at the lanes they are proposing that the people exiting the tower exit back onto Bayview St and then use the round about to turn around. He asked if it would be wise to have them exit thru the parking lot and coming into the round about from the west so they are not getting on Bayview Street and turning around 180 degrees and going back north. His primary concerns are the access and the layout and they will deal with that in the formal process. He asked about the if the truck apron is angled or flat. The engineer said it will be a flat maybe an imprinted pavement surface. He said the round about in Marston Mills and the one in Yarmouth had to be built twice because it wasn't big enough and hopefully engineers will learn from that.

Mr. Sullivan said this is turning into a design hearing and he asked to have a meeting with the abutters where they can spend the appropriate time. Mr. Butler agreed. Mrs. McAuliffe said we need to go back to the big picture and look at the traffic issue around the hospital as part of the solution.

Public

Some of the neighbors spoke in opposition of the round about.

Mr. Groskopf said there is a terrible traffic problem down there, Bayview isn't going to handle that property and East Main will be a nightmare.

Mr. Butler said they will take all of the input into account and go back to the drawing board and it has always been their intention to meet with the abutters.

Appointments/Reappointments

Mrs. McAuliffe recommended that Matthew Credit be appointed to the Old Kings Highway Commission, filling an unexpired term to run thru December 31, 2007, seconded by Dr. Marasco. Vote unanimous.

Mrs. McAuliffe recommended to reappoint Mr. Tierney, Ms. Lawrence, and Mr. Lucier to three year regular terms on the Waterways/Shellfish Advisory Committee, terms to run until may 31, 2009.

Mrs. McAuliffe referred to a letter from Dorothy Gunther on the Personnel Board resigning. Mr. Sullivan moved to accept with regret, seconded by Mr. Saben. Vote unanimous.

Selectmen Items

Mrs. McAuliffe noted the Airport Representative is meeting with the airport and discussing the Attucks Way entrance into the new airport. The Airport Commission is getting a presentation from the engineers and she asked him to vocalize the Selectmen's concern that Attucks Way is funded and built at the same time the new terminal is.

Mrs. McAuliffe stated she understands the 21st Century Review of the Cape Cod Commission was voted today. Mr. Lawton said that is not what we were told. Mr. Lawton would look into that. Mrs. McAuliffe wanted to make sure Yarmouth was well represented.

Mr. Saben referred to a memo from the Affordable Housing Committee with regard to their action plan and asked if the board had any input to please submit them in a timely manner.

Mr. Saben said the dredging of Englewood Beach Harbor is underway and should be completed within the next week or so.

Mr. Groskopf noted there will be a meeting concerning the sidewalks on South Street. It is on Wednesday, October 25 6:30 p.m. in town hall.

Consent Agenda

Mr. Lawton reviewed the consent agenda.

Mr. Sullivan moved to approve the consent agenda, seconded by Mrs. McAuliffe vote unanimous.

Mr. Lawton referred to a note in the packet about the '08 budgets and we will proceed on that basis and the Finance Committee and the Government Oversight Committee will be in on the 24th.

Mr. Lawton referred to the Architectural and Site Design Standard Document Fee for \$10. there were no responses from last week's hearing and he asked the board to approve that. Mrs. McAuliffe moved to approve, seconded by Mr. Groskopf. Vote unanimous.

Mr. Lawton referred to the Bill Insert Policy he developed. He noted the inserts must be non-political and municipal information material. He said he will put this on a future agenda for approval.

Mr. Lawton noted on November 17 from 12 to 2, the Town of Yarmouth is playing host to the Alcoholic Beverage Control Commission when they come down to do a seminar for regional boards about alcohol and its control. They may be talking about the vote which would occur on the 7th to see if question one passes.

Mr. Lawton referred to a note on the table regarding the school committee to pick a date to go view the high school renovations. They gave him a date of October 26 which is next Thursday. Mr. Lawton would check on how many Finance Committee members could make it.

Mr. Lawton referred to the Unpaved Road Policy. He asked that the board look at this and give him some input.

The groundbreaking for IFAW has been scheduled for October 25 at 11:00 a.m. they would like an RSVP.

The Chamber dinner is also on the 25th at 5:00 p.m.

No Press

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Sullivan. Vote unanimous.

Board of Selectmen Meeting October 3, 2006 Regular Meeting

Present: Jim Saben, Jerry Sullivan, Suzanne McAuliffe, Bud Groskopf, William Marasco and Town Administrator Robert Lawton.

Chairman Jim Saben opened the meeting at 7:00 p.m.

Pledge of Allegiance

Public

Amanda Gougeon, West Yarmouth was present from Cape Cod Tech and she is currently a senior trying to do a senior project. She spoke about the Reid Playground and its condition and how it is in need of repairs. Vandalism needs to be stopped. She was hoping to have the playground restored. She presented a petition to the Board. The park is located at Reid Avenue off of Buck Island Road. Following a discussion, the board agreed to research this. Mr. Sullivan suggested investigating CPC funds for an upgrade to the playground area.

Susan White, Cape & Islands Regional Domestic Violence Council was present. Pam Mullen was also present who is the staff coordinator for the Council. They were asking all of the towns on Cape Cod and the Islands to claim October as National Domestic Violence Awareness month by adopting a proclamation. Susan gave the background of the Council. Mr. Saben said the Proclamation has already come before them for signature. The board members signed the proclamation. Susan White asked that the Proclamation be posted in town hall for the rest of the month.

Steve Edwards, South Yarmouth, spoke about Long Pond Drive. He suggested putting a three way stop sign at the bottom of Winslow Grey. The Board stated they would review his suggestion with the Engineering Department.

Fee Hearing – Yarmouth Architectural and Site Design Standards – Document Fee

Mr. Saben read the legal ad which appeared in the Yarmouth Register.

Mr. Terry Sylvia, Town Planner, explained the fee is to cover the cost of the printing of the document. It is a 126 page document. The fee is proposed to be \$10.00. A hard copy would be available at the Town Clerk's office and a PDF file is available on line for free.

No questions from the public

Mr. Saben noted the next meeting is October 17 and at that time the board would have the second hearing to adopt the fee.

Annual Meeting Golf Enterprise Committee

John Reeve, Chairman of the Golf Enterprise Committee, introduced two of the members, Sherman Baldwin and Bill Howes. Other members of the committee are Chris Capabianco, George Keefe, Andy Martin and Betsy Palmer. Also present was Jim Armentrout, Director of Golf Operations for the Town of Yarmouth.

John did a quick overview of the events of last year and their goals for next year as presented in the packets (see attached report).

The Board expressed their thanks and appreciation for all their work.

Approval of Charge for the John Simpkins School Re-Use Committee

Suzanne stated in reviewing the draft charge she would recommend adding Historic Commission and perhaps Community Preservation. Following a review, it was agreed to add Historic Commission after the Library Board. This charge will guide the 9 members who will meet together to look at all options and consider all options for the John Simpkins School. They will meet with the Board of Selectmen on a semi-annual basis or on an as needed basis. They will be organized by Suzanne as a start up and then they will appoint their own chair and set their own meeting schedule. Mr. Sullivan moved to approve the charge as amended, seconded by Mr. Saben. Vote unanimous.

Approval of Minutes

Mrs. McAuliffe moved the approval of the minutes of the June 6, 2006 Regular meeting and approval of executive session minutes for May 24, 05, June 29, 05, August 23, 05, November 29, 05 and December 13, 05 to be released. Seconded by Mr. Sullivan. Vote unanimous.

Mr. Groskopf reminded everyone it is the first Thursday in October and the usual tell it to Bud time will be this Thursday 11:00 a.m. at the Senior Center.

Mrs. McAuliffe announced two events – Seaside Festival, October 7, 8 and 9 and an Old Cape Cod Cabaret at the Dennis Yarmouth Regional High School. \$10 entrance fee, children under 3 free to be held Thursday evening at 7, Friday evening at 7, a matinee on Saturday at 4 and Saturday evening at 7. Presented by the Dennis Yarmouth High School Concert Coral.

Cape Cod Councilors Association Meeting on October 15 at Coonamesett Inn in Falmouth to discuss mosquito control in view of the West Nile Virus and the triple E Virus in Southwestern Ma.

Selectman Marasco said recently the Mass Health has appointed a new medical director in charge of dentistry who is Dr. Martinez. He was interviewed on MPR and he was asked about problems facing people on Cape Cod. He said they do not fluorinate the water and have a greater average of tooth decay. Dr. Marasco said it is time to start to look at this issue again with the idea we also a responsibility to make sure that those

individuals who can't take care of themselves that we do everything in the public sector to make that happen. Mr. Saben suggested putting this on the agenda on the 17th when the Board of Health is coming in.

Mr. Saben said the Seaside Festival Parade is on Sunday and referred to the memo in the packet asking the Selectmen to participate. Mr. Saben will be away and will be unable to attend. Mr. Sullivan would be away.

Mr. Saben referred to a letter from Margo Fenn indicating that the Energy Facility Siting Board will hear the KeySpan's application at a public hearing on January 11, 2007.

Dr. Marasco asked about the Cape Cod Commission Review. Mr. Lawton said he would find out where the review is.

Mr. Saben spoke about the event the Chamber of Commerce put on: Annual Taste of Yarmouth at the Cultural Center of Cape Cod" it was well attended by the community. Mr. Saben said the Rotary Club had a golf tournament at the Bayberry Hills Golf Course. It was a pleasure to be at the golf course and to see people enjoying themselves on the golf course.

Town Administrator

Mr. Lawton reviewed the consent agenda.

Two gifts and approval of bill insert.

Mr. Lawton explained this would be printed on the bottom of the water bill and to the best of his knowledge there is no cost. He explained by law, the Board of Selectmen needs to approve the insert. Mr. Lawton said we have had other announcements in the past and in this case it will not be an annual event. The board was concerned about setting a precedent. They were concerned that if they allow a non-profit organization place a message on the water bill, all other non profits within the Town would also be asking for space. The Selectmen asked that a policy be developed which might allow such an insert with restrictions. Mr. Sullivan moved not to approve the request of the Historical Society for the bill insert, seconded by Mrs. McAuliffe. Vote unanimous.

Mr. Sullivan moved that the Board of Selectmen approve the gifts as listed on the consent agenda, seconded by Mrs. McAuliffe, vote unanimous.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Sullivan. Vote unanimous.

Board of Selectmen Meeting: September 27, 2006 Regular Meeting

Present: Jerry Sullivan, Suzanne McAuliffe, Dan Horgan, Bud Groskopf, Jim Saben and Town Administrator Robert Lawton.

Chairman Jerry Sullivan opened the meeting at 7:00 p.m.

Appointments

Community & Economic Development Committee

Mr. Saben recommended the appointments of Mr. DuBois and Mr. Tardiff to the 3 year term on the CEDC and to appoint Mr. Smith and Mr. Hynes to the 2 year term on the CEDC and to appoint Ms. Post, Mr. McCormack and Mr. Barker to the 1 year term. All the terms to run through July 31. Seconded by Mr. Groskopf, vote unanimous.

Design Review Committee

Mr. Saben recommended the appointments of Sara Potter and Richard Martin to a three year term on the Design Review Committee, seconded by Mr. Groskopf. Vote unanimous

Personnel Board

Mr. Saben recommended the appoint of Ms. Dotty Guenther to the Personnel Board for a 3 year term to run through July 2008, seconded by Mr. Groskopf, vote unanimous.

Board of Assessors

Mr. Saben moved to reappoint Al Calabrese to the Board of Assessors for a three year term. Seconded by Mr. Groskopf. Vote unanimous.

Library Board Resignation

Mr. Saben noted the letter of resignation from Martita Bergendahl from the Library Board. The Board voted unanimously to accept her resignation with a letter of thanks and appreciation to be sent to her.

Mr. Groskopf mentioned that he felt that it was very important for the Community and Economic Development Committee to meet as soon as possible.

Jim Saben felt there are a number of things that this committee could start working on and the Selectmen may want to put a charge together. Mr. Lawton would brief the committee and this group will be invited to meet with the board in October.

Selectmen Items

Suzanne said she attended the wastewater public meeting and the town was well represented at the county level.

Suzanne said she went to the installation of Peter Dunn at the Post Office as he was appointed as the Postmaster. She said we are very fortunate to have such a well qualified man.

Bud Groskopf said when the EDC meets I hope they are aware there are many people standing in the sidelines ready to serve. He said he hopes the committee will move to have these people somewhat active.

Jim Saben said the Cultural Center of Cape Cod is having their first Skull Island Tournament to support the cultural center. The next day the Rotary Club will be having a tournament at our local golf course.

Mr. Sullivan referred to a letter commending Mr. Holmes of the water department getting a pipe fixed. Mr. Lawton said a copy of the letter will be put in Mr. Holmes personnel file.

Mr. Sullivan said except Dan who had a prior commitment, all the selectmen attended the Barnstable Council meeting. It was a productive meeting.

Classification Hearing FY 06 Tax Rate

Matt Zurowick introduced Bill Lionetta and Steve Silva Assessors. Fred Calabrese was absent.

Mr. Zurowick said this is the annual meeting to set the tax rate and he referred to the classification study given to the selectmen for their review. Matt reviewed the study. The Board of Assessors recommended a factor of 1. Following a brief discussion, Mrs. McAuliffe moved to accept the recommendation of the Board of Assessors and accept the factor of 1, seconded by Mr. Horgan. Vote unanimous.

Hearing - Showcause Hearing Papa Gino's

Mrs. McAuliffe read the legal ad for the showcause hearing for Papa Gino's. 940 Route 28, South Yarmouth

Mrs. McAuliffe referred to a memo from Chief Carnes describing an incident on July 29 to Papa Ginos. Wait staff were not properly trained for waiting on customers and servicing alcohol. On August 11, Mr. Lawton wrote a letter to Jennifer Dixon, Manager of Papa Ginos describing Chief Carnes memo and stating under the Mass General Laws the wait staff must be properly trained in the service of alcoholic beverages and asked they notify the town no later than Monday, August 8, 2005 on what measures they will be

taking to train their staff. Another letter was sent to Papa Ginos on September 1 notifying them there was no response and therefore a showcause hearing will be held because of the lack of training which is required by the Board of Selectmen's rules and regulations.

No one present from Papa Gino's. Mr. Lawton said the notice was hand delivered by a Yarmouth Police Officer so they do have knowledge of the hearing. MR. Sullivan moved to revoke the license as currently held by Papa Gino's, seconded by Mr. Groskopf. Vote unanimous.

Mr. Lawton said Papa Gino's would now have to reapply to the Board for a new license if they wish to.

Mr. Lawton said the police will pick up the alcoholic license.

Review and Recommendations of Special Town Meeting of October 5.

Mr. Lawton referred to the assignment of articles and a summary of recommendations from the Finance Committee.

Article 1 = Acquisition of Land on New Hampshire Avenue. \$815,000

Article 2 – School Capital Items – Borrowing – exempt from 2 ½ - roof and boiler at the schools

Article 3: Rescind action taken to have study done at the Bayberry Hills Golf Course for land takings. The reason is all of the takings have been settled.

Article 4. Bill of Prior Years

Article 5. Police Management Study

Article 6. Acquisition of 72-78 Union Street by the Water Department \$305,000.

Article 7: Building and Grounds Budget. Error was made in original budget.

Article 8. Change in Election Date

Article 9. Packet Landing Drainage Easement

Article 10.

Article 11. Continuation of Estuary Study

Article 12. Overhead doors at the Transfer Station

Article 13. Community Preservation Act for Administrative Costs

Article 14. Diesel Engine replacement at fire department

Article 15. Planning Board

Mrs. McAuliffe moved to recommend articles 1 thru 9 and 11 thru 15 and reaffirm their recommendation on article 10. Seconded by Mr. Saben. Vote unanimous.

(see attached)

Assignment of articles

Article 4 Bills of Prior Years Mr. Saben

Article 8 Change of Election Day Mr. Horgan

Election will be October 26.

Mr. Sullivan referred to the Change of World Campaign on October 5 sponsored by the Cape Light Compact.

Mrs. McAuliffe moved to adopt the proclamation proposed by the Cape Light compact, seconded by Mr. Saben. Vote unanimous.

Mr. Lawton reviewed the consent agenda. Mrs. McAuliffe moved to accept the consent agenda with the exception of the request for a golf fee refund, seconded by Mr. Saben. Vote unanimous.

The board reviewed the request of a gentlemen for a refund of his golf membership fee and Mr. Saben moved that under the circumstances the town refund all but \$150 to the individual, seconded by Mr. Groskopf. Vote unanimous.

Mr. Lawton noted he will be appointing the Open Space Committee. He reminded everyone of the Seaside Festival and the Parade on October 9.

The MPO Transportation Committee is a committee the county has come up with and the Selectmen of one of the five towns is required to appoint a representative to attend these meetings three times a year. A Selectmen in Harwich is interested. This appointment will be rotated throughout the years.

Being no further business, Mrs. McAuliffe moved to adjourn the meeting, seconded by Mr. Saben. Vote unanimous.

Selectmen Meeting Minutes – Regular Meeting – September 19, 2006
Selectmen Present: James Saben, Jerome Sullivan, William Marasco and Suzanne McAuliffe and Town Administrator Robert Lawton
Mr. Groskopf was absent

Chairman James Saben opened the meeting at 7:00 p.m.

Pledge of Alliance

Public

Rich Pitera, Station Avenue, spoke about noise coming from motorcycle exhaust systems. He asked about passing town ordinances, sound measuring devices and what steps he can take to target constant offenders. Chief Carnes noted there is a noise bylaw which states that if the noise is plainly audible at a distance of 150 feet from the motor vehicle, it is a violation. Mr. Lawton said this could be researched and we can bring it back to the board.

Barnstable County Commissioners – Update –

Mr. Bill Delaney, Chairman of Barnstable County Commission, also present was Charlotte Striebel, Assembly of Delegates, Maggie Downey, Mark Sambos.

Mr. Delaney explained the Commission likes to go to the Selectmen's meeting periodically to give a report of the projects and outcomes they have with the towns. He reviewed the report given to the Selectmen in their packets. (see attached). There was a discussion with the Board. Dr. Marasco was concerned with the wastewater issue and Suzanne with the airport issues and their water quality which could have a regional impact. Jim Saben referred to a list of items he has prepared and would pass it along to the Commissioners, reverse 911, revals, weights and measures, emergency planning, etc.

Charlotte Striebel, Assembly of Delegates. Charlotte said she has the list of items the County should consider taking over which was not forwarded to the Commissioners. Charlotte said she has attempted to address the questions.

Human Services Support – she felt it would be impossible for the County to support all of these budgets at this time.

Reverse 911 - County Commissioners had a presentation several weeks ago. The Assembly did not receive that invitation and Commissioner Doherty shared the comments and the concept would result in a regional communication network to enhance education, research and economic development. The commissioners listened to the presentation and made no commitment in the name of the county or the towns but did suggest these people contact the sheriff.

Grant Writing – the Community Development Office has hired a full time person to work specifically with towns to assist in writing of grants.

Building Inspectors, Conservation Agents and Planning Services should be discussed at future town manager meetings.

Charlotte spoke on some other items before the Assembly

Barnstable Human Rights Commission which is a year long pilot project. The commission will report on their activities during the pilot year before the Assembly. It will be up to a vote if the Commission continues. It has been recommended that the Commission hires a Director. The Assembly and the Commissioners said they would study the information provided and would meet with the committee sometime in November.

The 21st Century Task Force will be holding a meeting tomorrow night and their recommendations on the Cape Cod Commission will be presented to the Assembly shortly.

Cape Cod Water Protection Collaborative Steering Committee met with the Assembly last Wednesday and presented a report on their activities. They have released an RFP for a director and there have been quite a few applicants. They will continue to use the technical support provided by the Cape Cod Commission.

Charlotte said she has not as of yet discussed the Cape Cod Collaborative Energy Grant in coordination with the Yarmouth Energy Committee. Charlotte requested a little more information. Mr. Lawton said each year at town meeting Mr. White says there are many grants for solar energy, etc. and if so, we would be hopeful that the Yarmouth Energy Committee along with the Cape Cod Light Compact could help us to apply. If there are monies available we would like to participate.

Maggie Downey said Peter White is correct that there is monies available thru grants and they are very time consuming. They would be willing to work with the Town Energy committee. Mr. Lawton would forward this info to the Energy Committee and ask them to contact the Commission to secure the necessary information.

Charlotte noted the Assembly meets Monday on the 1st and 3rd Wednesday year round in the Assembly Room in the First District Court Building. Meetings are open to the public. They are now being taped and they are being run on Channel 18.

Long Pond Drive Discussion

Public Hearing Long Pond Drive Speed Zone

Joe Magni, Consultant, Chief Carnes and Lt Xiarhos were present.

Joe Magni , reviewed the transportation studies on Long Pond Drive from Station Avenue past Forest Road all the way to Route 28 which is approximately 1.8 miles of study. They talked about speed zoning and the possibility of warranting that there be commercial vehicle exclusion within the town. Mr. Magni review the lengthy document the selectmen received in their packets and explained the Massachusetts General Laws as it relates to speed zoning.

There was a public session with much discussion.

Chief Peter Carnes stated the police department has been working with Mr. deMello and the consultant and they will continue to monitor the speed in this area. He said they took the concerns of the neighbors very seriously. They are concerned and they will continue to do the best they can.

Lt. Xiarhos noted this is a community project and we need to educate and control and they are hoping the community can work together with the police department to rectify this problem.

The Board of Selectmen discussed the issue and Mr. Sullivan moved not to change the speed zoning on Long Pond from the existing State Certified Speed Zones and with a second from Mrs. McAuliffe the vote was unanimous.

The Board also discussed the heavy truck exclusion and due to insufficient documentation to be able to create a heavy truck exclusion, the Board determined they would take no action on that request. The Board did ask that engineering look into the preferred truck route alternative. The Board also asked that the engineering department look into other possibilities along Long Pond Drive for traffic calming, structures, signs, which might reduce the normal flow of traffic which is averaging between 35 to 40 mph.

Classification Hearing FY '07

Matt Zurowick introduced Mr. Lionetta and Mr. Calabrese members of the Board of Assessors.

Mr. Zurowick noted this was the annual meeting in order to set the tax rate and he referred to the classification study provided to the Selectmen in their packet for their review. Matt reviewed the study. The Board of Assessors recommended a factor of 1. Following a brief discussion, Mrs. McAuliffe moved to accept the recommendation of the Board of Assessors and accept the factor of 1, seconded by Mr. Sullivan. Vote was unanimous.

Appointments

Mrs. McAuliffe reviewed her recommendations for members to be appointed to the **John Simpkins School Building Re-Use Committee**. Following a discussion, Mr. Sullivan moved to appoint Mr. Hagopian, Ms. Simons, Mr. DeBonville, Mr. Oliver, Ms. Wolfson,

Mr. March and Ms. Adams to the regular terms on the John Simpkins Building Re-Use Committee, terms to run until project is completed. Seconded by Mr. Saben. Vote unanimous.

Historical Commission, Mrs. McAuliffe recommended to appoint Mr. Ray Vanover, Mr. Robert Cook and Ms. Carol Smith as Associate Members to the Historical Commission. Terms to run for one year thru July 31, 2007 and with a second from Dr. Marasco, vote was unanimous.

Mr. Sullivan moved to approve the Executive Session Minutes of September 12, 2006 and hold, seconded by Mr. Groskopf. Vote unanimous.

The Board briefly discussed the next step on the Bakers Path Affordable Housing Project and agreed that they would not take any action until the Association has had a chance to meet and submit additional questions to the Yarmouth Affordable Housing Committee regarding the project. Once the Affordable Housing Committee has had an opportunity to answer the questions the Association raises, the Selectmen would then schedule a meeting either late in October or early November to finalize the direction for this Affordable Housing Plan.

Consent Agenda

Mr. Lawton reviewed the consent agenda

There were four items. Mr. Lawton noted last week the Board signed the Conservation Restriction – Sandy Side Corporation to Yarmouth Conservation Trust. The board would need to take a formal vote approving the Conservation Restriction because a filing needs to be made at the Registry of Deeds.

The second item is the rental fee at the Bass Hole. The recommendation from Pat Armstrong was setting a flat rate of \$55 for the rental for Class Reunions.

Third, was to designate people to issue persons to issue non-criminal tickets is limited by the bylaw. He was proposing only at the residential drop off area that the Superintendent of the disposal Area and his foreman be the only two people who can issue them for violations of the current rules and regulations. What happens now is there is no one to issue the violation because no one is designated.

Fourth, is the usual and customary acceptance of gifts, \$95 from the Judah Baker Windmill Donation Box.

Mr. Sullivan moved to accept the consent agenda, second by Mrs. McAuliffe. Vote unanimous.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Sullivan vote was unanimous.

Selectmen Meeting Minutes – Regular Meeting – September 12, 2006
Selectmen Present: James Saben, Bud Groskopf, Jerome Sullivan and Suzanne McAuliffe, William Marasco and Town Administrator Robert Lawton

Chairman Jim Saben opened the meeting at 7:00 p.m.

Pledge of Allegiance

Public – None

Appointments/Reappointments

Suzanne McAuliffe recommended appointing William Howes III to a three year term on the **Golf Advisory Committee**, to run thru April 30, 2009. He will be the precinct 7 representative. Mr. Sullivan so moved, seconded by Mr. Saben. Vote unanimous.

Mrs. McAuliffe recommended the reappointment of George Keefe to the **Golf Advisory Committee** for a three year term to run thru April 30, 2009. Mr. Sullivan moved the recommendation, seconded by Mr. Saben. Vote unanimous.

Mrs. McAuliffe recommended reappointing Joan Carr and David Flaherty to three year terms on the **Conservation Commission**, terms to run thru June 30, 2009. Mr. Sullivan so moved, seconded by Mr. Saben. Vote unanimous.

Mrs. McAuliffe recommended reappointing Mr. Ralph Cutting and Dorothy Caprera to three year terms on the **Historical Commission**. Terms to run thru July 31, 2009 and to reappoint Ms. Bonacci and Barbara Martin to a one year associate term on the Historical Commission, terms to run thru July 31, 2007. Mr. Saben moved the recommendation, seconded by Mr. Sullivan. Vote unanimous.

Suzanne noted they are setting up the **John Simpkins Review Committee**. She has seven appointments and is still interviewing for 2 more slots. A committee of nine will allow the committee to get its work done and not be two thin is some people are away or ill. She recommended appointing Robert Hagopian, Linda Simon, Art deBonville, Duncan Oliver, Pearl Wolfson, Hugh March and Barbara Adams to regular terms on the John Simpkins Building re-use committee. Mr. Groskopf moved the recommendation, seconded by Mr. Sullivan. Vote unanimous.

Mr. Saben moved to accept the resignations of Janet White and Philip O’Leary. They do not wish to be reappointed. Seconded by Mr. Sullivan and requests that letters of appreciation be sent. Vote unanimous.

Suzanne noted there are many openings: Capital Budget, Planning Board, Old Kings Highway, and Library Board. People who are interested contact Town Administration Office.

Selectmen Minutes

Mr. Sullivan moved to accept the minutes of the regular meetings, May 9 and May 23, 2006 and the workshop meeting of May 16, 2006. Seconded by Mr. Groskopf. Vote unanimous.

Town Administrator

Mr. Lawton reviewed the items on the consent agenda. Some significant donations, one in particular IFAW in the amount of \$5,000 to animal control.

Donation to Recreation Division from Four Seasons Landscaping, services and materials, approx value \$2,500.

Judah Baker Windmill Donations from donation box of \$119.

Donation from Ann Driver for \$15 and Sandra Miller for \$70 for Natural Resources.

Mr. Sullivan moved to accept consent agenda, seconded by Mrs. McAuliffe. Mr. Saben asked that letters of thanks be sent. Vote unanimous.

Selectmen Items

Mr. Groskopf said that Ralph Cutting was present and one of the things he has been in charge of is the Grist Mill. He did all of the cuttings to expose the view of the pond. He thanked Mr. Cutting for all his work. Mr. Groskopf suggested acquiring the small piece of property from Mayflower where we can turn it into a little park for picnicking. He also suggested turning the Grist Mill into a real tourist attraction for the summer.

Mr. Groskopf said last Thursday was tell it to Bud time and it was a nice turnout and he appreciated everyone for coming.

Hearing

Daggetts Liquors – Transfer of License, Stock and Change of Manager.

Mr. Sullivan excused himself because of an appearance of a conflict of interest.

Mrs. McAuliffe read the legal ad for the transfer of an annual all alcoholic liquor package store license, transfer of stock; and change of manager from Sirron, Inc. dba Daggett's Liquor Store, Richard D. Norris, Manager, 1071 Route 28 South Yarmouth to Sirron, Inc. dba Daggetts Liquors, Joseph Norris, Manager.

Dr. Marasco said he contacted the State Ethics Commission concerning sitting on the hearing tonight. He had a disclosure that he made aware of at the Clerk's Office prior to the official meeting.

Present: Richard Norris and Joseph Norris. Joseph will be the owner and manager. Joseph has worked in the store full time since 1992. They would like to have this become effective on the 2007 license. No change of business or operation. Mrs. McAuliffe reminded Joseph how seriously the Town of Yarmouth takes its liquor licenses and to make under age people are not served and make everyone has proper ID and everyone who works for the business is properly trained. She said our local police department works very well and very closely with our license holders so if there are any questions or problems you can always go to them. Joseph said he met with Lt. Xiarhos and they both feel confident with the help of Yarmouth Police they will continue to do as they have done in the past.

No comments from the public.

Suzanne closed the hearing and recommended to approve the transfer to be effective on the 2007 license.

No further questions from the Board, Mr. Saben moved the transfer as requested, seconded by Mr. Groskopf vote unanimous.

Mr. Sullivan returned to the Board

Fire Station #3 Update

Chief Randall Sherman was present along with his Building Committee.

Mr. Gray said the update is very positive and the whole exercise of cleaning the debris is now gone. There are plows, piles of usable fill, piles of usable top soil for the finish work and they have a big hole in the ground. They are now in the construction phase and everyone has to be congratulated and they wanted to thank the Board of Selectmen and everybody else who has helped them get this far.

As reported a couple of months ago they were faced with a potential shortfall of about \$350,000 from the allotted budget of 4 million. They were here to report they got that number down as best they can determine right now to \$248,000. The new bids came in for the HVAC and coming in with a much lower number. They also saved money in the clearing process. Therefore, \$248,000 is the number they are asking the Selectmen to recommend at special town meeting tomorrow night.

Chief Sherman said the article was written originally for a potential borrowing. That will not be necessary. It would be his recommendation in working with the Town Administrator that in terms of voting this article that you vote to transfer from the reserve for appropriation ambulance receipts the amount requested clearly understanding that

upon this vote this will be the last money spent not the first money spent. They will spend the budget, they will spend the contingency, they will spend any savings due to any change orders first and this money will only be spent if it is absolutely necessary at the end of the construction cycle. Those monies not spent will stay right in the reserve for appropriation ambulance receipts. There would be a subsequent town meeting voting rescinding the authorization for whatever remains.

Dr. Marasco said he is delighted to this solution to their problem. It is a creative way to solve the problems. It is prudent, it is the best way to use our resources, and it puts the burden on us to try to work within our budgets and he moved that the Board of Selectmen recommend this article. Mrs. McAuliffe, seconded. Vote unanimous.

Chief Sherman and the Chairman wanted to clearly acknowledge the in-kind efforts of the other town departments. Highway Division offering trucks and loaders to the extent possible, they did all of the perc testing for us. Waste Management took some of the materials instead of going to the Bourne landfill. Engineering Division provided them from \$12,000 to \$15,000 worth of engineering services in support of this project. The Water Division is standing by. They are also providing the water supply for the sprinkler system and for a hydrant to the rear of the property. All of these departments have been of tremendous assistance from a budget point of view as well as this extra project we had to do for the remediation of this site.

Selectmen

Mr. Lawton referred to the most up to date summary. He also referred to a note from the Town Planner concerning the votes that were taken by the Planning Board of September 6. The Planning Board voted to recommend article 11, not recommend 12, recommend 13, 22, 23 and 24. They also note that they would plan to withdraw, 22, 23, and 24. Mr. Sullivan moved to follow the recommendations that the Planning Board made, seconded by Mrs. McAuliffe. Mr. Groskopf felt the wind facility article should move forward. Mr. Sullivan said he would rather see this article withdrawn at t his time until they address the residential aspect. Dr. Marasco said this is a very important issue and would prefer to talk about it. There was a brief discussion. Vote unanimous.

Mrs. McAuliffe recommended that article 14 be moved to after 26. Mrs. McAuliffe moved to authorize the Chairman to make a motion at town meeting to move article 14 to after 26. vote Jerry Sullivan. Vote 3-0-2 unanimous.

Mr. Sullivan moved to indefinitely postpone article 26. seconded b y Ms. Groskopf. Vote unanimous

Mr. Saben reviewed the assignments of articles.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Sullivan. Vote was unanimous.

Selectmen Meeting Minutes – Regular Meeting – August 22, 2006

Selectmen Present: James Saben, Bud Groskopf, Jerome Sullivan and Suzanne McAuliffe and Town Administrator Robert Lawton

Dr. Marasco absent

Chairman James Saben opened the meeting at 7:00 p.m.

Pledge of Alliance Recited

Public

Mr. Saben congratulated the **YD Red Sox** in winning the Cape Cod Baseball League Championship.

Jim Saben read a Proclamation congratulating the Team which proclaimed August 22, 2006 as YD Red Sox Day in the Town of Yarmouth and presented it to Jim martin, President

Mr. Lawton announced the second item has been postponed. **Ms. Groves** has asked for a delay.

Peter Doran, Town of Barnstable was present to say the board does have friends in the Town of Barnstable but the councilors do not represent them at all. He has respectful fondness for this town. He said that he is for Yarmouth in their fight with the airport. He is all for what the Selectmen is asking Representative Cleon Turner to do to have a regional airport.

John Julius was also from the Town of Barnstable and also echoes the sentiments of Peter. Yarmouth is a fabulous town. He commended Suzanne for her article in the paper and Yarmouth serves everything signal bit of a right on the vote on the airport commission. He referred to the State MEPA report and left it with the town.

Joint Meeting: Selectmen and Finance Committee along with the members of the Community Preservation Committee

Mr. Saben welcomed everyone. He said we will spend some time to give the Community Preservation Committee to talk about their articles that they are bringing forward to the special town meeting. He turned the meeting over to Jim Hoben, Chair of CPC.

Jim Hoben said they are recommending six articles. Two are for recreation, one is for historic preservation, and three are for affordable housing, all of which are consistent with the Board of Selectmen's goals and the CPC plan. He referred to their executive summary and gave a detailed explanation of each article.

With no further discussion, Mr. Sullivan moved to recommend articles 16, 17, 19, 20 and 21, seconded by Mr. Groskopf. Vote unanimous.

Mr. Sullivan moved that the Board of Selectmen approve article 18 as presented by the CPC, seconded by Mrs. McAuliffe. Vote 3-1 with Mr. Groskopf voting in the negative

Appointments

Suzanne McAuliffe referred to the list of the annual appointment of precinct workers. Mr. Sullivan moved to reappoint the precinct workers as listed, seconded by Mr. Saben. Vote unanimous.

Suzanne recommended two appointments to the Planning Board. She recommended reappointing Mr. Goodwin and Mr. DeYoung to the regular three year terms on the Planning Board to run thru July 31, 2009. Mr. Groskopf so moved, seconded by Mr. Sullivan. Vote was unanimous.

Suzanne noted that Marion Broidrick resigned from the Library Board due to personal obligations. Suzanne recommended to accept with regret Marion Broidrick's resignation from the Library Board and appoint Ms. Broidrick to the open position as an alternate member. Mr. Sullivan so moved and with a second from Mr. Groskopf, Mr. Sullivan asked that a letter of service be sent out to Marion. Vote unanimous.

That now means there is an opinion on the Library Board.

Selectmen Approval of Minutes

Selectman McAuliffe moved to accept the regular meeting minutes of April 4 and April 25 and a special meeting of August 9 2006. Seconded by Mr. Sullivan. Vote unanimous.

Selectmen items

Suzanne wanted to say a huge thank you to Bob Lawton, Jim Saben, Bill Bastian and Mike Daley for helping resolve the school funding regional agreement with the Town of Dennis.

Suzanne said Jim Saben and she met with the Cape Cod Commission last week regarding the airport DRI and also the department heads for the Town of Yarmouth were at that meeting. It was worthwhile because we were able to let the Cape Cod Commission know Yarmouth's concerns and we were also able to hear from the Cape Cod Commission what they can help us with and what help they will need in terms what we want them to consider specifically related to water and transportation issues.

Suzanne referred to the "MY View" that she wrote in the paper. She wrote it because she believes the Town of Yarmouth has been pretty much ignored from the Town of

Barnstable. Regardless what Barnstable wants to do, Yarmouth needs to take care of Yarmouth and she recommended that the Town of Yarmouth do everything in its power to contact every agency and every group that we have access to make sure our interest and needs are taken care of. She recommended the board consider appointing an airport advisory committee. She believes the board needs to hire special counsel to look in Yarmouth's rights regarding water, noise, traffic issues. She also believed we need to look into our rights as citizens in terms of the airport. She is not comfortable with a number of people who contacted her about their issues at the airport. She would like to look into what rights we have as citizens and go full steam ahead. Suzanne said she has had more calls and more emails on this issue than any other issue since she has been a selectman. Mr. Groskopf said this reaches out beyond the Town of Yarmouth and why is there not a regional airport authority and we ought to try to generate support. The airport now represents a major mode of transportation for all of Cape Cod. All 15 towns ought to have a seat at the table in terms of the airport.

Mr. Sullivan agrees with the concept but is not ready to move forward. He said they all agree the airport is a regional asset. The region it impacts the most, however, is Yarmouth and Barnstable and more specifically, Yarmouth and the Village of Hyannis and Cummaquid. He agreed we do need to look into the water and soil issues. What we may need is an engineering firm to review the statements that have been made and make sure they are accurate. Jerry said he doesn't think creating a 15 town regional authority is the way to go. He supports his idea of participating the legislature for some regional body and it is going to take more than just this next seating at the legislature and we need to come up with an idea that is going to be palatable for all and suggested moving forward with baby steps. The first step would be to see the reaction of the town of Barnstable to their request to have a voting member.

Suzanne McAuliffe said she is amazed of the number of noisy flights in the summer. She had a call from women who counted 33 flights in one hour and a half that went low over her home and a packet of 34 complaints that Helen Shaw wrote over a few day period. Tuesday, Suzanne said she had 8 flights over her home in Yarmouth Port in a 12 minute period that were noisy and low and loud. The status quo is pretty miserable for many residents in Yarmouth and she would like to see if there is any way at all in discussions with FAA or looking at flight paths and to see if there is any way to negotiate something so people can at least sleep in the morning and at least have a conversation outside in the afternoon. We need to look at what we can do to see what we can do to get some relief. Jerry said the only thing he would caution is the flight paths are out of the hand of the Commission and out of the hand of any future Commission. The studies that were done on them no matter what position we take will be disrupted. The physics of aircraft in the summer means basically hotter air against thinner air. Aircraft performance is lower because the fuel expands and it is not as cold. That is one of the downsides of piston engines right now. He cautioned the board while we like to see solutions, the solution really is the economics of air travel changes.

Jim Saben thanked Suzanne for her great commitment. He admits he is not as knowledgeable about aviation. It is important that we have some counsel on some of the

options that we may have. He agreed that this is no longer a municipal airport and we need to find out how we go about turning this airport into a regional facility. We should not be pursuing voting rights and we should skip over that and it is time we all recognize this is not the airport that was built in the 1940s. We need to collectively recognize this and work towards that in a cooperative way with Barnstable. We need to have the experts advise us and tell us what we need to do. He suggested instructing the Town Administrator to seek such expert advice and to come back to the board with some recommendations to where we stand and what we can do and what the options are as a town and increasing our voice in the operations as to what goes on there.

Mr. Lawton said he has started on that. Cleon Turner is working to gather some information on regional options. Dan Mills our water superintendent is going to give him some advice on some consultants we might need and he is looking into where additional monitoring wells should be.

Mr. Sullivan said we have a new blushing bride in Town. Jane Hastings is now Jane Hibbert. It took 20 years. She and Alan were married on a recent trip to Las Vegas as a surprise to their families and to everybody in town hall. He congratulated Jane. The one issue that has irritated Alan is that his first birthday coming up as a new groom is on our selected day for town meeting. Alan is coming to town meeting. If you have business in town hall go by the Clerk's office and yell back to Jane and congratulate her on the marriage and at town meeting seek out Alan and congratulate him.

Mr. Groskopf said he is the liaison for the school committee and the school board did in fact adopt the amendments to the regional agreement and they will be brought forth at our town meeting and at Dennis's town meeting, Congratulations again to Jim, Don, and members of both committees.

Suzanne asked if Bud could get the school committee to put their meetings back on TV. Mr. Sullivan said they have an equipment problem they are trying to resolve.

Mr. Sullivan moved that the Board of Selectmen recommend article 9 on the upcoming town meeting warrant which is accept the amendment to the agreement establishing the DY agreement, seconded by Mr. Groskopf. Vote 4.

Town Administrator

Mr. Lawton reviewed the consent agenda. There was a fee waiver and a donation to fire station #2, meeting room \$155. Mr. Sullivan moved to accept the donation of \$155 to fire department, seconded by Mr. Groskopf.

Mr. Lawton explained the waiver of a fee at the Bass Hole for the Graduating Class of 1986 from DY High School. They are having an event at the Bass Hole. There was a note from Pat Armstrong saying if they chose to do the waiver she does not object but the question is does the board wish to have a waiver for the event. Under the board's current policy this group would fall under civic purpose, non-fundraising, which would be \$55

per hour. It would not seem to fall in the no charge category. Mr. Sullivan said given the note from Pat that the Bass Hole receipts are \$700 ahead of last year and many of the class members are residents and volunteers in many of our youths sports and other committees and the fact that we set the fees in order to offset and monitor the usage, he would make a motion to grant this fee waiver request, seconded by Mrs. McAuliffe. Mr. Groskopf was concerned about setting a precedent. Vote 3-0-1 with Mr. Groskopf abstaining

There was a discussion and the board will take this up at a future meeting to set a rate for class reunions.

Mr. Lawton said referred to a note from Peter Smith Chairman of Community and Economic Committee. Following a brief discussion, Mr. Lawton would let the committee know to proceed.

The Energy Committee has requested that George Allaire be made a voting member. Mr. Lawton did some research and the Charter states the board may not but the Board adopted a policy in 1988 suggesting that department heads not serve on boards unless there are three criteria. The board discussed the request and did not see a pressing need for George to be a voting member but would encourage him to go when necessary.

Being no further business, Mr. Sullivan moved to adjourn, seconded by Mr. Groskopf. Vote unanimous.

Selectmen Meeting Minutes – Workshop Meeting - August 8, 2006

Selectmen Present: James Saben, Bud Groskopf, Jerome Sullivan and William Marasco
Suzanne McAuliffe and Town Administrator Robert Lawton

Chairman James Saben opened the meeting at 7:00 p.m.

Pledge of Alliance Recited

Public

Recreation Director Patricia Armstrong was present to say thank you to the Board for their support of the Yarmouth Recreation Sailing Program and to the Townspeople for their support of the purchase of the new sailing center at Englewood Beach. They utilize Cape Cod Knock About as their teaching boat for their instructional program and every four or five years they get to host the Cape Cod National Knock About Championship Regatta as well as the Southeastern Mass Yacht racing Association Regatta and this was held last week end. She presented the Southeastern Mass Yacht Racing Association Cup to Mr. Adam Cove and his crew – this is ours to keep for a year. Also, our crew won the National Knock About Championship. The new sailing center is well underway and it has a tremendous amount of support from the year round as well as the seasonal residents. A number of gifts have been donated, renovations are ongoing, landscaping is being done and the re-establishment of the secondary beach. She was pleased to say they put over 700 individuals thru the program so far. She again thanked the board for their support of this program for the children. Jim Saben said on behalf of the board to please pass their congratulations on to the coaches and the sailing athletes for their outstanding work this summer. He is thrilled with the progress at the center and the outstanding work the entire group has done.

Community Preservation Committee

Jim Hoben, Chair, introduced Tom Roche, Jim Carroll, Jack Mulkeen, Gary Ellis, Priscilla Gregory, Maryanne Walsh, John Biega, Curt Sears, and Jen Coutinho, staff assistant. He also recognized Eric Tolley for his service in the past year.

Jim summarized the information that was given to the board in their packets.(see attached)

There was a discussion on the applications submitted to the CPC for funds. Dr. Marasco felt CPC funding articles would be best left for annual town meetings. Dr. Marasco expressed his concern with the articles being on the warrant before the Selectmen reviewed them. He felt distinct goals need to be in place for the feasibility study. Incentives need to be put into the raise and replace projects. Mr. Saben said the Board needs to have as much information as possible in order to make their recommendations.

Mrs. McAuliffe noted by law the CPC could insert articles into the town meeting and the Board really doesn't have a say whether they do or not. In terms of the recommendation

they do need more information and that doesn't necessarily mean it has to be tonight. She said the board could recommend from the floor and they would give them a little more time.

Mr. Sullivan noted in the past in cases like this not made a recommendation but deferred back to the presenting committee. He recommended on these articles from the CPC unless it is something that involves direct policy we defer to the CPC for the presentation especially for this town meeting. For the annual we may have more of a time period. Suzanne McAuliffe agreed with Jerry. There are a lot more detailed project and a bigger variety and they all have their personal opinions on the specific articles. She said the committee bylaw has the right to put these before the voters.

Mr. Groskopf said we need to get hand and hand. If the board is going to have a meaningful opinion they need to have some facts. If it is possible, could the committee do one page on each one, what is the process, what is the feasible, etc. so he has a feel on what to recommend to his constituents. Mr. Hoben said he wasn't prepared tonight to make the whole presentation. He felt in the future they could give the selectmen a copy of the approved applications. The Selectmen asked that an executive summary be developed in the future for each application. Mr. Saben said he accept responsibility for clearly not conveying the message to the CPC so they could adequately be prepared and will look forward to their hearings in the near future so the board can get up to speed. This will be an opportunity for the CPC to present this information on TV and educate the public as to why they are seeking these funds to be accounted for at town meeting. Mr. Hoben said he thought this was their annual meeting with the Board and they will be happy to return to explain.

Planning Board - Annual Meeting and Zoning Update

Present Colleen Kramer, Chairman, Colleen introduced Tom Roche, Brad Goodwin, Steven DeYoung, Tracy Post, Bryant Palmer and Terry Sylvia.

Colleen reviewed the report given to the Selectmen in their packets including their charge, FY '06 Accomplishments and the FY '07 Goals.

The Planning Board then reviewed the 8 proposed articles for special town meeting to be held September 13, 2006

(see attached list)

A discussion was held with the board on each of the articles.

Chairman Saben thanked all of the board members and Terry for coming in.

Fire Station #3 Update

Charlie Kelleher, Vice Chair of the Building Committee introduced Tony Delusio from the Maguire Group, Chief Sherman, Rick Carroll and Ralph Cutting. Charlie referred to the memos from Chief Sherman. Chief Sherman said the memo presented this evening was the result of the final bidding review. The good news is in terms of the general contractor bids, the bid itself with the exception of one item was within the budget projection and estimate for the construction of the building itself. There are two outstanding issues back on July 11 to seek the potential for a town meeting article in the special town meeting to cover the special contingency. They have narrowed the contingency down to two outstanding issues. One is the HCAC cost for this building. The bids received were \$200,000 over estimate. It is not a complicated system. It is very straight forward and the bids were excessive and the bids were rejected by the committee and the town. As a result of that we directed the general contractor to carry the \$350,000 in anticipation of HVAC knowing the bids would come in at \$550,000. They are rebidding that part of this contract with the general contractor that has been selected. In rebidding you don't have to go thru the lengthy process you bid originally. You can select the contractors you sent the bids to and they still have to meet the same state requirements but you can seek out and find the contractors. We have at least three Cape Contractors that are very interested and have a few just off Cape that are interested and even the low bidder is interested in rebidding with a sharper pencil. We hope that it will be less than what was presented previously. The Chief said he will have those numbers before the special town meeting. The second item that is of budgetary concern on this project is the site work. The site is town owned land. Many of us know that the site was formally the Wright Jennings Oil Company. What none of us recalled was that prior to that, 60 years ago, this site was a former dump site. We have to remediate the top soil, we have to remove and screen basically bottles, glass, asphalt and concrete. We ended up doing three times the normal amount of site testing because of what we were finding. We found no hazardous materials. The top soil has to be removed prior to giving this to the general contractor. That is an issue over and above anything anticipated by the original budget that was presented to us. They have budgeted \$50,000 of that work based upon everyone's best estimate of the quantity of soil we are dealing with. However, we are requesting to carry \$100,000 contingency. If it is much more than 5000 cubic yards of material not only do we have to pay this initial contractor to deal with finishing the removal, screening and disposal, we then have to purchase fill to replace that to build our building on. The Chief said so their request for a town meeting article to finish this project, the worst case scenario is \$315,000. They believe by September 12 he will come to the board with two numbers. One on the HVAC and the other on the site work that we hopefully be much lower than the \$150,000 that is currently there. He was asking that the article be reserved and they will give the board the hard number on the 12th so it can be presented to the voters on the 13th to be able to finish this project.

Dr. Marasco said he is very disappointed. He reiterated that they have \$4 million from town meeting to do the project. The Chief said they have a contingent of \$212,000 which is 7% of the project. Dr. Marasco said he feels more work needs to be done. He suggested rebidding. He sees a contingent used up before going back to the voters for more money.

Suzanne McAuliffe said because this building is different than other buildings that have been done by the town, the Chief was given a cap and typically when buildings come before the voters we have the bids in hand. She said the Chief did his best to come within that cap. He took over 3 million dollars out of the original design. She felt these items are part of doing business the way we have done. She said this board knows how the Chief has struggled bringing this building down into the 4 million dollar cap and at this point going with the worst scenario is probably the way to go. She said she would support the Chief.

Bud Groskopf supported the Chief and said he knows he will do his best from all aspects and everybody appreciates his good faith and hard work and said let's go forward.

Jerry Sullivan said because of the constraints and time we have, the need for permanent housing in the West Yarmouth area is important and this board decided some years ago it is critical. Jerry said we as a board put an arbitrary constraint on the Chief of 4 million dollars. The Chief came in with the estimate and he warned the board because of the time delay we might see increased costs. This was explained to town meeting. Time is a factor and he agreed with the majority of the board if we delay any longer we will see more costs. He said the board should allow the majority of voters to take a look at this because our next chance would be another six months at the annual town meeting. Jerry said the supported awarding the contract and to place on the warrant a suitable amount of money which will be given to the Board on the 12th.

Mr. Sullivan moved that the Board of Selectmen take the recommendation to award the contract and to preserve the article for the number the Chief will be giving the Board on the 12th. Seconded by Mrs. McAuliffe. Dr. Marasco was concerned for two reasons. We still don't know what the costs are going to be. The specter has been raised that there may be indefinable things at that site. He said he was concerned until we know exactly if we are going to find anything on that site he was not in support to award the contract. Mr. Kelleher said there have been a number of test pits dug there and they found nothing toxic. Until we go forward, we have to do our remediation and we will have a handle on that cost before town meeting. Vote 4-1 with Dr. Marasco voting in the negative.

Mr. Saben thanked the Chief and the Committee for the number of hours and meetings they have gone thru. This committee has worked very hard in accomplishing their goals. The \$315,000 is an item we can adjust downward at town meeting and have hopes it will come back much less than that.

Finalize Calling Special Town Meeting and Elections and Vote on Recommendations

Mr. Lawton explained the Chair and he looked over the warrant reordered it as the board requested. There was also a summary on the table as to what the Finance Committee did last night.

Mr. Sullivan moved to call a special town meeting for September 13, 2006, seconded by Mrs. McAuliffe. Vote unanimous.

There was a series of 26 articles proposed for the special town meeting.

Mr. Lawton explained after further research with town counsel the article to create an affordable housing trust can only be done at an annual town meeting

Mr. Lawton asked if the board wanted to include all 26 articles.

Mrs. McAuliffe asked about an article to make the Barnstable Municipal Airport a regional airport. Mr. Lawton said in talking with the State Representative he needs to do more research. The board could wait until he has finished his research to determine which would be better. Town counsel was concerned with the vague article. He said the board may wish to get some more details. Mr. Saben suggested withdrawing article 26, voting representative from Yarmouth to the municipal airport. Mr. Sullivan suggested keep it on at this time in case the board receives suitable information. The article could always withdraw it at town meeting. Article 26 will remain on the warrant.

Dr. Marasco suggested putting all the CPC articles together. 9, 10 and 11 will go after article 17 and put the wind facilities article before these... the board agreed with this ordering.

Mr. Lawton suggested recommending the bills of prior years from the floor. We are not sure we are going to have any.

The Board voted as follows:

1. Recommend from the floor
2. Veterans Benefits – \$25,000 Recommend
3. Water Department Transfer of \$90,000 to their energy budget. Recommend
4. Appropriate Funds for FY '07 Contract Settlements – Recommend from the Floor
5. Authorize purchase of parcels and taking of easement Hunting Town Avenue and Commonwealth Avenue. Recommend
6. Home Rule Petition – Ballot Question – Recommend
7. Special Detail Account – Recommend
8. Override – Info Tech and Police Wages – Recommend

9. Accept Amendment to Agreement Establishing DY Agreement – Recommend from the Floor
10. CPC Articles – Recommend from the Floor
11. Zoning Articles – Recommend from the Floor
12. Overhead Doors – Transfer Station – Recommend
13. Sell Parcel Off of Willow Street – Recommend

Mrs. McAuliffe moved to close the warrant for the special town meeting of September 13, seconded by Mr. Sullivan.

The Board discussed the proposed ballot question which was for an override for the new police officers and IT person.

Following a discussion, the board voted 4-1 to include one ballot question: Shall the Town of Yarmouth be allowed to assess an additional \$47,787 for the purpose of adding additional staff to the Yarmouth Police Department and one additional computer person for informational technology.

Being no further business, Mr. Sullivan moved to adjourn, seconded by Mrs. McAuliffe.
Vote unanimous

Board of Selectmen Meeting: August 1, 2006 Regular Meeting

Present: James Saben, Jerry Sullivan, Suzanne McAuliffe, Dan Horgan, Bud Groskopf, William Marasco and Town Administrator Robert Lawton.

Jim Saben opened the meeting at 7:00 p.m.

Pledge of Allegiance

Public

Bob Howard, 11 St. Andrews Way, SY, spoke about the golf courses and how in the last three or four months he has noticed quite a change especially when you go to the pro shops. There is a friendlier attitude as well as both courses are in excellent condition. He has been quite critical over the years but things have turned around and he wanted to compliment the board, the golf committee and the Town of Yarmouth.

Police Management Study Report

Present was Chief Carnes and Mr. Frasier, the consultant for our police management study from the Police Executive Research Forum. The Chief felt the study was very well done.

Mr. Frasier made his presentation to the Board of Selectmen and outlining their recommendations. (see report attached).

There was much discussion between the Chief, the Consultant and the Board members. The Board asked the Chief to define any cost savings from implementation of the recommendations made by the consultant.

The Chief said he strongly supports the 5 full time officers and promoting three officers to sergeants should come back to the ballot and if it does it would cost \$423,382.40. He felt this would be a good starting point to start down the roads towards providing for the needs of the department.

Keyspan – Opening Road Permit

Mr. Lawton: Mr. Kimmell will review some of the details of how the hearing would proceed and some of the actions taken by the Cape Cod Commission.

Mr. Saben: Ken, we are going to start with you and if you address the process and bring us up to speed. Ken is special counsel on this issue. You have the mike.

Mr. Kenneth Kimmell: thank you very much. It is a pleasure to be here. I did want to go over this particular item with you because we have actually two laws that are pushing you in different directions here. It is a little confusing to sort out how to cope with that. On the one hand we have the Cape Cod Commission Act which says you have a development of regional impact that is being heard by the Cape Cod Commission, the municipality is suppose to suspend its review until the Cape Cod Commission has acted. You could argue by the way that even commencing this hearing is starting a review which you shouldn't be doing. However, the word is not typically interpreted that strictly. The Commission's own view of that word is you can commence the hearing, you can take public testimony, you can hear from the applicant, you can hear from the public, you can ask questions, you just can't vote or take an informal vote on the application until the Cape Cod Commission has ruled. What I understand from today is that the subcommittee of the Cape Cod Commission has voted to deny the permit application. That is their recommendation. That goes to the full Commission on August 10. if the full commission goes with the recommendation of the subcommittee and denies the permit application, it is my opinion that this board cannot act on the street opening permit. Until such time you go to court or some other board overturns that decision, the denial of the Cape Cod Commission is the end of the matter. On the other hand if they approve, you have already started the public hearing process, you have started informing yourself in getting questions and you can continue with the process and ultimately make a decision. What complicates this analysis a little bit is that we also have a state law that governs street opening permits. It says essentially that if you don't act within 90 days on street opening permit or if you say no to it, the proponent has the right to go to the Department of Health, Communications, and Energy. That is suggesting that you have to act now or soon. The Cape Cod Commission Act is saying you can't act now or soon. My sense of it is and I want to do some more thinking about it and it's not something that has to be decided tonight in any event My sense of it is and I want to do some more thinking about it and it is not something that has to be decided tonight in any event is that the Cape Cod Commission is specific to Cape Cod. The state law is very general and so my preliminary opinion is the requirements of the Cape Cod Commission with respect to your proceduresstatute. However, I haven't finished analyzing it, I think for purposes of tonight there is no problem in opening the hearing and taking testimony. It is just that you will need to wait until August 10 to go forward and if the Cape Cod Commission does deny the process, which seems like a distinct possibility given the recommendation of the subcommittee, it is going to be my recommendation that you close the hearing and take actions to preserve your right to issue a street opening permit with the conditions you want in the event the Cape Cod Commission's decision is openly overturned.

Mr. Saben: thank you Ken.

If I could ask that the representatives from KeySpan, if you could introduce yourself, I will allow you to make you'rejust a moment, Selectman Marasco.

Selectman Marasco: Just as a point of order, I understand what you are saying so why are we here. Is it because if an applicant applies we have to hear them and what is the reason we just say well listen you think it is premature to do this until the Cape Cod Commission acts. Why do we have to have a hearing?

Mr. Kimmell: you don't have to have a hearing tonight. So before we start tonight who decided to have the hearing.

Mr. Lawton: The normal process is that once we receive an application that we schedule a time for the board to act and this new information concerning the authority of the Cape Cod Commission came up I think maybe a week or two ago when that issue was raised that the Board of Selectmen cannot act until the Commission acts.

Dr. Marasco: If that is the case, I would like to have a discussion about why we are having a hearing. It seems as though we shouldn't be having a hearing.

Mr. Saben: I am willing to take a moment to open up that discussion.

Mr. Sullivan: I think there is a couple of things. There is somewhat of sensitivity of time of the information I have seen although it is not a municipal problem. It is a problem that has been put at the feet of the municipalities on the county as to delaying Keyspan. I think that is one of planning. Nonetheless and in a spirit of cooperation to at least hear the information we have from the written material we have there have been some discussions and we have a list of recommendations that have been made by our DPW and consultants. Given the fact that we have probably a road system that is worth 200 to 300 million dollars and we have invested in a road management system some 10 million dollars in the last five years, this is a very important matter and I don't want to take it likely nor do I think it serves anybody's best interest to delay the hearing. Yes, there is a chance we wouldn't be having a hearing if the Commission decided to deny but nonetheless, I think there is information that the public might want to hear and that we should hear. We won't be taking any action at the end of this meeting tonight because the hearing will still be open and subject to either closure or continuance after the Cape Cod Commission's ruling.

Dr. Marasco: That obviously is a positive thing. We have to consider the negative. It is my understanding as the councilor has suggested that once you start a hearing you have 90 days to make a finding or to make a declaration. If you do not, then there is another authority that can trump us and make the decision for us.

Mr. Kimmell: Not exactly, the 90 days runs from the date the application is filed which as I understand is July 17, I am sorry June 17. That is the state law governing pipelines. The 90 days is in theory ticking. But again I am sorry to make this so confusing, the Cape Cod Commission says that any deadlines pertaining to municipalities are put on hold while the Cape Cod Commission proceeding is ongoing. Arguably that deadline isn't even running right now.

Dr. Marasco: But there is a clock running, technically.

Mr. Kimmell: under one law the clock is running.

Dr. Marasco: If we don't have the hearing or make a decision in that 90 day period then they will go to another authority.

Mr. Kimmell: They will, but you will say

Dr. Marasco: I understand. The argument could be made, hey listen, all we know is we applied 90 days ago, we want someone to make a decision.

Mr. Kimmell: You are right that is a possibility.

Dr. Marasco: Alright, thank you, that is all I have and in my opinion I believe that there is public interest in going ahead with it to prevent an automatic for someone making the argument that we have violated the 90 day period.

Mr. Saben: Is there anything else from any of the board members. Hearing none we are going to proceed with our hearing and I would like to ask if you can identify yourselves and we will allow you to proceed at this time.

Walter Fromm: My name is Walter Fromm, Manager Project Engineering, Keyspan Energy and the first thing I would like to say thank you for this opportunity to come before you to discuss our street opening permit application for our gas pipeline. Tonight I have with me Dennis MacAleese, Manager of Field Operations for Cape Cod, Ed Wencis, Project Manager for this project Keyspan reinforcement project and Joe Carroll, Manager of Community Relations for Keyspan Energy in New England. As you know we submitted our street opening permit request for construction of a new gas pipeline in the Town of Yarmouth. We submitted that application back in mid June as Attorney Kimmell pointed out. The construction of approximately 12,000 feet of 12 inch diameter natural gas pipe line starting at the energy facility located on Whites Path in Yarmouth. The pipeline would be built in Whites Path running down toward North Main Street and down North Main Street and Great Western Road where it terminates at the intersection at Great Western Road and Highbank Road. Keyspan anticipates starting construction pending the appropriate approvals this fall with construction completion expected by December 1st 2006. The pipeline is needed to support our system and allows us to provide safe reliable service to our customers on the Cape. Our primary goal tonight is to come before you to answer any questions and address any issues that the Board has with our street opening permit request and we are happy to take those questions now.

Mr. Saben: Before we start that we have members of our current staff that may want to add a few things. George, would you like to make some comments at this time. George Allaire our DPW Director.

Mr. Allaire We have made a conscientious effort to put a comprehensive recommendation in front of you which we have given you in writing for a provision for the project they are trying to undertake. The recommendations depending on whether you want to provide a permit or allow them to excavate the road or not but if you do those are the recommendations we are giving you.

Mr. Saben: Selectman Sullivan

Mr. Sullivan: Before you step away, Mr. Allaire, could you just highlight some of those because, here I will give you my copy, there are some important things in there that I think the public should understand and kind of relate it to the road management project that we have been undergoing and a little bit of history of that.

Mr. Allaire: We tell you Great Western Road was overlayed I think five years ago and was recently had a rubberized chipseal this last season. Most of the work they are planning is in the shoulder of the road with no services which is good. One of our concerns of course is that they already have a low pressure main in the Great Western Road and a high pressure main in Great Western Road and now they are going to add a second high pressure main on Great Western Road. Then we start talking about installation of sanitary sewers throughout town, I don't even want to think about that prospect. I will be observing from a distance. Anyways the major I think that may create heartburn for the company and flies in the face of some of the DET regulations I believe is the requirement of the two inch overlay on Whites Path. I am sure that will be some issue for them. We required or requested a temporary and permanent patch on Great Western Road and if that is acceptable a final rubberized chipseal over the trench area to extend two feet beyond the trench areas yet they could seal just like when you seal your driveway you want to seal the whole thing not just half the roadway. So we have a good membrane now, probably has a 20 year life, even more than just an overlay and we think it is a valuable asset we need to protect. The rest of the things are more signage for keeping the public notified of what is going to happen, when. Those are the major items in this permit.

Mr. Sullivan: Mr. Allaire, if I understand it correctly that once a service such as either road is cut, patches that we have seen in the past from this utility and other utilities actually degrades the road faster so what we are looking to do is to protect the investment that the taxpayers in the town have made in the structure itself and also the drivability of the roads for the lifespan that our pavement management system has....

Mr. Allaire: that is absolutely correct. Any compromise of the surface of the pavement ends up by creating pathways for water to get into the base and that causes deterioration, utility trenches are known for that. Unfortunately, that argument has been made to the DTE before and that is why they ended up with the regulations they do, I believe it protects the utilities more than it helps us.

Mr. Sullivan: well that body is controlled, well I won't go there. Thank you Mr. Allaire.

Mr. Saben: any additional questions?

Mr. Sullivan: I am all set for that. Selectman Groskopf.

Mr. Groskopf: there are some things I would like to make the public record of. One, I don't think we should be holding this hearing. I think as we are conducting it, it is merely a courtesy for the four Keyspan employees who are here. Based on Keyspan's behavior in the past to my knowledge and in the manner in which they have conducted themselves, if I were Keyspan you would be out of here and I wouldn't care. How far you drove to get here and what you had to say because I as a utility will roll right over you. That is what everybody is afraid of and that is what it seems to us that your behavior as a company as exemplified. I think this is a mere courtesy and nothing should reflect the fact that we think it is a hearing in the official sense of the word.

Mr. Saben: Selectman McAuliffe.

Mrs. McAuliffe: A couple of things. If we down the road have to make a decision as part of the road opening permit, is Keyspan required to meet all these conditions or are these negotiation points.

Mr. Kimmell: If you attach those conditions to the permit, Keyspan is required to abide by them. But Keyspan has options if it disagrees with one or more of the conditions.

Mrs. McAuliffe: and what are those options?

Mr. Kimmell: Going to the DTE. Saying these particular conditions are excessive, are more than what the state requires, or we are going to court and challenge them and other utilities have done that and some have been successful. I think that, my own opinion is that many of these conditions are within the DTE standards and would be upheld. Some of them arguable go beyond. As I understand it, Keyspan and I could be wrong in not objecting to these conditions, it might be worth finding that out and getting a statement on the record as to whether they are objecting to any of them. Obviously, if they are not it puts you in a better position.

Mr. Saben: do you have a copy of these gentlemen?

Mr. MacAleese: Dennis MacAleese, Manager of Field Operations for Cape Cod. We have seen the conditions that was proposed to the Board. We are not in the position right now that we are absolutely not opposed. We are kind of under the impression that the board and the public may have questions for us. Right now in recognition that this is certainly a courtesy. We appreciate the courtesy and until we kind of got of the full Cape Cod Commission, we would be moving forward with every anticipation that we would be back in front of the board to finalize the road opening permit.

Mr. Saben: Selectman McAuliffe

Mrs. McAuliffe: why are you electing to use Whites Path and not the Main Street Roads and not the rail trail or the railway since it runs down the middle of the Cape.

Mr. Malakese: it is our obligation to provide least cost gas service to our customers on the Cape and after an extensive analysis in front of the energy study board, it was determined by not only Keyspan but also the Siting Board agreed with us is that the preferred route was the Whites Path/Great Western Road route. It provided the least cost alternative to provide gas service to our customers with the least environmental impact and provided the most reliable solution for our needs.

Mrs. McAuliffe: if the Cape Cod Commission denies your request, then would you be amenable to considering the rail trail for the access to get your high pressure pipeline down to Chatham?

Mr. Malakese: it is our intent to construct pipe along the preferred route which we are currently not pursuing a project along that rail trail alternative. I believe we would continue to pursue that, get approvals to construct on the preferred route. The Siting Board has already ruled and given us approval to construct along the preferred route and to go back to them, I am not sure, our attorney is not here, I wouldn't know how to go about doing that. So we are before you today and in front of the Cape Cod Commission to seek approval along the preferred route.

Mrs. McAuliffe: it is Keyspan's preferred route. It is not Yarmouth's or Dennis' preferred route. I think in the future perhaps before we are at the point we are today, that the Siting Board permission and Keyspan and Yarmouth perhaps there should be some PR and preliminary discussions with the towns. There is a perception that Keyspan does work and then comes to the town and says OK this is the way it is going to be. For us it is not only disruptive to residents but it is also going to disturb our road system. George Allaire sort of joked about it, but there are safety concerns. All of us are aware of high pressure gas lines being an additional issue and people are not necessarily comfortable with more than one high pressure lines going thru their neighborhoods. So, before we get to this point again, just take note that when you need to come into Cape Cod town or any town, perhaps you should be talking to the people in that town prior to getting permission and prior to going your route. A lot of times when people are coming in, not necessarily utilities, they will have a preliminary sit down with people in Yarmouth. Nothing official, this is what we plan, this is what we are going to do and this is what we would like to do. Because what it has done it puts us with our backs up against the wall in a situation we are going to feel like something is going to be forced down the throats of Yarmouth.

Mr. Malakese: it is not our intent to have the perception out there that we are trying to force anything down any town. We actually started this project several years ago and we started our outreach on the Cape, myself personally, in fact it was January 2005, our meeting with Sandwich, Barnstable, Yarmouth, Harwich and Dennis identify that we have a large project coming to continue to deliver safe gas service to our customers on the Cape. We have this project and we have been in front of you at least the town

administrators, the DPW directors, Joe himself, our manager of community relations as well. So we feel we have gone in front of the Siting Board and presented a project that would provide the least cost, most reliable with the least environmental impact project to our customers on the Cape. We spent approximately nine months in front of the Siting Board presenting all the facts and all the information of which the town participated. So we feel that we came at the right time several years before we construct pipe. Unfortunately the deception is out there, we heard that.

Mr. Carroll: My name is Joe Carroll. We had this process from a business plan. We go from summer now year round and the demand and we looked at it from that point and as Walter pointed out we did begin the process way back so I know the perception is out there and I know it has been in the paper that now it comes before you to bring you up on our I believe some quotes we are jumping off a cliff or ... by no means were we trying to do anything like that. We were looking at our residents, gas customers down at the end of the Cape which is why we began this process. Way back as Walter pointed out, we have met with the town engineers, DPW directors, and other officials just to inform them where we are and the proposed of what we are looking to try to do and that process began as Walter pointed out, the towns did act and did get involved as that site process began. We did try to get down and we did speak to folks and we did let them know where we were planning to go and again we were looking at safe environmental delivery of natural gas to our Cape Cod residents.

Mr. Saben: Selectman Sullivan

Mr. Sullivan: Just a point of clarification from my viewpoint. We brought the, my understanding you brought the Town of Yarmouth in rather late in the process. I am very critical of the way your now large company operates. It is not like the days when the original Colonial Gas operated and we could operate on a handshake. We cannot do that with your company any more. You didn't come in asking for an opinion, you came in and said here is what we are going to do. You came in like the gun slinger from out of town. This town has a history of cooperation that 1,2,3, the last 24 months with three very large projects, different industries, have come before us asking for help. We have bent over backwards. You came in and staring pushing us around, we pushed back. You didn't really listen in my opinion to the rail trail alternative. You started throwing objections because that is not in your business management mold. It steps outside of the mold, it might be what is best for the communities but Keyspan doesn't care because Keyspan is so big. I don't think you have been cooperative. I don't think you have been a good cooperative resident of the Town of Yarmouth. That is my own personal opinion that others might share. Thank you Mr. Chairman.

Mr. Saben: Selectman Groskopf

Mr. Groskopf: Were you here for the presentations three months ago, that your attorneys made to the town in this room.

Keyspan reps, yes, yes

Mr. Groskopf: do you remember he said give us this or the customers on the Cape are going to freeze this summer, I mean this winter, huh? We need the approval now or the outer Cape is going to freeze this winter. That is the kind of pushing around that we are talking about and that is why we resent you.

Keyspan Rep: Just if I may briefly,I did happen to start at Colonial Gas ten years ago. I think that we recognize, Keyspan recognizes that we could have done a few things better but I will state honestly that it was never our intent to ruffle the feathers of the Town of Yarmouth or any other town down here. All of our efforts were made in the best interest of our customers on the Cape and again, lessons learned we could have done things better. But I sincerely say to you that it was not our intent to ruffle your feathers.

Mr. Saben: Any more members of the Board? Selectman Marasco

Dr. Marasco: First of all I am happy to have this hearing. You had a business plan and your trying to carry that out and serve your customers in the least, the most efficient economic way was your statement or something along those lines. I appreciate that, I understand business. You must also appreciate part of our responsibilities here is to listen to a dog hearing and to listen to other things but I think the main thing is if you asked any of us is public safety. I think we are all concerned about that for many reasons. My opinion, this project is more dangerous than it needs to be. You are asking to put a high pressure line in one of the most densely parts of Yarmouth. Also, you are asking to put a high pressure line in an area that is guaranteed to have future road openings on it increasing the risk of violation of that pipe and therefore a harm to the public. We have all read about the stories in New Jersey where apartment houses have evaporated because of ruptures of high pressure lines. We have no attention, or I have no intention of allowing or putting, just like you are thinking about your customers, I have no intention to put a Yarmouth citizen in harms way if there is a safer way to do it. Clearly, in other parts of the Cape you have placed your high pressure line along a non populated area where there will not be increased road openings in the future particularly along the rail trail. In my opinion that is where this pipeline should go and that is where the safest place is. I have no desire to talk about curb cuts or anything on an unsafe project. I think this project is unsafe and I think we would be harming our public if we were to allow any road openings that would allow this project to go forward.

Mr. Saben: anything else from any members of the board?

Mr. Saben: Anyone from the public. Fire Chief I can recognize you first. This is our Town of Yarmouth Fire Chief, Chief Sherman.

Chief Sherman: Thank you, Randall Sherman Fire Chief Town of Yarmouth. We work with Keyspan on the street on a regular basis. I work with Mr. MacAleese and I found him very cooperative in responding to our questions, concerns, and emergency responses but in this matter I would have to agree with many of the Selectmen's statements. We have found them to be uncooperative and am listening as a corporation. I am as

concerned as Dr. Marasco in terms of opening the street for the quantity of the gas pipe that is already on the street, the quantity of valves that are already on the street and adding a third gas line, a high pressure line, to that situation. I don't agree nor do I believe their statement, sorry to say, that putting in a shorter gas main down an unpaved rail trail with much fewer valves necessary, much fewer gigs necessary, is more expensive than this project which tears up a road with multiple utilities under it, multiple roads, multiple driveways and then going over obviously Highbank bridge itself. I don't know how we get back to having this company taking an honest look by the alternative offered by the two towns because I personally think that that is not only in their best interest but in the public's interest and the public safety's best interest. One of my ongoing concerns with this company as a utility is their inability to identify the

.....boxes and (turned over tape)

.....In terms of the site where the tank is, I think they are going to put in a corporate, the various companieshavea safe and a proper plan, they have communicated well but in the street we have issues and I think the company has an opportunity here to have this be a safer project. I don't believe for a minute that people are going to freeze on Cape Cod next winter if they don't build this piece of pipe this fall. They are a big company making long range plans and yes, their long range plans require them to deliver more natural gas to the lower Cape. One winter ago, not last winter but the winter before, was one of the worst on the Cape and we had no problem, they had no problem providing the natural gas to the lower Cape. I don't believe in a two year period of time the customers are going to lose heat as a result of that. I believe that was just an excessive statement by one of their attorneys and I don't believe that statement would have come from any of these gentlemen in that regard. But that statement was made here, I did hear it and it was very inappropriate and I agree with your characterization. So, I have my concerns, I have my safety concerns, I think this is a much safer project for the citizens of this town both during construction and once under use that this pipeline link where the towns of Dennis and Yarmouth have offered it to go and I believe that could be done by this corporation at less cost than what they planned. Any common person looking at both sets of plans would come to that same conclusion.

Mr. Saben: Anyone else from the public wish to comment?

Mr. Saben: please identify yourself.

Mr. Howard: Bob Howard, St. Andrews Way, South Yarmouth. I would like to ask a statement being nebulous that I gather is that when they tell us that they have looked to save us the taxpayer money by going down Great Western rather than going down the railroad. Now I would like to see facts and figures of where you people came up with the analysis rather than just a statement saying we want to do this for the public. I find that irresponsible and also maybe the paper is right that you people have come down here and we don't even from me, just a little guy, didn't know anything about this until about a month ago when this all broke. Whether you had meetings or whatever it hasn't been covered very well, thank you.

Keyspan Rep: If I can just respond to his comment briefly, um, Bob Howard St. Andrew's Way, South Yarmouth, was that the address. I will have a copy of the record shipped to you tomorrow morning so you can review it.

Mr. Saben: Is there anyone else from the public.

Do you have any additional questions or comments that you would like to place before the board?

Mr. Howard. Can I respond to that please. And you tell meand what it is going to cost you or me to go down the railroad as against going down Great Western. How much is it.

Keyspan Rep: Off the top of my head, it is all in the book, I will bring you a copy of it.

Mr. Howard: and you can't give me that today off the top of your head?

Keyspan Rep: I want to say it is approximately 3/4s of a million dollars to 1.....

Mr. Howard: that's peanuts for a corporation your size and with the fire chief has said and what our department of public has stated? 3/4s of a million dollars?

Mr. Saben: thank you Bob that would also be the information I would also be interested in seeing. I appreciate your coming this evening, actually, I will let you make a comment and I will.....

Keyspan Rep: that information that we are referring to is the Siting Board information, the Siting Board petition that was submitted back in June of '05. the entire record is pretty extensive of which I am sure the Town of Yarmouth is aware of thru Attorney Kimmell. All of that analysis and information is in that. I would say you have it.

Mr. Saben: I don't, and I think what I am hearing from the resident is that we would be interested in seeing the section with regards to your cost benefit analysis that demonstrates that this method is more beneficial. I wrapping this up, I share the concerns of my fellow board members. I am deeply disappointed. I thought this was a wonderful opportunity for Keyspan to demonstrate good neighbor ship. I even suggested that the possibility should you elect to go over the what would ultimately be the bike path bridge, there was an opportunity to even have some naming that could take place there would it could be called the Keyspan Bike path Bridge. I think the public relations point, you guy blew it, if you were my PR guys I would fire you tomorrow because you did a terrible job in expressing your desires and concerns to the residents and taxpayers of not only just this town but I am sure you are going to hear similar comments on the other side of the river . I think that it is rather unfortunate that an option that would be beneficial to your rate payers, the people who pay your bills, has been ignored and I guess of oil were a different thing that I might consider changing to oil vs. gasoline because I really am not thrilled with the performance of Keyspan and I have been a gas subscriber for a number

of years but like I said if oil was lower I would probably be the first one to change my service because it demonstrates to me a lack of willingness to cooperate with communities and I think what makes good business is good companies and good neighbors and I am sad to see that Keyspan has apparently elected to select a route that is less advantageous to the community and more advantageous to their bottom line and that disappoints me. If there is nothing else,

Keyspan Rep - I don't want to inflame an alreadysituation but I thought just under the scenario issue of cost it would be helpful. You haven't had a chance to review the 150 page Siting Board review. The Board actually found that the route that was selected by Keyspan was not the less costlythat was not the basis of the decision. Keyspan, their witnesses, testified to that fact but we also had witnesses saying look at all the cost saving going down the road right of way and the Siting Board found based on the record that it was a tie. I just wanted you to have that fact.

Mr. Saben: if there is nothing else from the board, nothing else that you wish to add

Mrs. McAuliffe: we just continue the hearing then.

Mr. Saben: I would ask that we close the hearing at this time? No we continue it.

Keyspan Rep. I know there has been a lot of statements made, if you keep it open at the next meeting, we can certainly come down and go thru all that.

Mr. Saben: it would be very helpful to the rate payers and the citizens of Yarmouth to really get an understanding of why you elect to do something that is an adversarial position so having an understanding of that and that is where kind of where we are going. Selectmen Marasco.

Dr. Marasco: just to answer that. I am really not interested in hearing why it is a good thing for Yarmouth. I am very sorry, public safety trumps these things so we disagree on that. Do you think it is publicly safe and I disagree. Coming and talking more about it is not going to change that. It is a high pressure line. We have our respected fire chief. That is it. I don't think there is anything else. If you intention is to try and come and just give us more information so as to try to convince us that is a waste of time and we are all professionals and we can't afford to do that.

Mr. Saben: we are going to continue the hearing and at that time we will allow them to present any additional information that they may have.

Mr. Sullivan: should we go to a time certain, or just continue?

Mr. Kimmell: I would set a date certain and then of course intervening events may

Mr. Lawton: it would have to be after the 10th.

Mrs. McAuliffe: we are not meeting the 15th so it would be the 22nd.

Mr. Sullivan: I move to continue this hearing to August 22nd.

Mrs. McAuliffe: seconded

Mr. Saben: there is a motion on the floor and second to move this hearing to August 22nd. Is there any discussion? Hearing none, all those in favor of continuing this hearing on August 22nd say aye.

Mrs. McAuliffe, aye

Mr. Sullivan, aye

Dr. Marasco, aye

Mr. Groskopf, aye

Mr. Saben, aye

Mr. Saben: opposed? It is unanimous. We will continue this hearing to August 22nd.

Special Town Meeting – September 13, 2006 Review and Discussion

Mr. Lawton said next week is the final opportunity to decide which articles go in the warrant. He referred to the list (attached) and asked if the board wanted to include all 28 articles or eliminate some of them.

Mrs. McAuliffe stated at this point she would like to leave everything in tact because she would like to hear from the Planning Board and the PCP. Mr. Lawton also asked the selectmen if they would consider the order of the articles on the warrant.

Chief Carnes discussed article 8 and the possible override. He said Selectman Marasco is correct, the number has changed because it is a new budget year, these are positions that did receive a salary increase based upon contractual agreements. In May the article was for \$368,629. To do the same thing now based upon the current wages and figures, we estimate that figure to be \$423,382. It is the same proposal we brought forward back in May and it was to promote 3 existing patrol officers to the rank of patrol sergeant and the cost to hire, train and equip 5 patrol officers. Based on the new contract and the new figures it is \$423,382.40.

Chief Carnes did announced he neglected to say that the Police Study is on the Yarmouth Police Web page for any resident that wants to read that report in detail.

The Chief said if the board accepted every recommendation in the study that they said the Yarmouth Police Department needs it would be in the \$800,000 figure. Our immediate needs are for 2 additional patrol officers, 3 sergeants and one detective. The Chief said they are not going for the detective at this point. They think it is more valuable to have

the patrol officers on the street responding to the calls of service for our community and there is a considerable value to having sergeants being able to supervise on the street.

Dr. Marasco asked about if the changes will change the budget of overtime. The Chief said his goal would be to stabilize his overtime. He cannot predict human behavior and he can predict what it is going to cost to run business. They will do the best they can and do it the most cost effectively they can. They get calls for service which they cannot control, they cannot control officer injuries, they cannot control gang activity, and they cannot control some of the investigations they have.

In response to Jerry Sullivan's request for information regarding Station 3 Construction, Chief Sherman stated the general contractor bids were very favorable and they absorbed approximately half of what was seen as an excess in the subcontractor bids. The Chief referred to two memos he provided the selectmen outlining the issue. They narrowed the outstanding financial issues to be the issue of the site work because this piece of town property is a former town dump of some kind. Within the top soil from 18" to 6 ' in some areas we have what is known as urban fill. That is an initial cost that nobody anticipated. They estimate the cost of cleaning this will be \$30,000. It could be more or else but will not know until the equipment is on site. They will be only excavating the exact footprint. The second outstanding financial issue is that they are rebidding the HVAC system because the bids came in so far above everyone's professional estimates. That process is taking place now which could make \$100,000 difference. He noted the bid price received from the general contractor including the three options was within their projected budget for that portion of the project. He will be in before the board again next week with their recommendation even if it is necessary for them to ask for an increase in funds to properly do this building. The funds would only be spent if absolutely necessary at the end of the project.

Jim Saben thanked Chief Sherman and the committee for work on this project and appreciated the time and effort that they put in.

Mr. Saben recommended organizing all of this information for further discussion next week.

It was agreed that the Chairman of the Board and Mr. Lawton would prioritize the articles and the board would finalize next week.

Appointments

Mrs. McAuliffe recommended that Mr. Robert Howard be reappointed at the town's representative to the Barnstable Municipal Airport Commission for a three year term thru July 31, 2009. Mr. Saben so moved and seconded by Mr. Sullivan. Mr. Sullivan commented he appreciated the work Mr. Howard has been doing but wonders why with Barnstable not giving us any recognition. He felt we should have a regional airport commission appointed by the Governor. Mrs. McAuliffe said at this point we deserve to

have an open communication and a smooth path which Bob Howard has provided. We need to have some coordinated relationship. Vote unanimous.

Mrs. McAuliffe recommended that Charles Adams be appointed to the Design Review Advisory Committee for a one year term which will run thru July 31, 2007. Mr. Saben so moved and seconded by Mr. Sullivan. Vote unanimous.
There is still one opening on the Design Review Committee.

Mrs. McAuliffe recommended that Mr. Tony Kent, Jr. be appointed at the Town of Yarmouth's representative as the Tony Kent Representative to the Board of Directors. This appointment is for a three year term to run thru June 30, 2009. Suzanne was making the recommendation based on the fact that we need a smooth running board and to keep things on a positive note at the arena> Mr. Sullivan so moved, seconded by Mr. Saben. Vote unanimous. It was suggested to send the incumbent a letter of thanks.

Mr. Groskopf reminded everyone this Thursday will be Tell It to Bud Time at the Senior Center.

Mr. Saben announced that another public hearing will be held on the Key Span issue on August 10 at the Cape Cod Commission.

Mr. Lawton reviewed the consent agenda which was the acceptance of a series of gifts. Mr. Sullivan moved to accept the consent agenda, seconded by Mrs. McAuliffe. Vote unanimous.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Sullivan. Vote unanimous.

Board of Selectmen Meeting: July 25, 2006 – Regular Meeting

Present: James Saben, Jerry Sullivan, Suzanne McAuliffe, Dan Horgan, Bud Groskopf, William Marasco and Town Administrator Robert Lawton.

Jim Saben opened the meeting at 7:00 p.m.

Pledge of Allegiance

Public

None

Mr. Saben referred to the updated goals that were in the packet. He said he took the response from each of the Selectmen, applied them and made some general comments and changes.

Suzanne the proposed goals is comprehensive and covers a lot of ongoing issues and new issues and felt it was a good road map. Bud Groskopf agreed with Suzanne. Jim Saben said it might be helpful to provide direction to some of our boards and committees and ask that we look at where some of the responsibility and assisting us in achieving these goals might lie. Jim said we also have materials in the packet regarding the affordable housing committee and the community and economic development committee. Last week the board discussing adopting these as part of our goals.

1. Enhance, sustain and broaden the economic base of the community.
2. Protect the environment and water supply. Jim said this is a particular area there is a lot to discuss in our future with regards to renewable energy sources, the municipal airport and the role of the Cape Cod Commission.
3. Provide affordable housing opportunities to residents and seasonal employees of the town.

The Board had some concerns regarding the goals of the economic development committee and suggested looking at them, make some recommendations and adopt a revise issue of theirs thru some additional discussion back to them. Bill Marasco said we need to have the five of us here and come together and try to say what we are going to work on for the next year in order to focus. The Selectmen are policy makers. We look to our volunteers to try to formulate our police and carry out our policy. He said he agrees with the goals of the affordable housing committee and the Economic

Development Committee. Details need to be worked out at workshops and it needs to come from the Board to say what the priorities are.

Following a discussion, it was determined that the Board would continue with their general goals and not adopt specific goals of these committees. As committees and boards finalize and prioritize their goals they may wish to meet with the Board of Selectmen on specific action plan items on which they may want the board's support. The Board did ask that the Affordable Housing Committee continue their work on their action plan concerning Bakers Path. Once the Bakers Path issue has been finalized and their action plan has been completed, they will be invited to a Selectmen's meeting to discuss the specifics of the Bakers Path plan as well as their action plan.

Suzanne McAuliffe moved to adopt the Board of Selectmen's updated goals for FY '07 – '08 as printed, seconded by Mr. Groskopf. Vote unanimous.

Mr. Saben noted that one of the requests last week from the Affordable Housing Committee was to amend their charge to accommodate more alternate members. They want to go to three. Mr. Groskopf moved that the Board authorizes the committee to have 9 members and 3 alternate members, seconded by Mrs. McAuliffe. Vote unanimous.

Discussion Possible Special Town Meeting, Special Election

Mr. Lawton reviewed the articles in the draft warrant dated July 19, 2006

1. we should have a figure next couple of weeks.
2. 3. and 4 – this would set us up to make the final repairs on Huntington Avenue
- 5 This is a request for the town to sell .4 acre parcel off of Willow Street, W.Y.
6. Veterans Benefits have increased.
7. Special Detail Fee Account. \$2,300 to purchase computer software to schedule and bill police and fire special details.
8. Home Rule Petition – Explanation on Ballot Questions at Local Level. - Needs to be submitted to legislature.
9. Bill of Prior Years

10. Override Article – will discuss next week.
11. 12, 13, 14, - Planning Articles - Planning Board will be coming into a Board Meeting on the 8th.
15. Replacement or Repair Overhead doors at the Transfer Station
16. Additional Funds for Fire Station #3. Chief Sherman will be in on the 8th to give the recommendation of the building committee.
- 17, 18, 19, 20, 21, 22, – Community Preservation Committee will be in to discuss their articles.
23. Petition Legislature to require voting Yarmouth Representation on Barnstable Airport Commission. It was also suggested to add another article to create a regional airport commission to replace the Barnstable Airport Commission.
24. Wind Facilities Article
25. Legislature to establish an affordable housing fund.

Mr. Lawton stated the final date to review the warrant and adopt the warrant is August 8th.

Appointments

Dr. Marasco referred to a resignation from Eric Tolley, Planning Board Member. Mrs. McAuliffe moved to accept with regret, seconded by Mr. Sullivan. Vote unanimous.

Dr. Marasco referred to the resignation of himself as the representative to the Cape Cod Commission. He said he had thoroughly enjoyed the Cape Cod Commission and thanked the Board for their support and asked that they accept his resignation as a Cape Cod Commission member. Mrs. McAuliffe so moved, seconded by Mr. Sullivan. Vote unanimous.

Dr. Marasco and Suzanne McAuliffe recommended appointing Chuck Lockhart as Yarmouth's Representative to the Cape Cod Commission to fill the unexpired term to April 30, 2008. Mr. Saben so moved, seconded by Mr. Sullivan. Vote unanimous.

Mrs. McAuliffe moved to accept the Selectmen meeting minutes of February 28, 2006 (Regular Meeting and Joint Meeting with Finance Committee), March 7, 2006 (Workshop Meeting) and March 14, 2006 Regular Meeting).

Mr. Lawton reviewed the consent agenda and the donations listed. Mrs. McAuliffe moved to accept the consent agenda, seconded by Mr. Sullivan. Vote unanimous.

Selectmen Items

Bud Groskopf asked about the Key Span Hearings. Mr. Lawton said there are two parts. On Thursday, is a subcommittee meeting and they will be reviewing what the subcommittee will recommend to the full board which will be meeting on August 10. Mr. Lawton said the Cape Cod Commission wanted a letter from him to describe what agreement we had if any with Key Span and as written there is no agreement. There have been discussions by the DPW with Key Span about what they will or will not do if we have to go in the commercial and residential areas with the high pressure line what will be the level of repaving, etc. George Allaire is working on this and there also has been a lot of discussion about the Highbank Bridge. The Board of Selectmen is having a hearing on the first of August and there may be some discussion at that time but there is no agreement. So on the 27th, the subcommittee is deciding how they will formally recommend to the full board what action to take. On the hearing notice for the 27th, it does state that anyone wishing to testify orally will be welcome to do so. Mr. Lawton will confirm this.

Mrs. McAuliffe felt legislation should be filed by Cleon Turner. She said we need to write a letter to the Cape Cod Commission regarding exactly what we want from the Cape Cod Commission. She said the board needs to write a letter that asks for fall clean up at the airport site in terms of not letting the ponds stay the way they are with the possibility of the sediment getting into our water supply. The DRI proponent Horsley and Witten is presenting the information in a light that is most favorable to Barnstable and will allow Barnstable to save the most money. It is not in the best interest of Yarmouth and we need to ask the Cape Cod Commission to step up their look at that. Also there have been two names put in for the opening on the Airport Commission and neither one are from Yarmouth. Suzanne said she would also like to put the traffic issue in there which is being disregarded. She summarized it is water resources, hazardous materials, and traffic that we need to ask them to address aggressively and they are not.

Dr. Marasco spoke about the traffic projections and how the projections have been estimated to increase volume at a rate of a 3% increase per year when the airport growth has been reported to be increasing at the rate of almost 20% per year. He said the Cape Cod Commission needs to step up and say there are regional impacts here and they have to consider the impacts on Yarmouth but to date that has not happened.

Mr. Saben spoke about the energy committee and some of the things they are working on and there is a suggestion that we act on a regional approach.

Brian Braginton-Smith made a presentation suggesting that the Town of Yarmouth should enter into agreements with other midCape communities to develop electric wind generation and combine together in order to secure funding and a market for such wind energy. The Board of Selectmen was supportive of the concept but is seeking an opinion from town counsel to determine if there are any conflict of interest issues as raised by Charlotte Striebel, a member of the Energy Committee and the Cape Light Compact.

The Selectmen wanted to make sure the energy committee understood that they are an integral part of this discussion and that plans will be sent to the energy committee for review and recommendation to the Board of Selectmen.

Being no further business, Mr. Sullivan moved to adjourn, seconded by Mrs. McAuliffe, vote was unanimous.

Selectmen Meeting Minutes – July 18, 2006

Selectmen Present: James Saben, Bud Groskopf, Jerome Sullivan and William Marasco and Town Administrator Robert Lawton

Absent: Suzanne McAuliffe

Chairman James Saben opened the meeting at 7:00 p.m.

Public

None

Community and Economic Development Committee – Annual Meeting

Peter Smith, Chair, introduced Tracy Post, Paul Tardif, John Barker, Bob DuBois, Jack Hynes and Jack McCormack.

Peter reviewed the committee's charge, Accomplishments and Goals as provided to the Selectmen in their packets. (see attached)

Following a lengthy discussion, the Board expressed their appreciation and commitment to the town and this committee and Mr. Sullivan moved to accept the goals as presented by the Economic and Community Development Committee and add their goals as an addendum to the Selectmen goals, seconded by Mr. Groskopf, Dr. Marasco felt this was premature and we need to talk about the goals. Mr. Saben said next week the board will be discussing their goals and would prefer to table this at this time. Mr. Sullivan withdrew the motion for a week with some concern as did Mr. Groskopf withdrew his second.

Affordable Housing Committee

Jim Hoben, Chair of Affordable Housing Committee, was present and introduced members of his committee that were present: Barbara Beeler, Mary Ann Comeau, Bob Palmer, Gloria Smith, Kieran Healey.

Mr. Hoben referred to the document provided to the Selectmen. He said they were asking that the committee's charge be changed and were asking for one more alternate for a total of 3 alternates. That would make the membership 9 members and 3 alternates which would add to the committee's flexibility. Jim summarized their accomplishments and goals.

There was a lengthy discussion on the Bakers Path Project. The following steps were suggested in order to bring the Bakers Path project to a final decision point:

The committee should determine whether or not an additional meeting with the neighbors in order to present their recommended plan would be of any advantage.

The committee should develop a package of information including a suggested plan of the proposed affordable housing subdivision and submit it to the Board of Selectmen at their earliest convenience.

Following submission to the Board, a meeting would be arranged with the Board of Selectmen to discuss the plan and make a determination as to whether or not to go forward.

The Board noted if the decision is to go forward, the Engineering Division will need to be involved as we would have to start during the month of September with notices and hearings in order to acquire Astor Road as a town road. The cost would need to be determined for such acquisition and how this cost would be funded.

There was also a discussion during the meeting of the possible abandonment of the layout of Old Town House Road. Mr. Lawton would be speaking with the DPW Director regarding the possibility as there may be issues regarding the bikeway and other access routes which may determine whether or not we should go forward with such abandonment.

Discussion – Possible Special Town Meeting, Special Election

Mr. Saben referred to the possible schedule for Special Town Meeting with a list of potential articles for the special town meeting.

Mr. Lawton noted on the schedule he tried to have the ballot vote be on a date where there was already an election called. Therefore, September 19 would be the ballot and back up from there.

Mr. Sullivan moved to adopt the schedule as provided by the Town Administrator, seconded by Mr. Groskopf, vote unanimous.

Mr. Lawton referred to the list of potential articles. There are no petitions.

Mr. Lawton gave a brief review of the list of articles.

Mr. Lawton said the absolute last night to decide would be August 8.

Override Articles – one being for additional police officers and the other for a computer person.

Police Chief Peter Carnes said they were asking the board to consider the proposal and to support the hiring of the staff requested in the previous override in May. There will be a report from the Police Executive Research Board which has been scheduled for August 1. The report does support the hiring of the staff requested in the previous override and it goes well beyond the proposal and it also gives recommendations for future hiring. There are some significant recommendations in the report and the board will be able to scrutinize that from the experts in Washington and the board can listen to the reasons they have made specific recommendations. They are recommending the hiring of two patrol officers, three Sergeants and one detective be hired as soon as possible to augment the strength of the Yarmouth Police Department. The Chief said they are first responders in the police department. They respond to 30,000 calls of service per year and they have to somehow shift our first responders to be first preventers and that is what they are trying to do. It is an important strategy for protecting the community and addressing some of the issues they have and everyday the situation does not improve. The staff was last increased approximately 5 years ago based on a grant received by the Justice Department to put an officer in the Mattacheese Middle School and make the position at the high school full time. We have not added Sergeants since the 1970s. At the same time the school officers were appointed a night Lieutenant was added and also the rank of Deputy Chief. Mr. Saben thanked the Chief and his force for an outstanding job they do in our community. This discussion will continue over the next couple of weeks.

Fire Chief C. Randall Sherman referred to his memo regarding the plan of the construction of Station 3. Chief said the memo outlined the potential request for additional funding to be able to build the building that has been built and approved. We have downsized the building three times to get to that level but as predicted by Chairman Gray cost installations and construction have been astronomical in several areas and just in opening the subcontractors bids the numbers were most dismal in many areas. There were underestimates in the area of concrete. The Chief said they will be prepared to come before the Board with the committee's recommendations on August 8. He said they have rejected the HVAC bids and will be rebidding with additional detail requested. One of his concerns is that Cape contractors don't bid on these projects. We only had one Cape Cod Contractor bid on one trade. 18 General Contractors had taken out the specs and we have provided them with a list of the subcontractors they need. He wanted the board to be aware of the potential and it is not their desire to go over budget but there may be a need for additional funding to accomplish that. Dr. Marasco felt we need to look at another alternative. He suggested having the building inspector look at these plans and see if there is anything that can or can't be done. The Chief said he has been working with the building commissioner since day one and they are working with the Cape Light Compact and they are looking at every single avenue. He was simply notifying the Board for the potential and that is where we are at until we have the detail next week. Dr. Marasco said if the costs have changed or there was some error we need to examine that but if it is because things are getting tight, the last thing is to go back to the voters to get more funds but he would rather not do that.

Mr. Sullivan said we asked as a board because of the delays the board built in, this is one of the few times we have asked for an estimate based upon the best facts at the time. We won't know until after the bids are open and to make a comparison against other projects is unfair. Mr. Sullivan said he appreciates this information ahead of time. Jim Saben told the Chief he appreciates him coming in and he can assure that the citizenry of this community that the Chief's committee has worked diligently and long hours and have looked at every piece of this puzzle and he understands the Chief's frustration as well as the whole committee and appreciates being notified in advance that we might have this issue and is confident he will try to bring this project in as close to the dollar amount as estimated and the board will keep a spot open in the STM if necessary.

Mr. Lawton said one of the reasons for calling the special is to fund settlements of contracts that will be done.

2, 3, and 4 will be combined. It is the Huntington Avenue drainage issue. We will combine the purchase, the sale, and the easement. There is no real cost because we will purchase it and then sell another parcel for almost the same money. The easement we will not be paying for or it will be paid for thru some of the drainage account. This will benefit the whole road.

5 is a holdover from the annual town meeting. It is a small parcel of property off of Willow Street, Yarmouth Port, it is north of Route 6. Normally, we would have sold this parcel thru the Treasurer's Office because it was taken for taxes. What happened is a number of years ago we retook certain parcels because there was a potential for a flaw in the acquisition so now we have to go to town meeting for approval to sell it.

CPA – we will have some details next week on what potentially the four would be. There will be one small acquisition for the bikepath.

Develop an affordable housing trust with special legislation. This is to have a place where funds can be centered from other sources that would allow a committee set up by the Board of Selectmen to expend. Town meeting would approve the funds.

Veteran Services need more funds. This budget will need to be increased next year.

Bills of Prior Years – Hold a place for this.

Police Details - we charge 10% that is held in a separate fund. The staff has found some software that will schedule details and do a lot of paperwork for \$2,300 and the proposal is to take it out of those funds that come from details in order to make it more efficient by possibly releasing some staff from doing this work.

Legislation to be filed to allow short explanation to be placed on the ballot so people understand what they are voting on because currently the General Law does not allow an explanation.

Petition the Legislature to have a vote on the Barnstable Airport Commission

Zoning Articles – there may be as many as five.

Wind Facility Zoning ByLaw

Transfer Station to repair and replace some overhead doors.

Hyannis Park Civic Association Zoning Article – may not go forward.

More information will be provided to the selectmen regarding the details of the articles.

Consent Agenda

Mr. Lawton reviewed the consent agenda which included several items donated to the Recreation Division and a donation from the Town of Hanover to the Police Department for training. Mr. Sullivan moved to accept the consent agenda, seconded by Mr. Groskopf, vote unanimous.

Selectmen Items

Mr. Sullivan read a letter from a scholarship recipient which was addressed to the scholarship committee written by James Robert Daniels who is a sophomore at Mount Ida College and his parents Ronald and Janice Daniels.

Mr. Groskopf spoke of the Key Span Sagamore new gas line project. There were letters to the editor in the Cape Cod Times and the Register had an excellent editorial last week. The Cape Cod Commission will conduct a public hearing on Thursday, July 27 at 3:00 p.m. at the First District Court House, 6A in Barnstable, anyone who wishes to testify orally may be welcome to do so or written comments may be submitted at the hearing. He urged interested people to attend.

Bill Marasco referred to a note from town counsel noting the specifics of a litigation against the town. He suggested sending town counsel a letter of appreciation from the board and also a letter to Jim Armentrout who gave a lot of testimony.

Mr. Lawton referred to a note from Cleon Turner asking if the town could send a note asking to override the Governor's reduction of regional school transportation reimbursement. The board agreed.

Mr. Lawton referred to a note from the Cape Cod Commission concerning the CVS on Station Avenue. They wish to build a new building. The Board discussed this and expressed concern with increased traffic on Station Avenue and the issue of left turns out of the entrance onto Station Avenue. The selectmen were also concerned with the

location of the CVS in the APD. The selectmen wanted to ensure that the latest safeguards are in place to prevent any degradation of the town's water supply in this area. The board did not object to the project but has concerns with traffic mitigation as Station Avenue continues to become more congested.

Being no further business, Mr. Sullivan moved to adjourn, seconded by Mr. Groskopf.
Vote unanimous.

Board of Selectmen Meeting: June 27, 2006 – Regular Meeting

Present: Jerry Sullivan, Suzanne McAuliffe, Dan Horgan, Bud Groskopf, and Town Administrator Robert Lawton. Jim Saben was absent.

Vice Chairman Suzanne McAuliffe opened the meeting at 7:00 p.m.

Public

Scholarship Presentation

Sandi Femino, Chair of the Scholarship Committee, said the committee was comprised of five members – a Selectmen Representative Jerry Sullivan, Carol Woodbury, DY Superintendent of Schools, and three town residents John Minefield, Brenda Martinez and Sandi Femino. This year the committee is awarding 18 scholarships of \$300, \$500, and \$700 chosen from 25 applicants. 8 awards are entering freshmen, 6 entering sophomores, 3 to juniors and 1 senior. The committee basis its awards on academic excellence, community service and unmet educational/financial need. Since its inception in 1993, the committee has awarded \$215,000 to Yarmouth students for help in college. This year we had \$10,500 to award which came from donations by Yarmouth residents as well as the income from town educational funds, the Fredrick Howes Fund, the Ellen Chase Fund and the James Noel's fund. Unfortunately, our awards are only a drop in the educational bucket of costs. The committee hopes to be more of a presence in the community this year and to use some ideas to raise more funds. Sandi reminded everyone that they can make a contribution to the scholarship fund anytime one pays their taxes or any other town bill.

Sandi presented the awards

Jerry Sullivan thanked Sandi for all the work Sandi puts in prior to the committee's meeting and said without her this would not work.

Update on Fire Station #3

Chief Sherman gave an update on Station #3 in West Yarmouth. All site borings and testing have been completed and reported for final engineering. He thanked the DPW and the Engineering Department for their help in coordinating this effort and working with the private engineers as well. Final design has been completed and approved by the committee, sent to the printer and is now out to bid. Site plan review has been completed with some additional work being coordinated with the engineering department and that was completed today. They will be going before the Board of Appeals in July seeking only minor relief to allow emergency apparatus driveway to be wider than 24 feet and to have the buffer and tree requirement waived but only in the area of either side of the emergency apparatus driveway. All other requirements will be met. Cape Light Compact has received copies of the construction drawings and specifications. They will

assist in obtaining energy rebates for the positive energy designs which have been measured to exceed the requirements of the State Energy Code by 28%. The prebid conference was held today followed by the Station #3 Building Committee meeting. Bids will be open for subcontractors on July 11 at 1:00 and for the general contractors on July 25. The architect and the committee will review the recommendations for bid awards at their meeting on August 7 at 7:00 p.m. for presentation to Mr. Lawton. They will be prepared at that time to update the Board and present that information as early as August 8. They will be contracting pre-construction site work. This facility was previously used as a West Yarmouth/Yarmouth dump. A great deal of glass, tin and some asphalt and concrete has been found at the site. They are anticipating construction beginning before summer ends. Suzanne thanked the Chief for his update.

Bo Lawrence from West Yarmouth said he saw some disturbing tape from the Barnstable Municipal Airport Commission meeting of June 20 in reference to remarks made at the meeting by our representative which does not help Yarmouth's problem at all. Suzanne McAuliffe said because the representative is an appointee, the board handles this by taking a complaint in writing so the board can investigate it. She asked Mr. Lawrence to put his complaint in writing and the board will investigate it. Suzanne said it is an issue with people that we appoint and volunteers in the town. They deserve the chance to have their side heard. She told Mr. Lawrence she appreciates any concerns he has but would like the opportunity to look into them and felt a public meeting is not necessarily in the interest of anyone. Suzanne asked Mr. Lawrence to put his concern in writing and assured him the board will look into it and get back to him.

Mr. Lawrence he has only issues that was shown on TV. Suzanne said again she would appreciate having his concern in writing and would investigate it and get back to him. We need to get both sides. Mr. Lawrence said he is more concerned about the citizens of Yarmouth than the Barnstable Municipal Airport and they are not getting told what the facts are and that hurts the other people in Yarmouth. He will go along with what the Selectmen say.

Mr. Sullivan said Mr. Lawrence was cut off because he wants to make comments that were a public meeting held in Barnstable. The comments are already out and they are open for criticism or praise. He said Mr. Lawrence has the right to make a comment about a public meeting that already has been held. Suzanne said put it in writing because it is specifically about a representative. Mr. Sullivan said they will go forward with a formal complaint asking for his dismissal.

Mr. Sullivan said the Cape Cod Commission is having a subcommittee Thursday. Those who want to attend can attend. It is open to the public and they can make comments.

Hearings

Revocation of the Atrium Restaurant, Intrepids Food Inc.

Jerry Sullivan read the legal ad which appeared in the Yarmouth Register for the revocation of the All Alcoholic Annual Innholder License, weekday and Sunday entertainment Licenses issued to Intrepid Foods, Inc. dba the Atrium Restaurant, 183 Main Street should be modified, suspended or revoke.

Jerry noted that in the packet was a settlement agreement and general release of the lease and other issues with this request. No comments from the Selectmen or Public. Mrs. McAuliffe moved to revoke the all alcoholic annual innholders license weekday and Sunday entertainment license for Intrepid Foods Inc. dba the Atrium Restaurant, 183 Main Street, West Yarmouth. Seconded by Mr. Groskopf. Vote unanimous.

Yeahma, Inc. dba 4 Bros. Bistro

Mr. Sullivan read the legal ad for a new annual all alcoholic innholder license, weekday and Sunday Entertainment licenses from Yeahma, Inc. dba 4 Bros. Bistro, 183 Main Street, West Yarmouth, Ma. John Collucci, Manager.

Mr. Collucci was present along with his Attorney John Dean. Mr. Collucci noted they have signed a long term lease with the Cove and they intend to offer breakfast, lunch, and dinner. They are adding the alcohol as an ancillary to dinner. Their entertainment intent is to be low key and they don't intend to have 6 to 8 piece bands unless they have a function or wedding. They will restrict it mainly to disk jockey music, piano bar, karaoke night, single guitar players and things like that. They don't want to get into the night club business. They met with Lt. Xiarhos. They are looking for a replacement of the sound system that exists there. Mr. Collucci had the return receipts and there was a corporate vote submitted. No significant changes have been made to the interior. Their priority will be to the residents at the Cove. They will do advertising to the general public and will go after functions. Mr. Collucci has interviewed bar managers and bartenders which have been TIPS certified and Mr. Collucci is TIPS certified. His two brothers will be TIPS certified and they move along his staff will be TIPS certified. Mr. Sullivan said the board likes to see 100% of the staff being TIPS certified. Jerry said one of the board's goals is to have someone on the staff to be a TIPS trainer in order to train their own staff. Jerry said they need to be aware that noise is always a concern and no noise shall emanate outside of the building. Another area the board is concerned about is that someone is always in charge and the person in charge knows it. Somebody has to be in charge. Suzanne asked about the hours of entertainment. Hours being requested is 11:00 a.m. to 1:00 a.m. No comments from the public. Mr. Sullivan recommended granting the licenses as applied for. Mrs. McAuliffe moved the recommendation, seconded by Mr. Groskopf. Vote unanimous.

Southside Tavern, LLC dba Ardeo Grille At Kings Way – Correction in Hours

Mr. Sullivan read the legal ad for the correction in hours of entertainment hours by Southside Tavern, LLC dba Ardeo Grille at Kings Way ending time from 10:00 p.m.

until 12 midnight. Mr. Sullivan noted there was a letter in the packet that the entertainment should have been listed to 12:00 p.m. the past license was 12 p.m. there has been no problem in the past. Mr. Sullivan moved the request. Mrs. McAuliffe moved the request for modification, seconded by Mr. Groskopf. Vote unanimous.

Appointments

Mrs. McAuliffe moved to recommend to full appointments to the Council on Aging, Kathleen Kovar, and Peter Campia to three year terms to run thru June 30, 2009. Mr. Sullivan so moved, seconded by Mr. Groskopf. Vote unanimous.

Mrs. McAuliffe moved to reappoint Bob Isadore and Bill Gallagher, each to three year terms to run thru June 30, 2009. Mr. Sullivan so moved, seconded by Mr. Groskopf. Vote unanimous.

Mrs. McAuliffe moved to appoint to the Affordable Housing Committee Maryanne Como as a regular member to run thru October 31, 2009 and to appoint Sharon Ladley as an alternate member term to run to October 31, 2007. Mr. Sullivan so moved, seconded by Mr. Groskopf. Vote unanimous.

Mrs. McAuliffe moved to reappoint Kathy Valenti who is an alternate and to appoint her as a regular member to the Affordable Housing Committee, a three year term to run thru October 31, 2009. Mr. Sullivan so moved, seconded by Mr. Groskopf. Vote unanimous.

Mrs. McAuliffe noted the resignation from Donna Clifford from the Recreation Commission who has been on this Commission for a long time. Mr. Sullivan moved to accept the resignation with regret and a letter of thanks for her service. Mr. Groskopf seconded. Vote unanimous.

Approval of Minutes

Mr. Sullivan moved the approval of minutes for the workshop meeting, January 17, 2006, regular meetings January 31, 2006, February 14, 2006 and the executive session June 13, 2006 and hold the executive session minutes. Mr. Groskopf seconded – vote unanimous.

Selectmen Items

Mr. Sullivan reminded everyone this Saturday is the fireworks display in Barnstable. Because of budgetary restraints there will not be the normal police presence for traffic control.

Mr. Groskopf said Tuesday is the 4th of July and we will not be meeting and reminded everyone that Thursday it will be talk to Bud time at the Senior Center at 11:00 a.m.

Suzanne said IFAW has gone thru all of their local requirements in terms of permitting and they are waiting for the final results from DEP.

Suzanne said Shaws opened to the public on Friday morning. There was a line out front. The section of the road is starting to come together and the lights are not functional yet.

There is a housing lottery that HAC is running for Mill Village. There are two houses one is a two bedroom and the other a three bedroom. These are off Camp Street. Anyone interested contact the Housing Assistance Corporation.

This Thursday is the Cape Cod Commission hearing on the airport.

Town Administrator

Mr. Lawton reminded the board that on July 3 the town hall will not be open but people can get their stickers at the Chamber Office.

Mr. Lawton noted the department heads had the second part of their department head training and Dr. Goodman gave them a good sense of tourism and how the department heads can be more proactive with the business community which helps us.

Mr. Lawton reviewed the consent agenda. Mr. Groskopf moved to accept the consent agenda, seconded by Mr. Sullivan. Vote was unanimous.

Being no further business, Mr. Sullivan moved to adjourn, seconded by Mr. Groskopf, vote unanimous.

Selectmen Meeting Minutes – Regular Meeting June 6, 2006

Selectmen Present: James Saben, Suzanne McAuliffe, Bud Groskopf, and William Marasco and Town Administrator Robert Lawton
Jerry Sullivan absent

Chairman James Saben opened the meeting at 7:00 p.m.

Public

A gentleman from the Bait and Tackle Shop spoke about an event they were planning on Sunday, fishing off the bridge. State DPW put up a couple of signs banning fishing from the bridge. We are trying to clarify this. Karl vonHone has been pursuing it. Dennis Police pursued it and they have been given an answer that the bridge is unsafe and that is why they won't allow fishing. They said it was unsafe for people to be fishing on the bridge. He said they are having a fishathon in protest Sunday at noon time. The Dennis police are coordinating it and working with Yarmouth. Suzanne McAuliffe stated she received a call from Jerry Sullivan who is out of state and he asked that the Board of Selectmen write a letter to the State requesting that they take down the no fishing sign because it has been an historical, traditional activity to fish off the bridge and that the Selectmen respectfully request that they remove the signs and allow that activity to continue if the board would so desire. Mrs. McAuliffe moved that the Board write a letter to the State DPW requesting that they remove the No Fishing Signs. Seconded by Mr. Groskopf. Mr. Groskopf asked that the letter point out how long people have been fishing on the bridge. Is there any known incident that anyone has been injured? Dr. Marasco said we should ask the State why and what is the reason for the signs. Suzanne amended the motion to write a letter that asks why the no fishing signs are up and give a reason why we would like them removed, amendment accepted by Mr. Groskopf Vote unanimous.

Selectmen Items

Suzanne McAuliffe spoke about the Town of Yarmouth Parade and Ceremony on Monday, May 29 was outstanding. Victoria Copenhaver did a wonderful job involving the children, soloists, Mattacheese Middle School Band. It was a very nice program this year and asked that the Board of Selectmen write a letter to Victoria thanking her for all her efforts and for making it such a wonderful day for Yarmouth.

Suzanne McAuliffe announced the Affordable Housing Committee will be having an Affordable Housing Lottery. This is a three bedroom home in Yarmouth Port with a sale price of \$154,000. there was an information meeting on June 5 but if you need more information you can get it from the Planning Office in the Town of Yarmouth. Application is due August 7 and the Lottery drawing will be September 11.

Suzanne said the Barnstable Municipal Airport Commission presented their plans to the Cape Cod Commission. She was at the hearing to read the letter the Selectmen wrote

into the record saying that we support the Cape Cod Commission staff findings and concerns about the airport going forward. Next meeting will be June 29. We officially requested as a town to be involved in the process and to be notified of all hearings and all upcoming activities regarding this project.

Suzanne said the Massachusetts Municipal Association has been sending out alerts about the telecommunications issue that is going on nationally and trying to take away local franchises. The alert contains sample letters to be written to our legislators at the federal level because it is federal legislation that will take away the franchises locally and to the Town of Yarmouth that is well over \$250,000. we fund a lot of programs out of that. Suzanne asked that as a board we take Mass Municipal's lead and write letters to our senators and congressmen at the federal level. Mr. Groskopf moved to send a letter to all of our elected officials both State and Federal on this matter because they are trying to sneak in on the back door, seconded by Mrs. McAuliffe. Vote unanimous.

Dr. Marasco said we are very fortunate in Yarmouth to have a lot of business people who are dedicated but it is even nicer when they take the extra steps. This past weekend there was a chowder fest in Newport, RI of which there were many participants from the New England Area and we were fortunate enough in Yarmouth to have the first and second place winners of the Chowder Fest, one was Captain Parkers and two was the Skipper Restaurant. He suggested inviting them in to a Board meeting.

Licensing Hearing

Entertainment License – Southside Tavern LLC dba Ardeo Grille at Kings Way, 81 Kings Circuit, Yarmouth Port, Ma. Joseph J. Jamiel, Jr., Manager

Suzanne McAuliffe read the legal ad for the new weekday entertainment license from Southside Tavern dba Ardeo Grille at Kings Way which was published in the Register Newspaper.

Present were Cindy Ladd who was substituting for Joe Jamiel. She is the day to day manager of Ardeo's Grille at Kings Way. Also present was Sandy, President of the Kings Way Golf Club, Richard Welsh, Chair of House Committee and Leland Adams, Attorney, president and sole stockholder of IDC, Inc. the holder of the liquor license. Mr. Leland thanked Bob Lawton and Linda Hill for all of their help.

Suzanne said as noted on their license, they were requesting an entertainment license for Monday thru Saturday, 4 p.m. to 10 p.m. this would be a live band with four pieces including singers. This will be inside the establishment. Mrs. McAuliffe noted the town's noise regulations and bylaws and informed them they need to keep the noise inside the establishment. Cindy said right now they do not have plans for regular entertainment, just social events. Mr. Groskopf noted a correction on the second page, second paragraph, second line of the application. Public appeared twice. So corrected. Mr. Saben referred to a letter that was on the table from the Executive Director of the Chamber of Commerce which was in support of the Jamiel's. No public comments.

Mrs. McAuliffe closed the hearing and recommended the granting of the license. Mr. Groskopf moved the granting of the license, seconded by Dr. Marasco. Vote unanimous.

Taxi Rate Fare Hearing

Mrs. McAuliffe read the legal ad which appeared in the Yarmouth Register.

Present: Noel Bassett from Yarmouth Taxi and Peter Cutler from Town Taxi

Peter said they would like to propose a taxi rate increase for the taxi permit holder in the Town of Yarmouth. The last rate increase was six years ago in the year 2000. without this increase, the taxi industry will not continue to be viable. The normal rate of inflation over the last six years plus the recent skyrocketing gas prices has led them to request the following.

(see attached)

There is a fifty cent discount for seniors at the moment. Noelle said this could be increased to one dollar. Following a brief discussion, Jim Saben said he was comfortable with coordinating with Hyannis. He also suggested when posting the new rates that there be some info indicating the senior discount. Dr. Marasco was concerned there was no comparison of rates with other towns and he suggested waiting until this info was provided. There was discussion regarding what other towns charge. Peter Cutler said they are still waiting for Barnstable's vote. Mr. Saben said he feels comfortable with these requests but in light of Dr. Marasco's questions he suggested taking one more week to gather information. This will give Barnstable an opportunity to enact their fees. Public – none. Ms. McAuliffe closed the hearing to be reopened a week from tonight at 7:00 p.m.

Discussion Special Town Meeting and Override

Mr. Lawton stated the Board of Selectmen asked several weeks ago for this to be put on the first meeting in June to determine if the Board wanted to have another vote and special town meeting and at some point what would be on the special. Mr. Lawton reviewed the proposed schedule if they wished to go forward on a ballot question on September 19 which is the same day as the primary election. The preference Mr. Lawton would have is to do it in September so we can set our tax rate. Mr. Lawton said his understanding if the board chose to do this on the 19th there would be three ballots, a democratic ballot, a republican ballot, and the town's ballot. He also suggested the special town meeting be held the week before. Mr. Lawton said if the number voted at town meeting was smaller than the ballot question, the law clearly states that if the voters at town meeting voted to appropriate \$100,000 and on the ballot it was \$125,000, you could only spend \$100,000, you cannot spend anything that has not been appropriated.

Mrs. McAuliffe believed we need to revisit the personnel issues related to the police department and the IT spot. These were here priorities. The police are operating

shorthanded and a lot of things we want to improve in town will require IT help. The override figure would be just over \$400,000 which is less than half of what the original figure was.

Bud Groskopf said if everything wasn't bundled together some say that the police officers would have passed as well as the IT. He said he is opposed to any increase and any override, however, there comes a time when public safety becomes a priority. We need to provide adequate police protection. He said he would support additional police and the IT position. He reminded everyone police cruisers carry laptops.

Bill Marasco said it depends upon what your belief is why the override failed. The other issue is the needs. He said he felt we needed a patrolman a few years ago. At that time it was not a priority even though we had money appropriated. He thinks there is a need for patrolmen but is waiting for the final study to see what the specific needs are and what the priorities of them are. He said we need to make some hard decisions in re-prioritizing. He would like to see the board make a focused effort to see if we can do something now within our present budgets. He said he has to put more study into the IT person. He said we have to find out what the pressures are on the IT person and how can we relieve him. Dr. Marasco said there are training grants and maybe our town would benefit on focused training on computers. He still needs to go thru the analysis. Suzanne said she believes when the board made the list of \$819,000 we did that with the intent of going to town meeting and having a discussion and have the residents participate and prioritize that list and pick and choose from that list. This did not happen. She said town meeting is not the place to bring forward a list. The people would like to have the list prepared and not necessarily have to pick and choose from a list. Jim Saben said these critical needs have not gone away. We can do nothing, try and find additional funds and analyze at what expense or take the numbers we have, look at them again, and bring forward a different number.

There was a lengthy discussion. This will be discussed at a future Selectmen's meeting.

Minutes

Mrs. McAuliffe moved to approve the Selectmen's Minutes of 1-10-06, 1-24-06, seconded by Mr. Groskopf, vote unanimous.

Mr. Lawton reviewed the consent agenda which had a donation to the recreation division by Mr. Alfred Green of a 15 foot fiberglass Coleman canoe worth \$400. Mrs. McAuliffe moved to accept the consent agenda, seconded by Mr. Groskopf, vote unanimous.

Being no further business, Mrs. McAuliffe moved to adjourn the meeting, seconded by Mr. Groskopf, vote unanimous

Selectmen Meeting Minutes – May 23, 2006

Selectmen Present: James Saben, Suzanne McAuliffe, Bud Groskopf, Jerome Sullivan and William Marasco and Town Administrator Robert Lawton

Chairman James Saben opened the meeting at 7:00 p.m.

Public

Presentation of Donation by Moose Family Center to Yarmouth Recreation Scholarship Fund

Pat Armstrong, Recreation Director and Don Sullivan Executive Director of the Loyal Order of the Moose were present. Mr. Sullivan presented a check of \$15,000 to be used to support the recreation scholarship program in the Town of Yarmouth. Pat Armstrong accepted the gift on behalf of the town. She noted this will ensure that many children of Yarmouth who otherwise would not be able to participate in the many recreational programs the town offers, will now be able to participate in these activities. This was one of many gifts that the Moose has donated to the community. The Board of Selectmen and the Town Administrator thanked Mr. Sullivan and the Moose for this most generous donation.

Mr. Bob Edwards referred to a letter regarding a letter Mr. Peter Johnson-Staub sent to the Cable Communications Committee in Boston. He said we have been granted the privilege that we can go to Boston and go against Comcast on their renewal of their license and some of their charges. The hearing is on July 16. The majority of the residents do not know that when Comcast signed the contract for providing cablevision to the Town of Yarmouth they set a licensing fee for fifty cents per subscriber. Last year they raised it to fifty four cents per subscriber and shortly after the beginning of this year when the rates went up they lowered the fee to fifty two cents. We are going before the telecommunications to trying them to go back to the fifty cents to honor their contract. He wanted the town of Yarmouth residents to know that there are some people in town that are trying to take care of them to have Comcast honor their agreement.

Peter Dunn, Barnstable, spoke about the airport. Yarmouth has not been properly represented on the Airport Commission. Noise abatement continues unabated and increased noise in the two towns. Traffic patterns are lower, louder and different. There is a law on the State books CMR 710 which prohibits noise coming from people who generate noise. Noise and chemical pollution falls on our pours. There are two ponds infested for decades.

Barnstable Municipal Airport Commission Presentation – Proposed New Terminal

Art Kimber, Chairman of the Barnstable Municipal Airport Commission, introduced Larry Wheatley and John Griffin, Commissioners and Frank Sanchez, Assist Airport Manager. Doc Mosby was unable to attend because he is attending his daughter's

graduation. Also, the Earth Tech Architectural Firm Derek Choy, Brown and Linquist Architects Rick Fenuccio, Carl Colano from Edwards and Kelsey the Engineering firm and Mark Nelson and Joe Longo from Horsley and Witten.

Art Kimber said the Airport Commission is now before the Cape Cod Commission with a DRI proposal. There was an extensive presentation and review of the staff report on the application submitted for the Barnstable Municipal Airport Terminal Upgrades dated May 24, 2006. The Board noted that Yarmouth was not included in the application as a stakeholder in this project. They believed that the Town of Yarmouth is in fact a stakeholder. Yarmouth may experience an increase in traffic along Willow Street in Yarmouth. There may be an affect to the Yarmouth wellfields which abut the Airport and increased activity affects Yarmouth residents as several flight paths are over Yarmouth. The Selectmen said Yarmouth wishes to be involved in all aspects of the project at the Selectmen level and at the staff level and would request notification of meetings which are held regarding these improvements.

The Board agreed with the staff recommendations regarding nitrate loading standards as they apply to the overlap of development in water supply areas. The nitrogen loading concentration for the proposed work area and adjacent already developed areas should be calculated without regard to the undeveloped areas of the airport. The Selectmen were also concerned with the two ponds on the airport property which may be affected by the overflow of storm water with the construction of the new parking areas being proposed. The Board also agreed with the staff report which states in part that the applicant should submit either a copy of the Phase II report or an update regarding the filing of a site assessment. The development of an outflow monitoring program is critical to continue to monitor the water quality of Lewis and Upper Gate Ponds. The Board expressed their concern and their desire to be part of the review of the Barnstable Municipal Airport Terminal improvements. The Board thanked the Commission for their review and presentation.

Licensing

CAG and company, Inc. dba the Artful Table

Jerry Sullivan, Chairman of Licensing, read the legal for the showcase hearing on the revocation, suspension, or modification of the annual all alcoholic common victualler license held by CAG and Company, Inc. dba the Artful Table. Mr. Sullivan asked twice if anyone was in the room representing the Artful Table. No response. Mr. Sullivan referred to a letter from the Kings Way Golf Club the owner of the premises informing the board that they terminated its contract with the Artful Table on the 12th of January. Subsequently there was legal action taken by the Artful Table against the golf club which resulted in a settlement agreement under which the Artful Table agreed to cooperate in transferring the above referenced license. The issue at hand is that the Artful Table no longer has a premises to operate and in order for us to issue a license they need a premise. Mr. Sullivan asked again if there was anyone from the Artful Table in the room. No response. Mr. Sullivan asked if anyone from the public wished to speak. None. Mr.

Sullivan recommended the license held by CAG and Company, Inc. dba the Artful Table be revoked. Mrs. McAuliffe so moved and with a second from Mr. Groskopf the vote was unanimous.

IDC, Inc. dba Ardeo Grille at Kings Way, 81 Kings Circuit, Yarmouth Port, Joseph J. Jamiel, Jr. Manager – New All Alcoholic Common Victualler License

Mr. Sullivan read the legal ad. Present was Leland Adams, member of Kings Way Golf Club. He was IDC, Inc.'s Attorney and stockholder, officer and director. IDC is the applicant and should the application be approved IDC would be the holder of the liquor license. Also present is Sandra Obert, President of Kings Way Golf Club, Cynthia Ladd the onsite manager, Joseph Jamiel the general manager of IDC and oversee the restaurant operation separately. Mr. Jamiel is the President of the Jamiel family restaurant group best known for Ardeo's Restaurant and Richard Welsh is a member of the Board of Directors of the Kings Way Golf Club and Chairman of the House Committee. Also present is Arthur Nedley, the Chairman of the Board of Trustees of Kings Way Trust, the organization who represents all of the condo owners who are abutters of the golf course operation. He thanked Mr. Lawton and thru him Linda Hill the clerk in the licensing department for the assistance, information and the guidance they have provided. Sandy Obert echoed the sentiments that Mr. Adams has expressed and thanked Linda Hill and Bob Lawton for all of their help. The return receipts were in the folder.

Mr. Sullivan reviewed the application – the corporation is the holder of the license, the manager will be Mr. Jamiel.

Mr. Jamiel explained the proposed operation – lunch and dinner 7 days a week with a menu similar to Ardeo's – there will be private events – but the restaurant will be open to the public. Mr. Sullivan said one concern is that there will always be someone responsible for the liquor license. Mr. Jamiel said there will be two people on site all of the time. Mr. Sullivan someone has to know they are in charge. Mr. Jamiel has met with Lt. Xiarhos. There will be no changes to the floor plan at this time – their bartenders are TIPS trained and the bar manager is taking the course this week. Mrs. McAuliffe reminded Mr. Jamiel another training is ServSafe which will be valuable to the waitstaff. Following a brief discussion, Mr. Sullivan recommended that the board approve the liquor license to IDC, Inc. as applied for. It was noted that included is service on the deck until 11:00 p.m. seconded by Mr. Saben. Vote unanimous.

Intrepid Foods dba the Atrium Restaurant Route 28 West Yarmouth

Mr. Sullivan this next hearing was to discuss and make a possible decision on the failure to renew annual all alcoholic common victualler liquor license held by Intrepid Foods, dba Atrium Restaurant. Mr. Costello and Mr. Angelo DiCenso were present.

Mr. Lawton gave an overview. Mr. Lawton explained we have a regulation and law imposed by the State. This past December the town was required to before we could renew all liquor licenses that all inspections by the various town departments had to be completed and we had to certify that those inspections had been made and the various

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Mr. Sullivan noted it will be his recommendation that due to the confusion caused by conflicts arising from the new regulations last year that the board basically votes to re-issue the license. There is no requirement that we have a posted notice in the newspaper, it just has to be on the agenda. He recommended all inspections would need to be completed with a valid lease in order to pick up the license. Mr. Costello noted they have a hearing scheduled with the ABCC scheduled for May 31 at 10:30 in Boston. If the board approves tonight that meeting will be taken off the agenda. He said the electrical inspection has occurred and there are very minor items that need to be accomplished. No questions from the board or the public. Mr. Saben moved Mr. Sullivan's recommendation to re-issue the annual all alcoholic common victualler license held by Intrepid Foods, dba the Atrium subject to the conditions that all inspections be completed and that a current lease document be presented to the licensing authority prior to reissuance. Seconded by Mrs. McAuliffe. Vote unanimous.

DY High School Committee – Technology Issues

Mr. Phil Morris handed out some material for his presentation. Present were Superintendent of Schools Carol Woodbury, Skip Finnell, Fiscal Affairs Director, Principal Ken Jenks, Valerie Alvarez, Director of Instruction and Jim Dikeman, Member of Building Committee and Jerry Bastian and Brad Egan members of the school committee. He said the board should have received information on the budget as of May 10. He spoke about the technology upgrades which would come in a 1.05 million dollars. This includes hardware, servers, projection system and ancillary equipment and installation. It was the recommendation of the staff and the building committee to the school committee. He noted the building renovation budget and said there is 1.3 million dollars unspent assuming the building committee's recommendation is followed with the purchase of this technology. He said they are coming in under budget and are able to afford this technology at one of their final presentations. The Board thanked them for the courtesy of coming in to their meeting and all agreed that the increased technology was much needed.

Appointments

Dr. Marasco referred to the list of the appointments of the agents of the licensing authority and recommended the endorsement of this list. Mr. Sullivan so moved and with a second from Mrs. McAuliffe vote unanimous.

Dr. Marasco referred to a letter of resignation from Linda Barsch from the Old Kings Highway District Committee and recommended that the board accept the resignation with regret and send a letter of thanks for her service to the Town of Yarmouth. Mr. Sullivan so moved, seconded by Mrs. McAuliffe – vote was unanimous.

Approval of Minutes – Mrs. McAuliffe moved to approve the Selectmen Minutes – meetings December 20, 2005, March 21, March 28, 2006 and executive session minutes of May 16, 2006 and hold, seconded by Mr. Sullivan. Vote unanimous.

Selectmen Items

Suzanne announced the Memorial Day Parade will be on Monday at 10:30 going from the Stop and Shop down to town hall. Ceremony at 11:00 a.m. with refreshments following.

Suzanne noted that site plan has signed off on all the areas of the IFAW project and they will be going to the Board of Appeals, Old Kings Highway and the Tree Warden.

Bud Groskopf spoke about the Gas Company's presentation to the Cape Cod Commission. The Board briefly discussed the proposal by KeySpan energy to install a new high pressure distribution pipeline with the Town of Yarmouth. The Board will hold a road opening permit hearing at an upcoming meeting upon receipt of the appropriate application and plans. The Board requested that Mr. Lawton write a letter to our legislatures asking them for their support of a reversal of the Siting board's decision.

Mr. Saben noted that the board has not made a decision as to whether they will be proceeding with an override. No decision has been made at this time as to whether we will be having an override or not. The board will be discussing this in the near future.

Mr. Saben reported on a meeting he, Bill Bastian and Bob Lawton had with the representatives of Dennis. He reported it was a very cordial meeting. They all agreed they were seeking a formula that is fair for both sides. They will be looking at a number of options and it was a positive meeting. They all agree to the value of our regional school system and they will be working forward to bring it back in timely manner and bring back some options to the board to discuss and hopefully find some solutions that will be beneficial to the entire community.

Town Administrator

Mr. Lawton reviewed the consent agenda which included many gifts. Mrs. McAuliffe moved to accept, seconded by Mr. Sullivan vote was unanimous.

Mr. Lawton also noted that Shaw's is going to contribute \$2,000 to the town in which they will make a formal presentation on their opening. Mrs. McAuliffe moved to accept the check for the Recreation Department Scholarship Fund, second by Mr. Sullivan. Vote unanimous.

Mr. Lawton said Shaw's will be doing a beach clean up next Saturday on June 3rd starting at 8:00. the Moose Lodge will also be participating and they will be cleaning up Seagull Beach. This is being coordinated with the DPW Structures Division and the Landfill.

Mr. Saben went back to the public so they could comment on the airport issue.

Mr. Tom Sullivan spoke on the pollutants in the soil at the airport. He said the ponds are loaded with steel. He spoke about the stormwater runoff on the runways. There is no purpose of putting a new system in without taking out the old. He was recommending that the field stormwater system be replaced. He spoke about the FAA air restriction over the town. FAA is only restricting what the Town of Barnstable has set up. He said the new terminal is going to cost 45 million.

He citizens can go to the Cape Cod Commission web page and send in comments by the 25th.

Being no further business, Mrs. McAuliffe moved to adjourn and with a second from Mr. Sullivan. Vote was unanimous.

Selectmen Meeting Minutes – May 16, 2006 – Workshop Meeting

Selectmen Present: Jerome Sullivan, Suzanne McAuliffe, Bud Groskopf, Jim Saben, William Marasco and Town Administrator Robert Lawton

Following an Executive Session, Chairman Jerry Sullivan opened the workshop meeting at 7:00 p.m.

George Allaire, DPW Director, introduced members of the Integrated Water Resources Committee. They have been planning and meeting for wastewater infrastructure since 2003. The meetings are public. The group is comprised of DPW, Karl vonHone from Natural Resources, Dan Mills from Water, Karen Greene from Community Development, Bob duBois from Chamber of Commerce, Terry Sylvia, and Brad Goodwin from Planning, Rick deMello, Engineering, Brad Goodwin, Capital Budget, Bruce Murphy, Health, Brad Hall, Conservation and Joe Sarnowsky from RASWAC. Meetings are open to the public and have been attended regularly by representatives from Hyannis Park and the public, Helen Shah from the Board of Health. Their annual reports have been posted at all the libraries in town.

George said we have been working with CDM and that is helping taking the pressure off the businesses on Route 28. We are one of 89 communities that are in the NEP process which are south coast communities from Duxbury to Westport which are basically going to be required to join the system.

George said they have completed 3 years of water quality sampling in our sanctuaries which we share with Barnstable and Dennis. Our turn is in 2007 to receive the estuary results. The estuaries will define for us the amount of nitrogen that will need to be removed from the estuaries. We have been working steadily learning about policy issues that come with this substantial investment. We need at some point in time some input from the selectmen and to set some policies. Karen Greene said the goal tonight is to start the dialogue. There may be some degree of sewerage necessary. If this is the case there is going to be the need for a lot of policy decisions to be made. Folks need to start thinking about wastewater policy issues. Mr. Allaire said the major issue is who pays for the sewers and how will the town recover the costs. Typically the recommendations that have been made to the committee and they will probably pass it on is that 30% will go on the general public tax rate which covers treatment, disposal costs and in some cases major pump stations that service more than one area of town. 70% of pipeline that would service the neighborhoods would go on a betterment. Areas with high water table and high density are the areas of concern to sewer. Once we have the info, we will be able to do several runs. There is a lot of discussion going on now with cranberry bogs, lakes, ponds, and rivers.

There was a discussion on the report that was given to the selectmen in their packets. Some of the issues were: who pay for sewers, what areas of town will be seweraged, should businesses and private homeowners pay the same user charge to use the wastewater system, what about households or businesses that are located in areas that

aren't sewerred. Shouldn't they get some relief, too. What if I just had a new septic system installed, can some discount be provided to elderly or lower income households, why should I pay for a sewer if I own a vacant lot, how should the town oversee the operation of a wastewater program, etc.

George concluded by stating there are a number of issues that the Town will need to think about before it moves ahead with any sewer installation plan. He said we are lucky to be thinking about these issues ahead of time and hope that we can begin to address these issues in advance of the upcoming estuaries study. This list of issues is by no means comprehensive and every issue the committee talks about seems to raise three more. The main point is that these wastewater challenges exist and that we need to start thinking about them.

Discussion Proposition 2 ½ Override

Mr. Saben referred to the information in their packets from the Police Chief regarding the override.

Mr. Lawton referred to his note. He gave the board some options trying to think of ways that we would not have to spend the additional up to \$10,000 on a ballot question. One option is to have an election in September at the primary where the board would call an election the same day as the primary. The other would be at the November election. If we did it in November, the tax rate cannot be set until after the election. We could put out an estimated tax bill but in the past the selectmen always preferred not to do that if it can be avoided. If the board wanted to do something in September, the timeline would be that we would have to have some serious discussions for an agenda for a special town meeting also in September probably a week before the election in July. We wouldn't want to call a special unless there were other things to do. The planning board is preparing articles.

Jerry was in favor of revisiting the override issue. He felt if we are going to do it we start in June and again review everything we brought forward before and during that time period we could decide on the issue on how we could present it. He is definitely in favor it. Bud Groskopf said everyone needs to understand what it is to be voted on. He noted the selectmen's meeting describing the overrides ran 42 times. Unless we go knocking on doors, there has to be a better way to disseminate this information so people understand. Education is something we need to figure out so some of these issues will have a chance in the ballot box. Mrs. McAuliffe agreed that we need to revisit the override issue and decide the date for the election. People need to get information into their hands. As a town we may be prohibited by law on spending money on that but it certainly can allow us to ask Government Oversight to deal with this or try to figure out other creative ways to get ballot box information into individuals hands. Dr. Marasco asked what was the purpose of the last override. He said he would like to review the police audit to see what their priorities are. Once we know the priorities we need to look at whether we are going to do an override or do we need to reprioritize or re-budget our current budget. He said we may have to cut one budget to increase another budget. One

way to meet the needs of the community is to raise revenues and another way is to reprioritize. He thinks it is important to talk about these things but he would like to go back and see exactly what those needs are. Suzanne said having sat thru the budget discussions this year, she can understand Dr. Marasco's desire to go back and look but where she sits she believes the budgets are fairly lean and in fact, inadequate in many departments. We have reorganized administration; they have redone building permits, moved things from downstairs to upstairs with the intent to make all departments as efficient as possible. She believed we would end up at the same position that we ended up by going thru our regular budgeting process which we will need an override if we desire to add these positions. She said she is willing to go back and look at the budgets but she would be surprised if it didn't come out the same way because we did a hard look the first time around. Jim Saben said he would put this on the agenda the first of June. We still need help in our computer technology and we still need additional policy officers. Mr. Lawton said the police management study will be in our hands by the 24th of this month. The Chief is very eager to get that study completed. Mr. Saben said we need to educate the community as to our needs and to demonstrate to them how we have made some cuts and how we are currently working at a barebones level in many cases. It is important to show the community why some of these issues are important.

Update of Selectmen's Goals

Mr. Jim referred to the list of the updated selectmen goals. He asked the board to review them because the board will need to revise them and bring them up to date. Mr. Sullivan thanked the other members of the board to agreeing to this format. He is pleased to see it written out as it is. One thing he is happy to look at on the first page under the action plan is to implement the reorganized committee structure. He thanked the two appointments chairmen for working on that. Jerry said as each committee comes before the board and as each organization works with the board their goals can be incorporated. There are other things some of the selectmen may wish to add in. Bud said we have accomplished some goals and it is good see it in front of us. When we meet with the committees we should have the list with us to review with them where the selectmen are going and how far they have gone. Suzanne suggested going thru the goals individually and submitting the suggestions so the list can be updated.

Selectmen Items

Dr. Marasco spoke about Ted Kennedy's response to the wind farm issue. He said he had an opportunity to listen to his remarks and they were very eloquent and timely and also made him start to think about the wind farms again and the impact on Yarmouth.

Mrs. McAuliffe asked if anyone in town is interested in any of the numerous openings please come into town hall, fill out a talent bank. If someone has already filled out a talent bank don't hesitate to call Pam Barnes and ask that it be pulled out. There is going to be a vacancy for our Cape Cod Commission representative which is a key important position in town. Bill Marasco is currently serving but we will be appointing someone to fill his spot. We have vacancies on affordable housing, design review, golf enterprise,

finance and capital budget committees and we will be putting together a committee for the use or re-use of the John Simpkins School. We will be reappointing to the library board, waterways, golf enterprise, conservation commission, council on aging, board of assessors and energy committee. Please don't hesitate to let the board know if you are interested and we will start interviewing and appointing as fast as we can.

Suzanne said she and Bud went to the Selectmen's and Councilors meeting last Friday and it was a regional policy plan update from the Cape Cod Commission. The Commission is being reevaluated by three separate groups. It is trying to become more user friendly.

Bud Groskopf reported on the school committee meeting held last night. Savings estimated at this point are still at one million three hundred eighteen thousand dollars and they expect that to hold up. They have cut 55 positions, some thru attrition, resignations and some thru layoffs. The school committee will be making a presentation to the selectmen next week.

Public – none

Press – none

Town Administrator

Mr. Lawton reviewed the consent agenda – Mrs. McAuliffe moved that the board allow a donation of two sailing lessons for a one time donation, seconded by Mr. Sullivan. Vote unanimous.

Mrs. McAuliffe moved to adjourn, seconded by Mr. Sullivan – vote unanimous.

Selectmen Meeting Minutes – May 23, 2006

Selectmen Present: James Saben, Suzanne McAuliffe, Bud Groskopf, Jerome Sullivan and William Marasco and Town Administrator Robert Lawton

Chairman James Saben opened the meeting at 7:00 p.m.

Public

Presentation of Donation by Moose Family Center to Yarmouth Recreation Scholarship Fund

Pat Armstrong, Recreation Director and Don Sullivan Executive Director of the Loyal Order of the Moose were present. Mr. Sullivan presented a check of \$15,000 to be used to support the recreation scholarship program in the Town of Yarmouth. Pat Armstrong accepted the gift on behalf of the town. She noted this will ensure that many children of Yarmouth who otherwise would not be able to participate in the many recreational programs the town offers, will now be able to participate in these activities. This was one of many gifts that the Moose has donated to the community. The Board of Selectmen and the Town Administrator thanked Mr. Sullivan and the Moose for this most generous donation.

Mr. Bob Edwards referred to a letter regarding a letter Mr. Peter Johnson-Staub sent to the Cable Communications Committee in Boston. He said we have been granted the privilege that we can go to Boston and go against Comcast on their renewal of their license and some of their charges. The hearing is on July 16. the majority of the residents do not know that when Comcast signed the contract for providing cablevision to the Town of Yarmouth they set a licensing fee for fifty cents per subscriber. Last year they raised it to fifty four cents per subscriber and shortly after the beginning of this year when the rates went up they lowered the fee to fifty two cents. We are going before the telecommunications to trying them to go back to the fifty cents to honor their contract. He wanted the town of Yarmouth residents to know that there are some people in town that are trying to take care of them to have Comcast honor their agreement.

Peter Dunn, Barnstable, spoke about the airport. Yarmouth has not been properly represented on the Airport Commission. Noise abatement continues unabated and increased noise in the two towns. Traffic patterns are lower, louder and different. There is a law on the State books CMR 710 which prohibits noise coming from people who generate noise. Noise and chemical pollution falls on our pours. There are two ponds infested for decades.

Barnstable Municipal Airport Commission Presentation – Proposed New Terminal

Art Kimber, Chairman of the Barnstable Municipal Airport Commission, introduced Larry Wheatley and John Griffin, Commissioners and Frank Sanchez, Assist Airport Manager. Doc Mosby was unable to attend because he is attending his daughter's

graduation. Also, the Earth Tech Architectural Firm Derek Choy, Brown and Linquist Architects Rick Fenuccio, Carl Colano from Edwards and Kelsey the Engineering firm and Mark Nelson and Joe Longo from Horsley and Witten.

Art Kimber said the Airport Commission is now before the Cape Cod Commission with a DRI proposal. There was an extensive presentation and review of the staff report on the application submitted for the Barnstable Municipal Airport Terminal Upgrades dated May 24, 2006. The Board noted that Yarmouth was not included in the application as a stakeholder in this project. They believed that the Town of Yarmouth is in fact a stakeholder. Yarmouth may experience an increase in traffic along Willow Street in Yarmouth. There may be an affect to the Yarmouth wellfields which abut the Airport and increased activity affects Yarmouth residents as several flight paths are over Yarmouth. The Selectmen said Yarmouth wishes to be involved in all aspects of the project at the Selectmen level and at the staff level and would request notification of meetings which are held regarding these improvements.

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Dr. Marasco referred to the list of the appointments of the agents of the licensing authority and recommended the endorsement of this list. Mr. Sullivan so moved and with a second from Mrs. McAuliffe vote unanimous.

Dr. Marasco referred to a letter of resignation from Linda Barsch from the Old Kings Highway District Committee and recommended that the board accept the resignation with regret and send a letter of thanks for her service to the Town of Yarmouth. Mr. Sullivan so moved, seconded by Mrs. McAuliffe – vote was unanimous.

Approval of Minutes – Mrs. McAuliffe moved to approve the Selectmen Minutes – meetings December 20, 2005, March 21, March 28, 2006 and executive session minutes of May 16, 2006 and hold, seconded by Mr. Sullivan. Vote unanimous.

Selectmen Items

Suzanne announced the Memorial Day Parade will be on Monday at 10:30 going from the Stop and Shop down to town hall. Ceremony at 11:00 a.m. with refreshments following.

Suzanne noted that site plan has signed off on all the areas of the IFAW project and they will be going to the Board of Appeals, Old Kings Highway and the Tree Warden.

Bud Groskopf spoke about the Gas Company's presentation to the Cape Cod Commission. The Board briefly discussed the proposal by KeySpan energy to install a new high pressure distribution pipeline with the Town of Yarmouth. The Board will hold a road opening permit hearing at an upcoming meeting upon receipt of the appropriate application and plans. The Board requested that Mr. Lawton write a letter to our legislatures asking them for their support of a reversal of the Siting board's decision.

Mr. Saben noted that the board has not made a decision as to whether they will be proceeding with an override. No decision has been made at this time as to whether we will be having an override or not. The board will be discussing this in the near future.

Mr. Saben reported on a meeting he, Bill Bastian and Bob Lawton had with the representatives of Dennis. He reported it was a very cordial meeting. They all agreed they were seeking a formula that is fair for both sides. They will be looking at a number of options and it was a positive meeting. They all agree to the value of our regional school system and they will be working forward to bring it back in timely manner and bring back some options to the board to discuss and hopefully find some solutions that will be beneficial to the entire community.

Town Administrator

Mr. Lawton reviewed the consent agenda which included many gifts. Mrs. McAuliffe moved to accept, seconded by Mr. Sullivan vote was unanimous.

Mr. Lawton also noted that Shaw's is going to contribute \$2,000 to the town in which they will make a formal presentation on their opening. Mrs. McAuliffe moved to accept the check for the Recreation Department Scholarship Fund, second by Mr. Sullivan. Vote unanimous.

Mr. Lawton said Shaw's will be doing a beach clean up next Saturday on June 3rd starting at 8:00. the Moose Lodge will also be participating and they will be cleaning up Seagull Beach. This is being coordinated with the DPW Structures Division and the Landfill.

Mr. Saben went back to the public so they could comment on the airport issue.

Mr. Tom Sullivan spoke on the pollutants in the soil at the airport. He said the ponds are loaded with steel. He spoke about the stormwater runoff on the runways. There is no purpose of putting a new system in without taking out the old. He was recommending that the field stormwater system be replaced. He spoke about the FAA air restriction over the town. FAA is only restricting what the Town of Barnstable has set up. He said the new terminal is going to cost 45 million.

He citizens can go to the Cape Cod Commission web page and send in comments by the 25th.

Being no further business, Mrs. McAuliffe moved to adjourn and with a second from Mr. Sullivan. Vote was unanimous.

Selectmen Meeting Minutes – May 9, 2006

Selectmen Present: Jerome Sullivan, Suzanne McAuliffe, Bud Groskopf , Jim Saben, William Marasco and Town Administrator Robert Lawton

Chairman Jerry Sullivan opened the meeting at 7:00 p.m.

Swearing In of Selectmen and other Town Officers

Jane Hastings, Town Clerk, was present.

Jane swore in Suzanne McAuliffe, William Marasco, and Marianne Milton to their elected positions.

Reorganization - Board of Selectmen

Mr. Sullivan nominated Jim Saben for Chairman of the Board, Seconded by Mrs. McAuliffe. Voted unanimously

Jim took over the Chairman's seat

The board voted unanimously the remainder of the positions on the board as per the attached.

Mr. Saben thanked everyone for the vote of confidence

Mrs. McAuliffe thanked Jerry for a very smooth year and a year where we accomplished a lot. She looked forward to this year with Jim at the helm. Mr. Saben also thanked Mr. Sullivan for his work as Chairman.

Public – None

Helen Shah, President of Hyannis Park Civic Association, reviewed her letter outlining concerns about the current situation with the #3 substation. They support the #3 station. They had a meeting and discussed it and there is discomfort going on because of this change. She said the ambulance is gone, the fire truck is making runs for medical emergencies. She asked the board look at this because she is not sure it is the best way. She asked why is West Yarmouth going to be without an ambulance until July or such time it can be renegotiated. Mr. Lawton said he forwarded a copy of Mrs. Shah's letter to Chief Sherman. We are providing some additional information to Mrs. Shah to provide backup of why we have to do this. There are some contractual issues that requires us to do this. We can close a particular outlying station or have the ambulance go to the main station. The Chief said it would be more time to get the ambulance to go up to the north side than it would be from South Yarmouth than to have the ambulance go from South Yarmouth to West. The care that is provided by the initial response of the engine is the same people and the same quality as if the ambulance went there first. Transportation is

an issue but the people on the ALS engine stabilize the person, get them ready to be transported and in his opinion there is not a lot of time lost. We plan to put the ambulance back when we have the new budget year, July 1. We are negotiating for some changes.

Hearings

Second Reading Building, Signs, Electrical, Plumbing, and Gas Permit Fees FY '07

Jim Brandolini stated there has been no comments regarding the fees as discussed at the Board's last meeting. Dr. Marasco could some of the funds be earmarked to help Jim in his tasks. Jim explained some of the changes he has made over the last couple of years. Permits are up. He has put the onus on the applicants to get sign offs from the other departments before they come to the building department. Since we made the change we diminished the building permit from weeks to a matter of days providing we receive a completed application. In the budgetary process, we have considered restoring the part time position we lost to budget cuts. At this time he would rather take more time to evaluate the system. Dr. Marasco said in the future maybe we could raise fees for a dedicated purpose such as a more streamlined process. Being no further discussion, Mrs. McAuliffe moved to increase the building, plumbing, electrical, gas and sign permit fees as presented, seconded by Mr. Sullivan. Vote unanimous.

Second Reading Board of Health Fees FY '07

Bruce Murphy stated he has had no comments regarding his proposed fees since the first reading. Mr. Murphy said in the future they may be looking to hiring a summer intern and perhaps a part time person assisting with review of septic inspection reports. Following a brief discussion, Mrs. McAuliffe moved to accept the fee increases as recommended by the Board of Health. Seconded by Mr. Sullivan – vote unanimous.

Library Survey Update

Present: Jackie Adams, Director of Libraries introduced Prof. Mike Lavin, Cindy Parola, Research Assistant from Suffolk University and Marion Broidrick, Chair of Town Library Board.

Jackie gave a brief background of why the survey was conducted and the future action plan as listed on her handout dated May 4, 2006.

A statistically random survey of Yarmouth citizens was conducted. This survey would help to identify the priorities and needs of the community and to help build consensus on future library hours of operation, number of libraries, and locations of libraries. The survey report are available on the library website and at each of the libraries.

Michael Lavin,, Professor, reviewed the results of the survey which the Board received in their packets.

He concluded with stating the survey of Yarmouth residents may be a valuable tool to assist decision-makers in developing plans for the town's libraries. The survey results indicate that there are attitudes and preferences among Yarmouth residents that could be explored in greater depth through focus groups and/or public meetings.

Marion thanked Michael Lavin and his staff for what they have done with the survey. There is a lot of information that was unexpected and she is very pleased with the results.

Marion Broidrick said the plan of action was to see if we could get more specific information and their intent is to get community input into the survey by setting up various public hearings to see what their feelings are. Marion said they are in the process of having long range planning focus groups. They were looking for the Selectmen's opinions and questions and they want as much input on this survey as they possibly can get.

Mr. Peter Johnson-Staub said the action plan is to have the Library Board engage the community and the three associations and to break out the decisions into short term, long term. The long term issues are how many libraries do we want operating and where are they going to be located. Are we going to stick with the three that we have or are we going to do something different. The Library Board may not have a recommendation until sometime in the fall. The five year plan is ongoing and the facility plan is part of that discussion. The short term decision is we going to make any changes to the hours of operation? We are going to ask the Library to look at that very quickly and come back to the Selectmen in July to consider changes and decide the hours of operation.

Following a question and answer period, Mr. Saben thanked everyone for their report and for the commitment to the community.

Jackie Adams thanked the people of the community who answered the survey. The South Yarmouth Library will open on May 22.

Selectmen Items

Mrs. McAuliffe moved the Selectmen minutes of May 1, 2006. Seconded by Mr. Sullivan. Vote unanimous.

Mr. Lawton noted the series of items on the consent agenda. One item was a fee waiver for the use of Gray's Beach picnic area by the Lions Club and the use of Bray Farm on June 11 by Yarmouth Art Guild and the use of Gray's Beach by the Boys Club. Mrs. McAuliffe moved to approve the consent agenda, seconded by Mr. Sullivan. Vote 5-0

Mr. Lawton had a reminder on the 17th meeting with the Town of Dennis on the Regional Agreement. The Chairs of the two Boards of Selectmen and Finance Committees along with the Town Administrators would attend the meeting.

Mr. Lawton noted Mr. Schilling sent in his letter regarding the Optimist Café as requested by the Board. Mr. Schilling still has an issue with the ADA Board. He will not be able to receive his license until the issue was resolved.

Mr. Bud Groskopf spoke about the meeting that was held on the override which gave information on the reasons why the override. This meeting ran 42 times and there still were questions at the ballot boxes. Mr. Groskopf suggested sending information to the citizens in the mail or putting information on the ballot. He proposed and moved that the town administrator and town counsel be instructed to investigate putting information on the ballot. No second to the motion. Mr. Sullivan explained the board needs to see such information earlier than the night of the meeting. Such information should be included in the packet unless it is an emergency. Mrs. McAuliffe said she would need time to digest this information.

Bill Marasco said Bud is trying to get people involved. He was leery of trying to create arguments for people. Doing a pro and con is very difficult. Bud was asking for research to be done. Bud wanted to investigate the possibility of adding a more detailed description to any Proposition 2 ½ override or debt exemption question which might appear on an annual or special election ballot. He explained he wanted to know if there is a method by which we could receive approval from the legislation which would allow the inclusion of an explanation with pro and con statements. The board agreed to wait until they have a chance to digest the information and wait for an opinion from town counsel.

Suzanne said she and Bob went to the Education Funding Hearing in Harwich. It was to present the 50-50 plan.

Suzanne noted Friday morning at Cranberry Valley the Cape Cod Managers and Councilors will be meeting on the Regional Policy Plan from the Cape Cod Commission.

Press – none

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Sullivan. Vote unanimous.

Selectmen Meeting Minutes – April 25, 2006

Selectmen Present: Jerome Sullivan, Dan Horgan, Suzanne McAuliffe, Bud Groskopf and Jim Saben and Town Administrator Robert Lawton

Chairman Jerry Sullivan opened the meeting at 7:00 p.m.

Public – None

Appointments

Bud Groskopf referred to a letter of resignation from Fred Monthei from the Cable Advisory Committee. Mr. Sullivan moved to accept Mr. Monthei's resignation, seconded by Mrs. McAuliffe, vote unanimous

Approval of Minutes

Mrs. McAuliffe moved to accept the Selectmen's minutes of the regular meeting, December 6, 2005 and April 11, 2006 and Workshop Meeting of February 7, 2006 and Executive Session April 4, 2006 and hold, seconded by Mr. Sullivan. Vote unanimous.

Consent Agenda

Mr. Lawton reviewed the consent agenda.

One item was for the approval of a special municipal employee status for the community and economic development committee and the other was for the affordable housing committee. Mr. Lawton referred to his cover note explaining why each one should be awarded that status. On the community and economic development committee, that is taking the place of the economic revitalization committee. The YERC were all special municipal employees. The affordable housing committee has volunteers who appear before other boards and in order for them to appear before other boards, they need to be special municipal employees to avoid a conflict of interest under Chapter 268A.

Mr. Lawton noted the beach rules and regulations and its revision. The revisions were necessary to make them consistent with the residency policy which the board adopted over a month ago. Peter Johnson-Staub found that there were inconsistencies so now the two policies will be consistent.

Mr. Lawton reviewed the donations on the consent agenda.

Mrs. McAuliffe moved to approve the consent agenda, seconded by Mr. Sullivan. Vote was unanimous.

Mr. Sullivan noted that Mr. Sears was late this evening.

Mr. Lawton referred to a note on the table the on then off meeting for tomorrow night of the school committee. It has been canceled

Mr. Lawton referred to a letter from Victoria Copenhagen, Chair of the Memorial Day Committee which outlined the events she has planned for Monday, May 29. The parade to assemble at Stop and Shop Plaza, ceremony at town hall at 11:00 a.m. with refreshments. There will be a book at the reception desk to sign by townspeople who would like the names of their loved ones read at the ceremony. We would be happy to do whatever we can to promote that. Very nice of her to take on that responsibility.

Mr. Lawton announced the Cape Cod Commission Regulatory Committee meeting is on May 1 on the International Fund for Animal Welfare. The Board agreed that some of us would go to that meeting. Mr. Lawton is planning to go and Karen Greene will be sending a letter of support. Jerry Sullivan will also be attending

Selectmen Items

Post ATM Review

Mr. Sullivan asked if there were any comments on the articles or presentations.

Mr. Saben said he was concerned with the attendance issue. He felt the Board should think about putting together a steering committee of three or five people to look at some suggestions on how we can improve attendance. Looking at some issues like possibly having town meeting on a weekend, providing transportation to seniors or some other ways to try and get a creative participation. He said when less than 300 people show up at town meeting it is concerning and we should make an effort to find out how and why people are not coming to town meeting and what we can do to improve that. Jerry suggested sending a memo to the Government Oversight Committee. They worked on this a number of years ago and ask them if they could take six months to look at this. Mr. Saben felt we need to continue the message on how important it is to vote in favor of question number 1. We need to continue to remind people that this is a public safety issue and we made this decision based upon the information that was brought forward to us. Mr. Lawton noted we are running the selectmen's meeting where each of the departments made their short presentations and at town meeting we were prepared to make a more detailed explanation on each of the items on the override and those presentations are also running. Mrs. McAuliffe acknowledged the police union's activity in supporting the whole override because they feel it is not just their override. Suzanne also noted that our budgets have been within the proposition 2 ½ restrictions and we have made some cuts which I think is having some impact on some of our town services. People need to think long and hard for the work they want for their town and hopefully can look to support some of the very necessary things on this override. Mr. Sullivan suggested looking into putting in small signs in different locations in town and use them as information signs for different events in town such as town meeting. He suggested calling the people in Bridgewater. Mrs. McAuliffe said another reason that town meeting

went so smoothly is because of the preparation in the paperwork, all the town departments being prepared, all of the Selectmen having everything they need at their fingertips and she felt the credit for that needs to go to the town administrator and his staff and the department heads. Everyone came together and produced a flawless in-depth presentation.

Mr. Sullivan said if anyone has anything to add concerning town meeting they can bring it up following the hearings.

Hearings

Building, Signs, Electrical, Plumbing, and Gas Permit Fees

Mr. Sullivan read the legal ad which appeared in the Yarmouth Register.

Jim Brandolini, Building Commissioner, was present and he introduced Ken Elliott, Wiring Inspector, Peter deFreitas, Plumbing and Gas Inspector. Mr. Brandolini referred to the documents the selectmen received in their packets which included the proposed fee schedules for building, plumbing, electrical, gas, and sign permit fees. The intent is to at least cover costs as they stand today. He reviewed the fee schedules.

Following a discussion, the board continued this hearing to the second hearing on May 9. The Board also asked that all fees be reviewed every two years.

Board of Health Fees

Mr. Sullivan read the legal ad which appeared in the Yarmouth Register

Mr. Bruce Murphy, Health Director, was present and reviewed the proposed fees. The Board of Health had a hearing on March 20 in which they reviewed and approved the fees. Following a brief discussion, the discussion was continued to May 9 for the second reading.

Licensing

Mrs. McAuliffe read the legal ad which appeared in the Register.

Transfer of Annual All Alcoholic Restaurant Liquor License and Weekday Entertainment, Automatic Amusement and Sunday Entertainment licenses from Yarmouth Hunan Gourmet, Inc. dba Hunan Chinese Restaurant 645 Route 28, West Yarmouth, to Rice Farm 28, Inc. dba Rice Bistro, Bing Chiu, Manager.

Dan Creed was representing Bing Chiu. Request for the transfer comes as a result of a purchase and sales agreement that is in place with the sale of the assets of the business from Hunan Gourmet Inc. to Rice Farm 28, Inc. They have a lease in place. Mr. Chiu meets the requirements of Chapter 138 and hoped the board would find that the transfer is within the public interest and asked that they look favorably upon it. Mr. Chiu will be the manager and Suzanne noted that if he is not on the premises that Mr. Chiu have a

designated manager that is qualified, over 21 and has had the proper training. Suzanne said the Town of Yarmouth takes its liquor licenses very seriously. We have an outstanding relationship with our police department and there was on record a meeting with the police department. Anytime there is a question, a problem or concern don't hesitate to call the police department. They have a good relationship with our liquor establishments. Mrs. McAuliffe noted they need to present some certificates to the Board of Health on their employees and they will be receiving a Board of Health certificate prior to opening. Mr. Chiu has been TIPS trained and he will check on his wait staff. No comments from the public. Mrs. McAuliffe recommended the application be approved as requested. Mr. Sullivan so moved and with a second from Mr. Saben, vote was unanimous.

Selectmen Items

School Town Issues

Dan Horgan said the school committee voted to add an additional \$400,000 to the E&D number that they are planning to add to next year's budget and the \$400,000 is planned to be allocated to Dennis' side. About \$256,000 of that would come from Yarmouth's side of the ledger. The motion that was made last night is contingent upon approval from both towns. Several times, the question came up as to the petitioned article and what was the status if the committee voted the approval of the additional \$400,000. It was his understanding that there was no agreement to pull that issue back from the petitioner so it is still a live issue regardless if the Town of Yarmouth agrees to the additional \$256,000 from Yarmouth's side of the ledger.

Following a discussion, the Board of Selectmen unanimously voted to support the Dennis Yarmouth Regional School District's vote to reduce the operating assessments for FY '07 by \$400,000 it is understood by the Board of Selectmen that the Town of Yarmouth is agreeing to transfer \$256,041 which is Yarmouth's allocation of the \$400,000 to apply to the Town of Dennis assessment. The Board also reaffirmed their position that you Carol Woodbury, Bob Canevazzi and Robert Lawton need to meet early in the year, the end of August or beginning of September 2006, to start the budget process. The Board of Selectmen felt strongly that we cannot endure another budget season with decisions being made in Yarmouth's case on the first night of our town meeting and in the case of Dennis, one week before the Dennis town meeting

The Board reviewed the proposal received the night of April 25 from Selectman Dan Horgan outlining a possible adjustment in the Dennis Yarmouth School Regional Agreement. While the Board did not endorse the proposal as it was the first time they had seen the proposal and no calculation of cost had been accomplished, the Board in Yarmouth does wish to have an early meeting with Dennis to start the discussion to possibly adjust the Regional School District formula. Mr. Lawton would talk to Dennis to set up a meeting.

Being no further business, Mr. Sullivan moved to adjourn, seconded by Mr. Horgan.
Vote unanimous.

Selectmen Meeting Minutes – April 4, 2006

Selectmen Present: Jerome Sullivan, Dan Horgan, Suzanne McAuliffe, Bud Groskopf and Jim Saben and Town Administrator Robert Lawton

Chairman Jerry Sullivan opened the meeting at 7:00 p.m.

Public

DY High School Construction Update

Ed Kling said the high school building renovations are slowly coming to an end. All building work will be completed except for possible few items on the punch list by September. They anticipate that the cost of renovations will come in under budget. Best guess numbers are not available at this time. Ed summarized the tasks accomplished. They just have the punch list items and then the final permission to oversee that everything is working properly.

Charlotte Striebel noted that there was a letter circulating around the Cape and the Vineyard from Dominion. The Cape Light Compact understands that Dominion Retail Incorporated has offered power supply contracts up to 7500 resident customers on Cape Cod and Martha's Vine. While the Cape Light Compact encourages competitive power supply in our service territory we made no representation or take no position either for or against the current operator. The individual consumer must carefully assess the terms and the conditions of the contract and determine if it is in his or her best interest. The contract price offer of 10.9 cents per kilowatt hour would begin approximately 30 to 45 days depending upon the customers next available meter read and the end on a customers December reading. If you were left to terminate the contract prior to the end of the term, you must provide written notice 30 days in advance. If you opt out before December, it will result in a \$50 exit charge. The contract also has an evergreen clause which means that you must stay a customer of Dominion after the initial term of the contract unless you take special and specific action to cancel the contract once you agree to it. The price charged after your December meter is not known. As with the Cape Light Compact power supply, the Dominion price does not include the distribution, transmission and other charges imposed by NStar. The Cape Light Compact purchased its current power supply contract shortly after hurricane Katrina disrupted the oil and natural gas infrastructure that was vital to the fossil fuel generation facilities in the northeast. The Cape Light compact is working with our supplier ConEd Solutions to review options for lowering electric rates for all residential customers. It is our intent to initiate this lower rate during the time period covered by the Dominion contract. As always there is no entrance or exit fee associated with the Cape Light Compact power supply and to opt in or opt out of the Compact's power supply requires just a telephone call to the Compact's office. The bottom line is shop carefully, read, understand, and make sure you are comfortable with all the terms and conditions of the Dominion contract beyond the price itself before you sign. Customers need to make the right decisions based on all of the parameters of this offer.

Hearing

New Annual Wine/Malt License – Optimist Café, Inc., 134 Main Street

Suzanne McAuliffe read the legal ad for the Optimist Café which was published in the Yarmouth Register. License is for a new annual wine/malt license from Optimist Café Inc. 134 Main Street, Route 6A, Yarmouth Port, Joseph Cotelessa, Manager.

Theodore Schilling, Atty for the petitioners was present along with Joseph Cotelessa. Mr. Cotelessa gave his background. He has never been cited for anything. The opportunity came up to buy the facility. He said this will be the Optimist Café and they will have nothing but good things to say as far as the Cape is concerned. They have registered the name and they intend to have a little newspaper each day that will be placed on the tables by talking about the good news on Cape Cod. The facility will be open at 6:00 a.m. and closed at 5:00 p.m. They will have breakfast, lunch and tea. Nothing in the evening. The facility will be fixed up and they will try to be good neighbors and he will make every attempt to be good neighbors. He has visited the neighbors. He has tried to be a good neighbor to David as best he can in the realms of what is practical. Mr. Schilling said they went to the Old Kings Highway and restored the color of the building to its original color. Joe spoke about the Gourmet Brunch he owns in Hyannis. Joe has all of his certificates, TIPS, etc. and will be the manager of record. He will have someone designated as manager when he is off the premises. No entertainment – Mr. Saben said he would like to have an understanding of what issues cannot be resolved with Mr. Swift. Mr. Saben said he has no issues regarding the management but is interested in how the neighborhood will react.

Public

David Swift, 138 Route 6A, said his home is 28 feet away from the business and he has been having difficulties with that place for the last decade. There are two large noisy exhaust fans on the building one of which is aimed directly at his home. The kitchen door that faces his home remains open all the time and from inside his home he can hear every event that occurs within that kitchen. All of the effluent that gets pumped out of the kitchen can be smelled all about his property. He cannot open his windows without having it filled up with the effluent that is pumped out of the restaurant kitchen and wants those problems abated some how. In addition, the driveway that runs between the buildings is directly on his property line and is closer to his home than the building. Every time someone slams their car door out there the windows rattle. The employees take their breaks outside of the restaurant. Lighting shines in his window which were put in without permits and the exhaust fans were put in without permits. Those things are things that he needs. He is trying to sell his home. He wants to rescue the value of his property and will do what he has to do with utmost regret.

Jane Day, 14 Gingerbread Lane, is an abutter. David is right we have had a really bad time with many previous owners. This one seems to have the opportunity to be better than most. The previous owners put in halogen lights without collars on them and a lot of

times they are left on at night and they are very glaring. David is right about the odors emanating from the building. The lighting and the band and the trash are an issue but a stockade fence has been installed. Once the problems are understood hopefully things can be arranged.

Mr. Schilling said they understand the problems. A fence went up. They will keep the door closed and try to air condition the kitchen. They will do things that are reasonable to the extent trying to put in a better venting system. It is a restaurant and they understand David's problems and any other neighbors' problems. Alan will do all he can do to abate that situation. They will take all of the items into consideration. This is Alan's dream to have this and wants it to be right for everyone. Mrs. McAuliffe referred to the ADA issue. Jane said there are collars you can put on the lights to direct the light into the driveway. Other restaurants have a similar exhaust fan but it is on the roof and pointed up and the odors are more broadcast. If something could be run outside of the building to prevent any interior renovation.

Mr. Swift said the previous owners have promised but never came thru. Mr. Sullivan felt the situation would be much more agreeable with Mr. White and Mr. Cotelessa. There is not a lot of power the board has over ventilation design. Alan White said they will be opening by May 15. Mr. Sullivan suggested granting the license conditionally on receiving a report from Mr. White with a plan prior to the opening date. If we can use goodwill to come to an agreement and a plan of action that could be presented to the board so Mr. Swift could see some progress along with other neighbors. Mrs. McAuliffe said she appreciates their willingness to work with the neighbors and board. Mrs. McAuliffe asked Mr. White to make a list and report to the board and if the board approves they could give him approval to open if he is willing to address the issues that Mr. Swift has. Mr. Horgan was concerned that the board was getting outside of its scope and asked wouldn't it be more appropriate for another venue deal with the building issues. Mr. Sullivan said this board can place conditions and we have the authority to make a deal. These are quality of life issues that should have been addressed by former owners and weren't. If Mr. Swift sells his house someone else will be living there and they will have the same issues if we don't address them now. He suggested perhaps the ventilation could be redirected or quieted down. If the kitchen door can be kept closed with a cooling system inside that is an accommodation we would consider very positive when considering the terms of the license because it not only affects Mr. Swift but affects other people on the street. Those are the two main issues. They will be addressing the driveway with the ADA and is out of the board's purview to address that. Mr. Schilling said they are going to take a reasonable approach to this and give a reasonable approach to the board. We will take these into consideration. Mr. Horgan said they are willing to be cooperative and willing to look at these issues and is supportive of that. He is uncomfortable granting these conditionally on things that are beyond the board's purview. Mr. Groskopf agreed with Dan.

Mr. Horgan moved to accept the recommendation for an annual wine and malt license with the condition that Mr. White provide a letter to the board addressing the issues discussed giving the remediation possible and a tentative time schedule and have a

discussion with them in the future. This also allows the board next year on renewal if there are any complaints, we can look back to what Mr. White said what he was going to do. Seconded by Mr. Sullivan. Vote unanimous.

Update on Fire Station #3 Project

Present was Chairman Al Gray and Chief Randall Sherman

Chief Sherman acknowledged the assistance of other town departments in this multi-year project.

Al Gray said unfortunately the estimate is not complete. There hope was to go to town meeting with bid numbers and unfortunately that didn't happen. They are comfortable at this point that the 4 million dollar budget will allow them to continue and do it for that price. They have progressed with the final design and had meetings with the Chief, the two Captains and the mechanical design engineer this week to go over the heating and ventilation portion of it and they are scheduling meetings in the near future with the electrical sub and the technical communications sub to get those details worked out. Some of the items we had hoped would be less expensive were not and some of the items that we had taken out as cost reduction turned out to reveal a larger cost reduction that had originally been anticipated. Their recommendation to the Board would be to go forward. Mrs. McAuliffe said she is comfortable in supporting the building committee and their estimates. She would support the proposal to use the estimates. Mr. Saben echoed Suzanne's comments and thanked the committee for their hard work and we should support their recommendation and move forward. Mr. Sullivan agreed. Mr. Groskopf said it took a lot of effort to go from 9 million to 4 million. Chief Sherman said the tax impact on the tax rate is 7 cents. It is \$21 the first year on a median house and it goes down every year for a 15 year period of time on the bonding. The Board thanked everyone for their hard work.

Appointments

Jim Saben referred to a letter of resignation from Mr. Mark Pallis from the Historical Commission and asked the Board to accept his resignation with regrets and send him a letter of thanks. Mr. Sullivan so moved and with a second from Mrs. McAuliffe, vote was unanimous.

Mr. Groskopf recommended that Doris Smith be appointed as the regular member for the unexpired term of Mr. Pallis term to run thru July '08 and appoint Mrs. Caprera term to run July 2007. Mr. Sullivan so moved the recommendation, seconded by Mrs. McAuliffe, vote unanimous.

Final Preparation for Annual Town Meeting

Mr. Lawton passed out a copy of the Article 6 Handout which showed the items not funded as well as the history of the Capital Budget. Mr. Lawton said there have been no

recent changes in the warrant or the recommendations, etc. there are still some ongoing discussions with the Town of Dennis and there are also ongoing discussions on the zoning articles with the Planning Board. Mr. Lawton reviewed the assignment of articles and referred to the opening statement for the town meeting. A meeting has been posted for the Selectmen at the Mattacheese School at 6:30 prior to town meeting.

Mr. Saben strongly encouraged every single member who is a voter in the town to attend town meeting. Mr. Lawton would check with the school to see if there are any babysitting services available.

Selectmen Items.

Mr. Groskopf reminded everyone the he will be at the Senior Center at 11:00 on Thursday, Tell It to Bud Time.

Mrs. McAuliffe stated she went to the Employee Appreciation Dinner and enjoyed it. This Friday is Cape Cod Selectmen and Councilors Association Meeting at the Cape Codder at 8:00 a.m. and the discussion will be with Jeff Beckwith and John Robertson from the MMA regarding the budget for next year.

Approval of Minutes

Mrs. McAuliffe moved to approve the Regular Selectmen Minutes of November 8, 2005 and November 29, 2005 and Workshop Meeting, November 15, 2005 and the Executive Session Meeting of March 7, 2006 and hold, seconded by Mr. Horgan. Vote unanimous.

Town Administrator

Mr. Lawton reviewed the consent agenda. There were two gifts made by Mr. Groskopf starting the Bass River Club House Account and the new Bandstand Account and there were 10 others gifts for the Division of Senior Services in appreciation for income tax preparation. Mrs. McAuliffe moved to accept the consent agenda, seconded by Mr. Horgan. Vote unanimous.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Sullivan. Vote unanimous.

Board of Selectmen Meeting - March 28, 2006

Selectmen Present: Jerome Sullivan, Suzanne McAuliffe, Daniel Horgan, Jim Saben and Bud Groskopf were present along with Robert Lawton, Town Administrator

Chairman Jerry Sullivan opened the meeting at 7:00 p.m.

Vote and Set Annual Town Election Ballot

The Board of Selectmen reviewed Mr. Lawton's memo regarding the annual town meeting 2006 ballot questions and the proposed ballot questions. Following a lengthy discussion, the following resulted.

Yarmouth Board of Selectmen Meeting – Regular Meeting March 21, 2006

Present: Jerry Sullivan, Suzanne McAuliffe, Dan Horgan, Jim Saben, and Bud Groskopf and Town Administrator Robert Lawton

Jerry Sullivan opened the meeting at 7:00 p.m.

Terry Sylvia, Town Planner, Dan Drey, Administrator for Cape Cod Development Council, David Willard and Alan White were present. They were present to announce the Pilot Program Award. The grant funds come from the License Plate funds. We need to thank the County Commissioners because they suggested we provide some of these funds to the towns. It is a three year program.

David Willard said the money is for village centers on Route 28 having a mixture of housing and business. Dan Drey presented the check for \$50,250 to the town from the County Economic Development Council.

Second Reading on Recreation Fees

Pat Armstrong did a recap on what was presented to the selectmen last week. After the discussion the board asked that she rework some of the figures. Pat said she reworked the figures and met with the Recreation Commission and the following fees were recommended:

Youth Tennis -	\$18/4 hrs per week
Adult Tennis	\$24/6 hrs per week

Field Light	\$55 per hour
Basketball Court Lights	\$25 per hour

Field Rental Charges

Category 3 (Private/for profit)

Daily Field Rental	\$100/9 hour block
Weekly Field Rental	\$250/3 hr slot @ 5 days
Seasonal Field Rental	\$350/3 hr slot @ 12 weeks

Basketball Court Rentals

Category 3 (private/non-profit)

Daily Rental	\$25/9 hr block
Weekly Rental	\$100/3 hr @ 5 days
Seasonal Rental	\$200/3hr @ 12 weeks.

Following a brief discussion and no comments from the public, Mrs. McAuliffe moved to accept the fees as revised, seconded by Mr. Saben, vote unanimous.

Ballot Questions

Mr. Lawton reviewed the ballot questions. The town clerk stated she needs to have the ballot questions resolved by their next meeting on the 28th. There are four questions:

Question 1: Shall the Town of Yarmouth be allowed to assess an additional \$819,166 in real estate and personal property taxes for the purposes of adding additional staff, certain expenses and increasing capital expenditures for the Fiscal Year beginning July 1, 2006?

Question 2: Shall the Town of Yarmouth be allowed to assess an additional \$685,074 or \$71,000 in real estate and personal property taxes for the purposes of funding Yarmouth's share of Dennis Yarmouth Regional School District Budget for the Fiscal Year beginning July 1, 2006?

Question 3: Shall the Town of Yarmouth be allowed to exempt from the provisions of Proposition 2 ½ so-called the amounts required to pay for the bonds to be issued in order to finance the design, engineering, architectural fees, construction, and equipping of a new fire station #3 facility in Town? Mr. Lawton explained the estimated cost is \$4 million dollars.

Question 4: Shall the town of Yarmouth be allowed to exempt from the provisions of Proposition 2 ½ so-called the amounts required to pay for the bonds to be issued by the Dennis Yarmouth Regional School District for the replacement of generators at the Mattacheese Middle and M.E. Small Elementary Schools, the reconstruction of the concrete landing and stairs at the M.E. Small Elementary School, and the removal of asbestos at the L.C. MacArthur Elementary School? Mr. Lawton explained the cost is \$463,000.

After a lengthy discussion on the school question, Mr. Sullivan suggested setting an agenda next week to further discuss question 2.

Mrs. McAuliffe moved to include question 1 on the town election ballot for May 2, 2006, seconded by Mr. Horgan. Vote 4-1 with Mr. Groskopf voting in the negative.

Mrs. McAuliffe moved to include question 3 on the town election ballot for May 2, 2006, seconded by Mr. Horgan. Vote unanimous.

Mrs. McAuliffe moved to include question 4 on the town election ballot for May 2, 2006, seconded by Mr. Horgan. Vote unanimous.

Budget Hearing – Finance Committee, School Committee, Capital Budget Committee

Mr. Lawton explained this hearing was a requirement of the Town Charter.

Mr. Lawton began by giving his power point presentation on the FY '07 budget and projections followed by a presentation from the Finance, School and Capital Budget Committees.

Being no further business, Mrs. McAuliffe moved to adjourn the meeting, seconded by Mr. Saben. Vote was unanimous.

Selectmen Minutes
Regular Meeting
March 14, 2006

Present: Jerome Sullivan, James Saben, Suzanne McAuliffe Dan Horgan, Bud Groskopf and Town Administrator Robert Lawton.

Public

Sue Robach from Senator O'Leary's Office, was present. She spoke about Chapter 70 Formula. She said they thought there was a commitment by the House to do Chapter 70 Reform this year but it is not clear that this is going to happen.

Sue spoke about the homeowners' insurance bill. That bill reported out favorably today. It still needs a lot of work. This would create a State fund in case of a catastrophic event.

She spoke about the Circuit Breaker Property Tax Credit for Seniors.

Peter White from West Yarmouth – he is now an independent candidate for Congress and he is running to impeach Bush, Cheney and work with oil in the Middle East. Another issue is renewable energy development. Mr. Sullivan noted we have to be very careful about campaign issues. For Peter to come in and talk about his campaign is not appropriate. If he wanted to talk about one issue he could proceed. Mr. White asked the Selectmen to set aside \$50,000 in the town budget to assist the energy committee. They have been operating under "0" budget. He said they need full support and need to have money to help renewable energy development and other conservation programs.

Mrs. McAuliffe invited Mr. White to stay and listen to Brian Braginton-Smith from the Energy Committee.

Selectmen Items

Mr. Sullivan spoke about a meeting he attended last Wednesday in Dennis. It will be rebroadcast on the school channel. Mr. Sullivan attended along with Mr. Lawton, Suzanne McAuliffe, Mike Daley, the town's consultant on school financing and Bill Bastian, Chairman of the Finance Committee. He said it was the best explanation of the Governor's House One that anyone will hear. All the statements were based on a budget and a formula that doesn't exist yet. Suzanne said there were allegations made that Yarmouth is not supporting education funding at the level it should which was based on a proposal that may or may never see the light of day. If you go by history and current fact and current law, the Town of Yarmouth as well as the Town of Dennis has supported education funding beyond the minimum models. Both towns have spent beyond their minimum spending requirements.

Mrs. McAuliffe said Yarmouth has tried to negotiate with Dennis. A proposal was sent to them in the fall which was rejected. We offered to keep a placeholder on our warrant so we could negotiate with the town of Dennis. He said the positions in Dennis are very firm. She felt there was no interest in the part of Dennis in a compromise. She felt that they wanted to use the regional agreement and the Town of Yarmouth is choosing to use the Chapter 70. Dan Horgan felt the amount of time, money and energy that Dennis has put into looking at all other alternatives other than sitting down and speaking cooperatively with their 30 year partner. We have offered to sit down and negotiate a regional agreement. They have time and again failed to come forward to negotiate. He said Yarmouth has not given up and hoped some calmer minds prevail in the Town of Dennis and sit down and recognize that Yarmouth is very interested in working with them. Bud went over some history. He said the board offered Dennis a hard figure and they didn't respond. We keep talking about the Chapter 70 formula and if we don't resolve this that thing will automatically kick in.

7:15 Hearing

Recreation Fee Hearing

Mr. Sullivan read the public legal notice which appeared in the Register Newspaper.

Pat Armstrong noted the Yarmouth Recreation Commission reviewed our present fee structure on a number of programs and fees and recommended the increase.

Pat reviewed the programs present charges and the proposed fees. (see attached)
The rates have not been raised since 1997.

Following a discussion, the hearing was continued to the second hearing next week.

Energy Committee

Present was Brian Braginton-Smith, Chairman Energy Committee along with Jack Howard, Charlotte Striebel, Evelyn Hayes, Ed Voelker, Steve Gavin, Henry Wingate, and Ed Bullock

Brian said their main focus is energy. He gave a power point presentation (attached). Mr. Horgan said this town should have a policy for all new buildings and for any serious renovation projects that have gone forward with regard to energy. The committee has been in a discussion regarding this but has prioritized their goals.

Assignment of articles

The Board of Selectmen reviewed the articles for town meeting and assigned their articles among themselves.

Ballot Questions

Mr. Lawton reviewed the ballot questions and noted #3 question may not go forward.

Mr. Lawton said April 4 is the last day the board can vote on the questions. The board has to vote by a 2/3rds vote before town meeting occurs.

Residency Policy

Over the last several months Peter Johnson-Staub and people who oversee the policies combined two policies. We are trying to have one policy. It is a compilation of two existing policies put together into one document. Mrs. McAuliffe moved to accept the residency policy and with a second from Mr. Bud Groskopf vote was unanimous.

Selectmen Items

Dan Horgan spoke about the Airport. He asked the board to consider what is next. How do we craft an action plan in terms of getting the residents of the Town of Yarmouth some actual voice on the commission. Working cooperatively with the Town of Barnstable to have some recognition. He was looking for input and/or feedback.

Mr. Sullivan said what has delayed discussions is school budgets, elections, and town budgets. Mr. Horgan suggested funding mini studies regarding the noise level. Mr. Sullivan suggested some of the old studies be pulled and checked to see if airport operations have changed significantly.

Town Administrator

Mr. Lawton reviewed the consent agenda. He noted on the resident beach sticker rules and regulations, there were no changes. It was simply an update to reflect the change in the fees.

Mrs. McAuliffe moved to approve the consent agenda items.
Seconded by Mr. Groskopf. Vote was unanimous.

Mr. Lawton referred to a note from Carol Woodbury, Superintendent of Schools, inviting the board to go to a meeting next Monday with Jeff Wolfson, Deputy Commissioner of the Massachusetts Department of Education who will address DOE's responsibility concerning regional agreements at 7:00 p.m. at the Station Avenue Elementary School.

Mr. Lawton reminded the Board, they will be having a meeting next week for the budget hearing. There will also be a presentation on some money we are getting from the County with Karen Greene and the second reading on the fees.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Horgan.
Vote unanimous.

Board of Selectmen Workshop Meeting
March 7, 2006

Present: Mr. Sullivan, Mr. Horgan, Mr. Groskopf, Mr. Saben and Mrs. McAuliffe and
Town Administrator Robert Lawton

Chairman Jerry Sullivan opened the workshop meeting at 7:00 p.m. following an
executive session.

Mr. Tierney, Board member of the Ancient Supporter of Hibernians who is sponsoring
this weekend St. Patrick Day's Festivities which includes the St. Patrick Days Parade.

Petitioned Articles Presentation:

Mary Zepernick made a presentation on the Cape Care non-binding resolution which
will be on the Yarmouth town meeting warrant on March 11. It will also be on warrants
on 11 warrants on the Cape. It is a proposal and proposes a single care non for profit
community health insurance program for everybody on Cape Cod. She urged the
Selectmen to support the resolution.

Christine Greeley, Vice President Hyannis Park Civic Association. She explained this
article is of great concern to the citizens of Hyannis Park. The zoning laws need to be
revised to more clearly restrict the type of commercial encroachment into residential
neighborhoods. She said they will be amending the article with such things as adding
comas. They are not opposed to them renting units for their employees. They are not
attempting to prohibit multiple uses of different units on an existing property. They are
very specific in the situations they have seen in which housing is being built and then
being used as motel resort units. They are working hard with various groups in making
sure the language reflects the best interest of the town.

Mr. Sullivan noted in regard to the proposal the Board sent back to the Chamber of
Commerce regarding their request on the use of funds from the motel tax, they agreed
with the proposal and the Board will amend their article on town meeting floor.

Planning Board Articles

Steve deYoung noted the Planning Board has been working for several months. They
have attempted to address the village center putting their priority on South Yarmouth
area, the motel bylaw.

All of the articles were discussed in detail. See attached list.

Peter Smith, Chair of the Community and Economic Development Committee, discussed
the proposed by to address the town's deteriorating motel stock on Route 28 and provide

the town with a bylaw that will provide the means to offset the various tourism related spending and businesses. Benefits would increase property tax, room tax, beach and golf revenues and an increase in community pride. The motel bylaw was discussed at some length.

Annual Town Meeting Recommendations

Mr. Lawton referred to his memo in the packet. He was asking to withdraw the yard sale bylaw. Mrs. McAuliffe moved to withdraw the yard sale permit article to be withdrawn, seconded by Mr. Horgan. Vote unanimous.

The tax increment financing for Shaw's Supermarket for the underground wiring. This article was not ready and Mr. Lawton asked that this article be withdrawn. Mrs. McAuliffe moved to withdraw article 30, seconded by Mr. Horgan – vote unanimous.

Mr. Lawton referred to article 13, the override, at \$819,000 which includes the \$83,000 for community development. He also had a separate article for the \$83,000. The board agreed to have all the override amounts in one article.

The Board reviewed the list of articles and voted as on the attached sheet.

The Board also reviewed the list of articles and determined the assignment of each article as per the attached.

Mr. Lawton reviewed the consent agenda, Mrs. McAuliffe moved to approve as presented, seconded by Mr. Horgan. Vote unanimous.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Horgan. Vote was unanimous.

Minutes Board of Selectmen Meeting February 28, 2006
Regular Meeting and Joint Meeting with Finance Committee

Selectmen Present: Suzanne McAuliffe, Jerry Sullivan, Daniel Horgan, Jim Saben and Bud Groskopf and Town Administrator Robert Lawton

Chairman Jerry Sullivan opened the meeting at 7:00 p.m.

Public – none

Selectmen Items

Mrs. McAuliffe moved to approve the Selectmen meeting minutes – regular meeting October 25, 2005 and Workshop Meeting November 1, 2005, seconded by Mr. Saben, vote unanimous.

Consent Agenda

Mr. Lawton reviewed the consent agenda which included a series of gifts to the Division of Senior Services and the Fire Department. Mr. Groskopf moved to accept the gifts, seconded by Mrs. McAuliffe. Vote unanimous.

Mr. Lawton reviewed the fee review policy. Mrs. McAuliffe moved to adopt the fee policy as written in the packet, seconded by Mr. Saben. Vote unanimous.

Mr. Lawton reminded the Selectmen of several meetings that were included in the selectmen's packet which included the Ways and Means Budget Hearing, March 1 at the Barnstable Town Offices at 10:00 a.m.

Selectmen Items

Bud Groskopf reminded the Board of a meeting on Cape Cod Transportation. This is a public meeting to be held Wednesday, March 1 7:00 p.m. at the Harwich Community Center.

Bud said the first Thursday of the month is this Thursday and he will be at the Senior Center for "Tell It to Bud Time".

Reappointments

Mr. Saben asked the board to consider reappoint Joseph Sarnosky and Julie Bender to the Recycling & Solid Waste Advisory Committee. On a motion to reappoint by Mr. Sullivan and a second by Mrs. McAuliffe, vote was unanimous.

Mr. Saben noted that the Design Advisory Review Board has been expanded from three to five members. There are some positions there as well as other positions and encouraged people to come into town hall to fill out a talent bank form.

Dan Horgan spoke about the School Committee meeting. He said the message was clear that both towns are struggling to maintain their own budgets and there is some expectation that the school come in with a reasonable budget. They need to take another look and come back with a budget that is more attainable for the taxpayers of Yarmouth. Suzanne noted the meeting started off with a presentation from the new superintendent Carol Woodbury which was very helpful to have a reminder of all of the responsibilities of the school district and the school committee. She said the Town of Yarmouth budget is 1.9% so the School Committee was held to a 2% as well. That combined with new money makes Yarmouth's contribution just over \$800,000. The Town of Yarmouth is doing a good job in terms of supporting the schools and the School Committee should decide how they will come within the 2%. Bud Groskopf felt the town has been very generous to the schools and they need to stay within our means as well as theirs. Jim Saben he is confident that everyone will cooperate and that the School Committee will come up with a number that will adequately fund the education of our children. It would be much more helpful to start the process a month or two earlier to have some additional time to work on the budget. Mr. Sullivan said today Dennis informally informed us that there will be a presentation by their consultant on the funding options as they view them. The tentative date is first week in March, maybe the 9th. This meeting can be viewed on both town channels.

Hearings

Cemetery Fees (Second Reading)

Mr. Lawton referred to the memo in the packet from Jim Lefter answering some of the Selectmen's questions from the last hearing regarding cemetery policies, cremation lots, comparison with other towns, and veteran lots. Being no questions from the Selectmen or the public, Mrs. McAuliffe moved to approve the fees as presented in the information packet, seconded by Mr. Horgan. Vote unanimous.

Weekly Beach Fees (Second Hearing)

There were no questions from the Board or the public. Mr. Groskopf moved to accept the weekly beach fees as set forth in the packet, seconded by Mrs. McAuliffe. Vote unanimous.

Discontinuance of Water Street

Mr. Sullivan read the legal ad which appeared in the Yarmouth Register Newspaper.

Mr. George Allaire, DPW Director, was present. He explained this was a request to discontinue Water Street which would erase the layout of Water Street. He showed

Water Street on a map which was in the area of Packet Landing. He explained this would enhance the town's ability to get approval from the Board of Appeals because of set back requirements. This will be an article on the town meeting warrant and prior to the town taking any action, the Board of Selectmen need to take a vote to approve the discontinuance of Water Street. No comment from the public or the Selectmen. Mr. Saben moved to discontinue Water Street and with a second from Mrs. McAuliffe vote was unanimous.

Finance Committee joined the Board of Selectmen

Chairman Bill Bastian introduced the FinCom Members – Carol Serafino, Roy Morton, Betty-Jane Burkhardt. Dana Soderberg, John Henderson, Peter Slovak, Ted Weissberger and Judy Hunter were not able to make it this evening.

IFAW – Update

Patrick Butler, was present along with Eliza Cox, Fred O'Regan, Executive Officer of IFAW, Bob Nichols.

A presentation was made on IFAW Redevelopment of 264 Willow Street, Yarmouth Port describing the project. They are coordinating with the respective departments to proceed with informal site plan review while the project is at the Cape Cod Commission. Their goal is to have all permitting in place by June 1. They are hoping to break ground by September and hope to move in within 12 to 13th months, possibly October '07. They would keep the board informed as the project progresses. The Board thanked them and wished them luck.

Joint meeting with the Board of Selectmen and the Finance Committee and the Community Preservation Committee to have a presentation on their town meeting articles.

Jim Hoben, Chairman of the CPC introduced Eric Tolley, Jim Carroll, Jack Mulkeen, Gary Ellis, Priscilla Gregory, Maryanne Walsh, John Biega and Kurt Sears and Jennifer Coutino.

Jim Hoben noted they have met 13 times and reviewed 8 applications and approved 4. They advertised and selected a staff assistant. They also have begun to draft a Community Preservation Plan.

Jim noted the Community Preservation Fund will total \$4,300,000 thru Fiscal '07. This includes the estimated tax receipts from fiscal '06, the State match of \$1,700,000. The estimated '07 tax receipts and State match which we will receive October '06 totaling 4.3 million dollars.

The approved applications are: Flax and Sandy Pond – Recreation - \$75,000
Cultural Center of CC – Historic - \$400,000

Gorham Cobbler Shop – Historic - \$18,927
Long Pond Village YHA – Housing - \$17,400

Jim reviewed the five warrant articles.

Mr. Saben moved to recommend article 22, allocate the sums of money from the anticipated receipts, seconded by Mrs. McAuliffe. Vote unanimous.

Mrs. McAuliffe moved to recommend article 23, cultural center , seconded by Mr. Horgan. Vote 3-0-2. with Mr. Saben and Mr. Groskopf abstaining.

Mrs. McAuliffe moved to recommend the \$75,000 for Flax Pond, article 24, seconded by Mr. Saben. Vote unanimous.

Mr. Saben moved to recommend article 25, \$18,927, Gorham Cobbler Shop, vote 3-0-2 with Mrs. McAuliffe and Mr. Groskopf abstaining.

Mrs. McAuliffe moved to recommend article 26, \$17,400, Affordable Housing project at Long Pond Village Complex, seconded by Mr. Saben. Vote unanimous.

The Finance Committee will make their recommendations at their formal meeting on February 6.

Chamber of Commerce – Petitioned Articles

Kevin Morris, President of the Yarmouth Chamber, introduced Tom Lott, a Board Member and Bob duBois, Executive Director.

Bob duBois discussed article 39 – Adopt a Landscape. He said it was clear as part of our branding research that we need to brush up a lot of different aspects of our community. Signs would be installed at the sites for recognition. Signs must conform to standards determined by the Design Review Advisory Board. If a business, individual, neighborhood group, civic association wanted to adopt an area they would be recognized with some modest signage.

Bob then explained article 38 – Commercial Real Estate Signs

Mr. duBois felt this was a glitch in the sign code. He suggested the entire pre-existing sign be able to be used to lease that property and encourage businesses to come to our community. Such a sign would promote that particular site. This would be a pre-existing free standing sign and/or attached signs may utilize the full area of said signs for the purposes of marketing the lease, sale or occupancy of the lot or building on which it is located. Mr. Sullivan suggested taking out the “and” so it reads “free standing signs or one pre-existing attached sign”.

Mr. Horgan moved to recommend articles 38 and 39. Mr. Saben seconded. Vote unanimous.

Bob duBois discussed Article 14 – An Act Establishing a Tourism Revenue Preservation Fund in the Town of Yarmouth. This would enable the town to establish a new source of revenue in order to better market our product and increase community pride to business owners and residents. They were asking the Board of Selectmen and the whole community for their support in joining the Chamber in choosing a vibrant community.

There was a lengthy discussion. Mr. Sullivan suggested taking time to work on this for the next three weeks. He closed this portion of the meeting with the acknowledgement that they have a lot of support but they have to do some tweaking.

Override Request Review

Mr. Lawton referred to his memo of 2/23 and two sheets listing the final votes of the Finance Committee at their meeting on 2/22/06 showing a new total of \$786,166 for a potential override.

Mr. Lawton reviewed the list and the tax impact on each item.

Following a discussion, Mrs. McAuliffe moved to recommend the override, seconded by Mr. Horgan. 4-0-1 with Mr. Groskopf abstaining.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Horgan. Vote was unanimous.

Minutes Board of Selectmen Regular Meeting
Tuesday, February 14, 2006

Present: Jerome Sullivan, Daniel Horgan, James Saben, Suzanne McAuliffe and Bud Groskopf.

Chairman Jerry Sullivan opened the meeting at 7:00 p.m.

Public

Charlotte Striebel, Representative to Cape Light Compact.

Charlotte was bringing disappointing news along with some good news. She said unfortunately the Town of Yarmouth did not make its 3% for enrolling 364 households. We missed the goal by 20 residents. Because we did not make the 3% we are not eligible for the Mass. Technology Collaborative Bonus Grant of \$50 per resident. The good news is that we did enroll 94.5% of our households and are eligible for Mass. Clean Energy Choice Grants thru MTC. These funds are based on usage. These funds require that the 344 residents remain in the solarize our school project thru March 31. Considering both these grant funds, the MTC will enable all 21 towns to install a TV system on a school within their town. The cost of the TV system is \$20,000. Installation cost is \$14,000. It is anticipated that the MCEC grant will be enough to pay for the installation. In previous appearances, I have spoken about the National Energy Education Development Project which the Cape Light Compact has introduced in the school systems. It is coordinated with the MCAS tests and is in most of the 4th and 5th grades across the Cape and on the Vineyard with the exception of the towns of Yarmouth and Dennis. Bob Mahoney, Debbie Fedden, and Charlotte will be setting up a meeting with the Superintendent of Schools to encourage introducing the need program to the children. With the reorganization of the school district, Charlotte felt the 4th and 5th grades will be attending the Marguerite E. Small School. The Cape Light Compact staff will be working with the towns and schools on the siting of PPB systems. It will be a great learning tool. The staff is working on the RFPs for the purchase of the system. The installation is anticipated to occur between July and October 2006. The funds will come to the town but they are committed for the school. Mr. Lawton and the board will be receiving a letter from the compact with all of this information.

Jerry thanked Charlotte.

Minutes

Suzanne McAuliffe moved to approve the Selectmen's minutes of October 4, 2005 regular and October 18, 2005, Workshop Meeting. Seconded by Mr. Horgan. Vote unanimous.

Appointments

Jim Saben recommended expanding the Design Review Advisory Committee. He and Bud agreed that the commitments to the committee are greater than what they originally anticipated. The recommendation was to expand the number from 3 to 5 members. The Design Review Committee has asked for a change in the name and charge. He suggested the board ask Karen Greene to come in and talk about this. Mrs. McAuliffe moved to expand the membership from 3 to 5 members, seconded by Mr. Groskopf. Vote unanimous. The Board would invite them in after town meeting to discuss the name change and charge.

Bud Groskopf recommended reappointing Mr. Igoe as a regular member to the Board of Appeals to run thru January 2011 and reappoint Mr. Neitz, Mr. Campbell, Ms. Martin, Mr. Roche, Mr. DeYoung and Mr. White as alternate members to run thru January of 2007. Mr. Sullivan moved as recommended and hold Mr. DeYoung and Mr. Roche because they are on the Planning Board and to check on this further. Seconded by Mr. Horgan. Vote unanimous.

Consent Agenda

Mr. Lawton reviewed the consent agenda – Mrs. McAuliffe moved to accept the consent agenda, seconded by Mr. Saben, vote unanimous.

Mrs. McAuliffe reported that Friday morning she and Bud went to the Cape Cod Councilors and Selectmen's Association Meeting. There was a physician from Cape Cares and they will be making a presentation to the Board. The second topic was a presentation from the Cape Light Compact which was very informative. The Mass Technology Council also had a lot of information and grants.

Mrs. McAuliffe said she invited Brian Braginton-Smith to this meeting and he contributed several things to the meeting that people didn't have information on.

Jim Saben noted he road with the police department on two separate occasions which was a very enlightening experience. He said he was very impressed with the professionalism of the individuals he road with. He thanked them for allowing him to ride with them.

Bud Groskopf said he attended the Golf Enterprise Committee last night. They talked about making a resident fee available to town employees. They thought they may be talking about less than 50 people. Bud thought this was a great idea.

Hearings

Cemetery Fees – Jerry Sullivan read the legal ad which appeared in the Register Newspaper.

Fees Proposed were:

Single Lot	\$600
Double Lot	\$1200
Cremation Lot	\$500
Weekend /Holiday Fee	\$150

Jim Lefter, Asst. DPW Director, said the rates for Yarmouth have been the same for a number of years and we need to bring Yarmouth up-to-date with everyone else. Jim reviewed what the other towns charge.

No questions from the public.

The Board suggested having a two year review on all fees.

The Board asked about people who could not afford to be buried. Mr. Lawton would look into this. Mr. Saben asked about the size of a crematory lot.

Hearing was continued to the 28th of February.

Weekly Beach Fees

Mr. Sullivan read the legal ad published in the Yarmouth Register

Mr. Lefter was requesting that the weekly beach fees of from \$45 to \$50.

This is a non resident weekly fee and can be bought at the beach.

No comment from the public

Hearing was continued to the 28th of February

Possible '07 Overrides

Mr. Lawton referred to his handouts on the potential override questions. He said there were two charts – one shows the potential overrides as the Selectmen culled the original list and the Finance Committee's initial list which is the third cut thru the process. The Finance Committee wants to do some more work on it. On the second page is how has the progression gone thru in adjusting these numbers and adding in the capital items. The original request was \$1,741,000 and this was reduced to about \$1,461,000 and following the interviews it was further reduced to \$1,340,000 and the FinCom has it at this moment just over \$850,000.

Mr. Lawton explained we are trying to get the warrant finalized. It would be very good if the Selectmen could choose numbers to assign to each of the items.

There was a lengthy discussion among the Selectmen in reviewing the override requests.

Mr. Sullivan suggested approve the warrant article that will be identical to the FinCom initial list minus the fire department which will be recommended to be funded from

ambulance fees. This board and the FinCom will have the opportunity to make amendments prior to town meeting on any of those numbers and bring them downward.

Suzanne McAuliffe moved that the Board of Selectmen put the FinCom list as is with the exception of the fire department request as an article on the town meeting warrant with the understanding the list will be fine tuned, seconded by Mr. Horgan. Mr. Horgan was concerned with the capital budget list. He said he would like to have an opportunity to check the list to make sure the \$200,000 will offset the inflation we have experienced over the last several years. The Selectmen discussed briefly the capital budget proposed cuts.

Suzanne withdrew her motion and Dan withdrew his second due to the fact that there will be another discussion on this at the meeting on the 8th.

Mr. Horgan moved to adopt a number tonight of \$850,000, seconded by Mrs. McAuliffe. Vote 3-1-1 with Mr. Saben voting in the negative and Mr. Groskopf abstaining.

Break

Review and Recommendations on Town Meeting Warrant

The Selectmen reviewed the Finance Committee Recommendations

Articles 1 thru 12 standard articles –

Mrs. McAuliffe moved to the recommendations on the annual town meeting articles as per the attached list, seconded by Mr. Saben. Vote was unanimous.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Saben, vote was unanimous.

Yarmouth Board of Selectmen Meeting – February 7, 2006 – Workshop Meeting

Present: Jerry Sullivan,, Suzanne McAuliffe, Dan Horgan, Jim Saben, and Bud Groskopf and Town Administrator Robert Lawton

Jerry Sullivan opened the meeting at 7:00 p.m.

Department Heads and Committees speaking on town override requests.

Art deBonville and Peter Johnson-Staub were present representing the Capital Budget Committee. Art explained their proposal and how the town's needs have grown. They gave their power point presentation – He said one million per year is no longer sufficient to maintain buildings and equipment. He explained the effects of deferring the capital projects. He also explained the benefits of protecting the town's investment in buildings and equipment, avoid more expensive replacement. The capital budget committee was requesting \$500,000 in the override amount.

Mr. Sullivan added that the Selectmen were not going to make a decision tonight and that tonight was to hear the presentation of the various departments.

Community Development

Karen Greene made the presentation – they were requesting \$100,000 to further recent work on Route 28 throughout the town. This will be an investment in the town's future. No new staff is requested. Funding will provide them with assistance from consultants with expertise in specialized fields. She explained this would include market analysis, build out analysis and traffic analysis, streetscape design, visualization and public outreach. Areas for consideration were the south Yarmouth Village Center, the Route 28 corridor, proposed marina area and the medical overlay district.

This request was important because tourism revenues are declining lodging restaurants, beaches and golf. The tourism economy is in a level of stagnation. Karen asked that this proposal be supported because it would increase town revenues, demonstrate local support for Route 28 revitalization and implement goals/recommendations that have been made through planning efforts.

Library Services \$83,537

Jackie Adams did this presentation - She said this was for personnel requests. One part time general laborer, service needs, one part time librarian/technical services in children's department, one part time librarian/technical services in computer department, full time tech/circulation and part time senior library tech for children services. She explained these positions were necessary to meet the state guidelines and to request the minimum needed hours without reducing village library hours. The libraries would lose 20% of state aid if guidelines were not met. Jackie urged the selectmen to support this request.

Senior Services – 25,294

Karen requested her outreach coordinator be fully funded and to expand the hours of one part time department assistant to a full time person. She explained the outreach coordinator is the link between needy residents and services they need to remain independent. 17.5 are paid by formula grant, 20 hour position paid by town, the override would allow town to fully fund this position and not be dependent on grant funds. This position is unable to provide adequate service in 20 hours per week and the cost for 17.5 hours salary for FY 07 would be \$15,666. Karen then explained the need for a full time department assistant. The position is currently 25 hours. The cost to increase to 37.5 hours would be \$9,628. This would serve as a backup to part time receptionists of which their salaries are paid through grants. The responsibilities would include managing building rentals, managing program and activity space, layout and calendar for monthly bulletin and tracking donations, maintain a database for the division, provide better customer service, and will be assigned additional administrative duties to allow director to do more planning. Karen said she would appreciate the board's support.

Engineering \$12,531

Rick deMello spoke about his request for GIS software. They will need help to upgrade the system as well as training. The expenses included software, equipment, copier maintenance, supplies. The request also included EPA's phase II stormwater implementation, provide vacation coverage for office as in the past and fully fund overtime request to past levels.

Natural Resources \$130,977

Peter Johnson-Staub and Bill Bonetti made this presentation. Peter explained the staffing issues \$40,113 for a natural resources officer, \$35,215 for natural resource technician, \$35,215 for a natural resource technician and \$10,000 for increased overtime and seasonal help. He explained workload has increased, support from outside agencies has decreased. Also the workload in the division has increased including increase in boating activity and water quality sampling, more wildlife issues, shellfish propagation and more special events. Peter also explained there was less support from other agencies such as the coast guard shift in priority to homeland security and the ma environmental police have fewer resources for routine patrols and special events support there is less time for natural resources to carry out their preventive work. The benefits of funding these positions would be for safer waterways, improved maintenance of conservation areas and better ability to handle wildlife issues.

Information Technology \$62,071

Shawn MacInnes was asking for one full time network administrator and one part time media coordinator. He showed a slide with the responsibilities of the information

technology in town. He highlighted some of the main points – 200 computers in town, 17 servers, fire and police networks, fire and highway digital phone systems, website administration, virus protection, employee training and software.

He showed a comparison table which included other towns showing their IT staff. He reviewed the benefits – important to keep public safety network up and running 24 hours a day. This would help in reducing a computer system failure. They provide services to all employees. This would allow ability to improve customer service, improve information systems, and town web site improvements.

The potential cost of not increasing IT staff would be that the down time would be more and there would be loss of productivity. Also on the network is the Chelsea Tee Time system which links the three golf courses – also on the system is the fire department fire hose software which they use for all report writing and tracking. Additional to that the fiber network has the fire department phone system which includes the 911 system. Another benefit of hiring another IT person is it would minimize disruptions in the event Shawn is not here. He reiterated that one IT person is not enough to provide adequate support in all the areas in Town.

Fire Department \$67,629

Fire Chief Randy Sherman explained his request. They were asking to add one Lieutenant Inspector's position to the department. The cost impact is \$67,629. The administration staffing in the department has not changed in 20 years. In 2001 the board commissioned the fire department study none as the MMA study report. Their recommendation for the workload they saw was for a Chief of the Department, 3 assistant or battalion chiefs one of which was dedicated to fire prevention and the inspector for a total of five people doing what we are doing now with 3. The Chief's recommendation was to add a single lieutenant inspector. This would improve their fire prevention efforts but would allow the deputy chief of the department to come back to performing many more administrative duties because right now he has to spend most all of his time in that fire prevention effort. Deputy Chief Raskio continued the presentation and referred to the information that was given to the selectmen in their packets. The Chief said by adding this one position, we gain a deputy back almost full time doing administrative duties and yet he is still available with his expertise to supervise the fire prevention effort and we will have two full time inspectors to address the combination of workload increases.

Police Department - \$368,629

Chief Peter Carnes gave his power point presentation. Their request was to add five additional patrol officers to their current staff. Three of the new patrol officers will fill the vacancies that are created by promoting existing patrol officers to rank of sergeant. Two patrol officers will be added to the night shifts. The additional personnel will add extra patrol officers to patrol the streets of our community. This is a critical need to improve the response time to calls for service. The purpose of promoting the sergeants is to

manage their time that is spent on the calls for service and also at the same time attempt to increase their proactive patrols for preventing crime. They have spent time studying the program. They determined it is not sufficient for one sergeant to effectively supervise the activity both in the station and out in the community. By adding three sergeants it would provide more street supervision to meet the public demand and improve the delivery of police services and reduce liability on the department and the town and at the same time enhance the safety for our citizens, police officers, our business community and our visitors and tourists. He explained the increased workload in his department. The Chief said they feel strongly that this proposal is a valid solution.

Mr. Sullivan thanked each and every presenter. It was outstanding, the presentations were to the point. Information was in the packets. The board will be talking to some of the departments again but it gave the board an opportunity to get another overview especially the last two to rereviewing these requests because they have been in front of the board before. It also gave the public an idea of what the town is facing for both manpower and service shortages. The board will be revisiting these items next week to wrap it up and make their recommendations. Next week they will be placing a number on the warrant but it will be possible to fine tune it later.

Mr. Sullivan said the total of these requests, if all were recommended and voted,, would have a 21.1 cent effect on the tax rate which by itself doesn't seem like we are looking at much but we also have to keep in mind that we have just alone with the schools we will be facing an increase. He thanked everyone again for their presentations.

Being no further business Mrs. McAuliffe moved to adjourn, seconded by Mr. Horgan. Vote was unanimous.

Yarmouth Board of Selectmen Meeting – January 31, 2006 – Regular Meeting

Present: Jerry Sullivan, Suzanne McAuliffe, Dan Horgan, Jim Saben, and Bud Groskopf and Town Administrator Robert Lawton

Jerry Sullivan opened the meeting at 6:00 pm

Suzanne McAuliffe noted that the Mass Municipal Association sent out an action alert. The Governor at the meeting said he was going to be uncapping the lottery this year and his budget came out that he was going to start uncapping to be totally uncapped in 2009. She said she believed that the board needs to write letters to our legislators to request that the Governor's promise be upheld and they totally uncap the lottery this year. They have a lot of funds and that would be another \$163.7 million available for local aid this year. The board agreed.

Appointments

Bud Groskopf recommended that Ms. Walker and Mr. Alto be appointed to the Disability Commission for a three year term to run thru September of 2008. Mr. Sullivan so moved, seconded by Mrs. McAuliffe. Vote unanimous.

Jim Saben recommended Mr. George Allaire be appointed to the Cape Cod Wastewater Collaborative. Mr. Sullivan so moved, seconded by Mrs. McAuliffe. Vote unanimous.

Dennis Yarmouth School Committee

Present Phil Morris, DY School Committee and member of building committee He introduced Superintendent Carol Woodbury, Kathy Cane, member Capital Budget Subcommittee and Vice Chair of their committee Jerry Bastian and the high school principal Ken Jenks.

Phil started with the building committee update. He handed out some information to the Selectmen. He said they are well in excess of one million under from what was allocated and authorized by the town. He reviewed the change orders. Phil said they cannot predict the future and they don't expect any surprises. They are in the last six months of completion and have come in under budget.

Suzanne said she could support everything but two of the things on the change order list. She said she didn't understand why a \$66,000 fence got taken down and now we have to pay to replace it. She asked isn't there any recourse thru the project manager or thru the contractor? The second issue was the storage building. She said a little red flag went up when she heard about vehicle maintenance and that is our water recharge area for Long

Pond. You have to have a license to be doing vehicle maintenance because of contamination issues.

Mr. Jenks explained there will be time at the end of the process where everyone meets to work out the things that were owed to us that weren't performed and what is the cost value. The fence piece was removed as part of the plan because they needed to remove the fencing to put the new track in. In the process it wasn't automatically listed to replace the fencing. This figure would allow us to replace and expand the fencing to totally go around the track.

Mr. Morris spoke about the maintenance shed. Lou said they gave up over 4,000 sq ft of storage space. They are looking at two bays for service. They try to keep everything in house when they can. The building will be designed around the needs of the grounds department. If thru the permitting process, this is not allowed it won't happen but we still need the building regardless.

Dan Horgan said he was not comfortable with this money being available to be spent. He said at some point the door has to close. The money for this project is going to come crashing in on the taxpayers this year. We should be trying to finish the project and moving on. He would really like to see the community take a stand and say to the taxpayers that you very much for what you are doing and we appreciate it and stick to it. He felt we should stop at this point.

Bud Groskopf urged them to get the Disability Commission, State and Local, to address the handicap access issues.

Jim felt that sometimes we think we have got the money so let's spend it. The changes totals 1.3 million dollars. He was concerned that the people believe we have been authorized 32,000,000 let's spend it. We need to be aware of the fact that we have residents living on extremely low incomes. He asked about how large is the building? He was very concerned about putting a repair facility on that site and was also concerned with spending \$500,000 for a storage building. He is concerned there is an attitude we have got it so let's spend it now. He said he knows what has been done is outstanding and as a year end

Jerry said the only thing that bothers him the Commissioning. He said it is important that the modifications that need to be done are done under the contract price. Suzanne noted the State will not kick in if they go over their budget.

Phil Morris addressed the Commissioning issue. It was not part of the project. It will soon be part of every municipal building project. He said they are not out to come in at the cheapest price that are going for the most efficient price for the long term not just this year alone.

Superintendent Carol Woodbury spoke on the Commissioning and stated after much study, she voted for the Commissioning.

Mr. Sullivan asked just to confirm that the boiler that was approved at town meeting will not be put in the building prior to its closing. Carol said her understanding from conversations between Skip Finnell and Peter Johnson-Staub, in fact, no, that will not be put into the building.

Jerry Sullivan thanked them for coming.

Break

Public

Chamber of Commerce Gift to the Fire Department

Bob Dubois, Director of the Chamber, and Chief Randall Sherman, Fire Department were present.

Chief Sherman said he asked Kevin Morris, President of the Yarmouth Chamber and the Director Bob Dubois to come forward. On behalf of the Yarmouth Fire Department he thanked them for their generous gift of \$300 to purchase a training mannequin in support of their AED CPR Training. They purchased the child mannequin. Kevin Morris said on behalf of his whole board and the staff they are very pleased to present the gift to the fire department. The funds were raised during their 2005 spring auction.

Chief Sherman recognized the graduation of another group of people known as the Community Emergency Response Team (CERT).

Chief Sherman brought forward Call Firefighter Captain Robert Phillips. Bob Phillips was retiring and Chief Sherman gave all of his accomplishments. He served for over 30 years. The Chief thanked him for all of his efforts. State Representative Cleon Turner also recognized his service with a Citation.

Station III Building Committee

Present: Al Gray, Chairman said the architect will show the new plan which meets the 4 million dollar cap which was agreed upon. .

The Architect reviewed the plans and the cost He showed the revised floor plan and noted they reduced the size of the building. It's a single storage building and they eliminated the second floor.

There are three items that do not fall within the 4 million dollar budget that they are going to continue to look at and to find some way to work in as they get thru the final design. Epoxy apparatus floor, alternative foam insulation system, and a fitness room over service area.

The Board thanked the Building Committee for all of their work.

Mr. Groskopf reminded everyone that when this was started it was 9 million dollars. This group along with the Chief were able to cut this figure more than one half and he congratulated them. Jim Saben also commended the work this committee has done and this community will have a fire station that will service our need for West Yarmouth.

Mrs. McAuliffe moved to accept the designs as presented this evening and allow the committee to go into the phase into the final design bid. Mr. Saben seconded. Vote unanimous.

Jerry thanked everyone and especially the Chief and stated that all of the items that were not addressed will be addressed in the future.

Approval to Proceed to ask Ma Highway for Reconsideration of Improvements to Intersections on Route 28/North Main Street and Route 28/Forest Road.

Mr. Lawton explained these two intersections had been put on hold and George Allaire, DPW Director indicated the State was thinking of taking them off the list for consideration. He asked if I would bring it up to see if the Board would authorize the continuation for at least the consideration of these two intersections. They are important especially with the work going on at the Shaw's Plaza. Route 28/North Main has had an ongoing problem with left turns and backups. The board will not be approving the sign but simply authorizing these to continue to be on the list for traffic improvement.

Mr. Groskopf moved that Mr. Lawton be authorized to move forward with the reconsideration by the State of the two traffic projects on Route 28, seconded by Mrs. McAuliffe. Vote unanimous.

Finalize 2006 Annual Town Meeting Warrant

Mr. Lawton explained the warrant was essentially the same with the exception of a request to place an article for a possible override. The Selectmen agreed to hold a spot.

Mr. Lawton explained another additional article concerned the potential amount of money for improvements to Route 28. This is the Bluestone thru Community Development. Mr. Lawton would be investigating several options.

Mr. Lawton said the Finance Committee wants to listen to the February 17 presentations by the Department Heads and following this they will make their recommendation on any override.

Mr. Lawton said either the 28th of February or the 7th of March, the board will have a presentation by the CPA and/or the Planning Board. The petitioners will come in on another night.

Mr. Sullivan said next week for the department head presentations, we have set a time limit and it will be strictly monitored.

Mrs. McAuliffe moved to open the warrant for the annual town meeting '06.
Second by Mr. Horgan, vote unanimous.

Following a review of the articles, Mrs. McAuliffe moved to include all of the articles presented and close the warrant, seconded by Mr. Horgan. Vote unanimous.

Mrs. McAuliffe moved to **approve the Board of Selectmen's minutes** meeting of September 27, 2005, seconded by Mr. Horgan. Vote unanimous.

Selectmen

Mr. Saben noted that he has been in the process of downsizing his home. He is committed to serving out his term on the Board of Selectmen and he is not leaving town. He is simply downsizing from a very large house to a smaller house within the borders of the Town of Yarmouth.

Bud Groskopf said Thursday is the first Thursday of the month so it is "Tell it to Bud Time" at the Senior Center at 11:00.

Town Administrator

Mr. Lawton referred to a letter to our state representative. George Allaire and Joe Rodrick from Dennis have been working long and hard to convince KeySpan to use the old railroad track layout to put the new gas line in rather than go down Whites Path, up Highbank Road into the Dennis Historic District. Our attorney has made the presentation. He said this is a very strong case, however, the Siting Board is political and it would be helpful to receive permission from the Board of Selectmen to write letters to our legislators and inform them that this is the proper way to have the gas line go.

Mr. Groskopf moved that the administrator be empowered by the board to use every means at his disposal to affect the board's objective, seconded by Mrs. McAuliffe. Vote unanimous.

Mr. Lawton reviewed the letter from the Historic Society requesting an exemption from the fees at Gray's Beach and the Cultural Council has asked for half fee for the use of the Senior Center Ballroom. Mrs. McAuliffe said she needed to abstain from the Historical Society vote because she is a member.

Mr. Lawton presented the Energy Policy which was a summary of the board's wishes to be as energy efficient as possible and to bring forward every option to conserve.

Mr. Saben moved to accept the consent agenda, seconded by Mr. Groskopf vote 4-1 with Mrs. McAuliffe abstaining on the Historic Society vote. Vote unanimous.

Mr. Sullivan noted the request from the Cultural Center to use the land next to the parking lot across the street from the library. One concern was creating a use of anything that is going to be raising funds on town land. Mr. Lawton would draft a policy and have it reviewed by town counsel.

Being no further business, Mrs. McAuliffe moved to adjourn and with a second from Mr. Groskopf, the vote was unanimous.

Yarmouth Board of Selectmen Meeting – January 24, 2006 – Workshop Meeting

Present: Jerry Sullivan,, Suzanne McAuliffe, Dan Horgan, Jim Saben, and Bud Groskopf and Town Administrator Robert Lawton

Jerry Sullivan opened the meeting at 7:00 p.m.

Mr. Sullivan noted next week the meeting will be starting at 6:00 due to a request from the School Committee. They have a prior commitment at 7:00.

Housing Authority – Brush Hill Road Development

Present were Bryant Palmer, Jim Hoben , Donna Killeen, Maryanne Walsh and Laurie Milton.

Donna said they are currently working with Karen Greene from Community Development . the town submit a priority development grant request to the Department of Housing and Community Development which they received funding for the development of both Brush Hill Road and Forest Road. They issued an RFP and has had two respondents. A committee was established to interview the respondents. They hope to make a selection and the consultant will work with the Housing Authority and the town in developing an RFP for the disposition of the land to a developer for a first time home ownership. Their primary goal is to provide affordable housing at 70 percent of median income if possible. The prior four units were sold to persons at 80 percent of median incomes. They would like to widen the window of opportunity and have more people eligible. The details of the Brush Hill project was discussed as well as the elderly housing project on Forest Road near the Senior Center. The board was pleased that they anticipate using a consultant from a grant to develop six lots of affordable housing to be sold at the 70% median income at approximately \$142,000. It was also indicated that dependent upon the bids submitted, the Housing Authority is willing to take no money for the lots in order for them to be as affordable as possible for residents within the Town of Yarmouth. The two of the lots are currently in the process of being leased to the Housing Assistance Corporation at no cost to develop some type of congregate or family living situation. Jerry Sullivan thanked them all for coming in to the meeting.

Second Reading Mooring Fees and Slip Fees

Karl vonHone explained he did not receive any feedback from the first hearing held on January 6. Jim Saben excused himself due to a possible conflict.

Karl reviewed the rate changes as he did on the 10th. (see attached sheet).

Suzanne McAuliffe moved to accept the recommended fees as presented, seconded by Mr. Horgan. Vote unanimous.

Annual Town Meeting Warrant – April 11, 2006 – First Review

Mr. Lawton reviewed the draft warrant. There were 37 articles in the printed version and on the table were two additional.

On the table was an article for \$115,000 from the Community Preservation Act. This is to pay the bond authorized but we have not bonded from the Englewood Beach Acquisition. It was always the intent to have the money from the CPA pay that bond.

Second is the Shaw's project and the possibility of having underground wiring. We would be supportive of that thru a financing arrangement. There would be no money out of the town's pocket but if passes, it would allow Shaw's to defer some taxes from the State.

Mr. Lawton said the board will be voting on the articles next week. We will have to set up the order and set up some meetings with the proponents of the article. The first 12 articles are standard articles with the exemption of article 7 which is the regional agreement assessment.

Article 10 is new language to change the agreement with DY to eliminate all of the wording regarding the leasing of the buildings.

Article 11- Cape Tech Budget, up 3.9%

Article 12, 13, 14 – standard.

Article 15, \$30,000 for audits

Zoning Articles are still being worked on.

Article 17. Fire Station – formal presentation next week.

Article 18. road reconstruction – 5 million

Article 19. deferred from the annual - eliminate Water Street

Article 20. Allocation of anticipated receipts of the CPA

Article 21, 22, 23, 24 – CPA articles – they will be coming in for a presentation.

Article 25. increase in fees by the town clerk.

Article 26. Yard Sale.

27, 28 – zoning articles

Article 29 – permanent signs.

Article 30, 31 zoning

Article 32. tourism article

Article 33 – commercial real estate signs

Article 34. adopt a landscape

Article 35 -= petitioned – one family – two-family dwellings

Article 36 – disability committee – fees need to be tied to a section of the MGL.

Bud Groskopf mentioned he had recently met with the Disability Commission and they raised concerns about the number of handicapped parking warnings which are dismissed by the police department. He asked Mr. Lawton to get some information regarding the process which is currently used to review the warnings and/or information which is provided to you by the Disability Commission and how the disposition of the tickets/warnings are handled.

Mr. Lawton gave an update on the budget process.

Finance Committee is about 65% through with their review.

Budgets within proposition 2 ½ have been submitted and we are at approximately at a 2.5% increase in town budgets overall.

In the school budget Mr. Lawton anticipated a 2% increase in the school. That would allow the budget to remain within 2 ½.

Mr. Lawton referred to information in the packet regarding a potential override. The finance committee agreed with the items that were highlighted by the Board of Selectmen as ones that the board might consider for an override. Mr. Lawton asked whether they would like all of the departments to come in. Mr. Lawton was anticipating having whatever departments come in on the 7th and make their presentations to the board. This would include Community Development, libraries, Department of Natural Resources, Senior Services, Recreation, Technology, Police, Fire and Building.

The board decided to have each one come in and make a brief presentation. This would also help the public become educated about the requests.

Mr. Lawton referred to a note from him to the board concerning a meeting he had this morning with Mr. Finnell. There are three items he wants to talk about and this meeting will start at 6:00 o'clock next week. The three items are :

1. the owner request of change orders for the DY High School

2. the School Committee will formally tell the Board that John Simpkins School be closed at the end of the school year of 2006 and the Selectmen will give their thoughts on not proceeding with the boiler replacement at John Simpkins School.
3. The School Committee wants to give a brief update on the Capital Budget issues. The Board of Selectmen will most likely not comment on the capital items as they will await a report from the Capital Budget committee regarding school capital items as well as town capital items.

Mr. Lawton also provided a memo from Mr. Finnell to Ms. Woodbury dated January 13 which outlines the items they wish to add.

Mr. Lawton commented about Shawn MacInness. We had a virus attack the system and Shawn worked all day Saturday at the Fire Department and worked until 1:00 last night in this building trying to get the system back up and running. He did an excellent job. Suzanne suggested the board write a special letter.

Mr. Saben reminded everyone of a meeting of the South Yarmouth Village Center tomorrow night at 7:00 here at town hall.

Jim referred to a memo regarding Council on Aging fees. Mr. Lawton said this will be discussed next week along with Bakers Path.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Horgan. Vote unanimous.

Yarmouth Board of Selectmen Meeting – January 17, 2006 – Workshop Meeting

Present: Jerry Sullivan, Suzanne McAuliffe, Dan Horgan, Jim Saben, and Bud Groskopf and Town Administrator Robert Lawton

Jerry Sullivan opened the meeting at 7:00 pm

Financial Advisory Associates – Mike Daley and Ed Tynan.

Mr. Sullivan noted there would be a question and answer session following the presentation.

Mike Daley made a power point presentation covering:

He explained the MGL Chapter 71, 16B
Requires School Committee approve annual expense budget by 2/3rds vote

Allows agreement cost allocation Methods to be used provided the

Total sum of budget may not be decreased
Approval by majority vote at each member community annual or special town meeting
Written notice of action taken to the Commissioner of Education is required
Must be voted each and every year.

Mike reviewed the decision for the Holden v. Wachusett RSD. The court ruled notwithstanding the provisions of any regional school district agreement the legislature intended for the statute to supersede any formulas in regional agreements for apportioning the minimum regional contribution of its members. Only the additional spending portion of a regional budget may be apportioned by the member towns in the manner provided for in their regional agreements.

The conclusion was because the amendment requires each town to pay its full minimum regional contribution, it appears on its face to conform with the funding procedures mandated by the legislature pursuant to the passage of educational reform statutes in Massachusetts in the 1990s. However, its actual effect, and its admitted purpose, is to offset the minimum regional contribution in a manner that negates the statutorily mandated differential funding and reinstates funding solely on the basis of the regional agreement without the unanimous agreement of the member towns. As a matter of law, this court finds the amendment violates the intent of both GL c. 70, section 6 and GL. c. 71 section 168-4. the above approaches appear to be the sole options available to member communities at this time.

Mike then reviewed the Education Laws
Foundation Budgets
Minimal Regional Contribution

He explained the Foundation Budget Chapter 70 Formula

Ideal level of funding to be achieved by each school district

Modified by enrollments, local property values and demographics of each community

Formula began in 1993

Was intended for a seven year life. Legislative efforts to complete an equitable formula revision have been unsuccessful

Formula has been altered in small increments

Minimum Regional Contribution

Required School Spending

Ch 70 establishes annual minimum that must be spent by each community on education

Local contribution is determined by applying state aid to minimum required school spending

Required local contribution is generally allocated across several school districts

Required local contributions are mainly regional contributions because of K-12 region.

Mike Daley explained the Role of State Officials

Department of Education calculates and discloses funding requirements and collects data to determine compliance

The Department of Revenue Calculates and Discloses State Ai and collects data to determine compliance.

The Role of Regional Officials

The Regional School Committee votes annual expense budget by 2/3 vote and initiates most proposed amendments to agreement and sets terms and conditions of all withdrawals

Te regional treasurer certifies to local treasurers the annual assessments apportioned to each member under both options and provides a copy of the budget to each select board, finance committee and treasurers

Special District wide meeting is only necessary in two member budget gridlock situations.

The role of Local Officials

The Board of Selectmen establishes town meeting warrant, reviews regional school district budget and makes recommendation to town meeting.

The Finance Committee reviews regional school district budget and makes recommendation to town meeting and

Town Meeting determines preferred cost allocation method and appropriates funding under one of two options and initiates withdrawal process.

There was a lengthy question and answer session.

Mrs. McAuliffe moved to adjourn, seconded by Mr. Horgan. Vote unanimous 5-0

Yarmouth Board of Selectmen Meeting – January 10, 2006 – Regular Meeting

Present: Jerry Sullivan,, Suzanne McAuliffe, Dan Horgan, Jim Saben, and Bud Groskopf and Town Administrator Robert Lawton

Jerry Sullivan opened the meeting at 7:00 p.m.
Public

Big Brothers Big Sisters

Susan Fernald gave a presentation on the Big Brothers and Sisters and the work they do with the children and their work with the schools. She spoke of the mentors and their new one year program to help children with their school work. They have 40 matches at the present time. They have a three year grant. They have 11 DY high school students who are mentors. This is National Mentoring month and she was hoping to get some more volunteers. The volunteers are required to volunteer for one hour one day a week. Their office is at the Mattacheese Middle school and Susan can be contacted there.

Peter Kenney, West Yarmouth, spoke about the Cape Cod Commission and asked the board to consider a petition and have a hearing to withdraw from the Commission. He asked what do we get for \$190,000 a year? He felt we don't need the Commission. The Commission has not lived up to its billing and is irrelevant and felt we should be released from the Commission. He would like to see the County Government stand on its on. He suggested having the hearing after town meeting. Mr. Sullivan agreed to have a hearing perhaps after the elections in May.

Hearings

Mooring and Slip Fees

Karl vonHone introduced Bob Churchill, Al Keller, and Conrad Caia. Karl said the Waterways and Shellfish Advisory Committee has been looking at the fees for the last 12 months. A public information hearing was held. In addition to the fees, the slip holders were contacted directly to let them know what the increase would be. The current mooring fees are \$48 for residents and \$144 for non resident. The committee is looking at a \$75 fee across the board. It has come to their attention that they are not allowed to charge different rates and this is being discussed at the State level. The slip fee rates are being proposed as:– Packet Landing \$75 per foot – Colonial Acres \$30 per foot, Englewood \$30 per foot, Bass Hole \$200. The board was provided with comparisons from other towns. Following a discussion, the hearing was continued for the second reading until the 24th.

Shell fishing Rules and Regulations

Karl reviewed the Shellfish Regulations and explained the changes in the regulations. Some of the revisions were minor wording changes. Other changes, moorings are paid for prior to inspection and going in the water. Subleasing is not allowed. If moorings are not utilized by July 1, the mooring can be taken away and given to someone on the wait list. Lists out the waiting list procedures and fees. Lists out storage permits thru a fee as well as a sticker system. Outline of what boats are acceptable and criteria that must be followed. States April 1st deadline. Requirements for insurance packages for the larger boats were listed. Outlines boat must be registered to slip lessee. They capped the commercial shell fishing licenses to 25. These regulations will be reviewed annually. There was much discussion about the cap with the board and the public. The board and the committee decided to hold this issue for more review.. Mrs. McAuliffe moved to approve the new shellfish regulations as discussed and holding the caps, seconded by Mr. Horgan, vote unanimous.

Aquaculture Shellfish Lease Renewals

Karl explained this was a renewal for four aquaculture leases. The first four on the list were up for renewals. This is a standard process under MGL that allows the local authorities to review shellfish leases. These leases are essentially a section of the land under the ocean that is provided to a fisherman at a fee to them. These aquacultures grow species from oysters to quahogs to scallops, clams, etc. for the purpose of sale. The four seeking the renewals actively work their grant and lease area. This is another way to shellfish, however, it is more like farming. Following a brief discussion, Mrs. McAuliffe moved to renew the four aquaculture shellfish leases as presented, seconded by Mr. Groskopf. Vote unanimous.

Transfer of Annual Package Store All Alcoholic Liquor License from Martin's Warehouse Liquors, Inc., to Cape Wine & Liquor, Inc. dba Martin's Warehouse Liquors, Maria Marasco, Manager.

Jerry Sullivan excused himself from this hearing due to a possible conflict of interest.

Present were Maria Marasco and Jack Martin. Suzanne McAuliffe opened the meeting by reading the legal ad which appeared in the Yarmouth Register.

Jack Martin said he has been in the business 34 years and it is time to move onto something else. Maria Marasco said it is a pleasure to purchase an established business. She said hopefully she has complied with all of the requirements, she has attended the Alcoholic Beverage Training, and contacted Chief Carnes and was requesting the board to approve the license transfer and to get a lottery transfer which is separate from this. Maria said her family is part of this community, she is an attorney and also has a master in business and it will be a pleasure to carry on this business. Maria said she will be the site manager. Suzanne noted that the Town of Yarmouth takes liquor sales and the

workers of the establishment very, very seriously. Suzanne said she was pleased Maria met with the police department and in the future never hesitate to call them. Suzanne also noted all the rules and regulations need to be accessible in the liquor store and need to have proper licenses and booklets for the employees and there should be strict control of liquor sales. Maria said she is well aware of the laws and regulations they need for compliance and appreciated the suggestion that the town is more than willing to work with business owners. Maria said she is fortunate a number of sales people have expressed an interest in staying and find they are extremely qualified people.

No public comment

Mrs. McAuliffe recommended a vote to transfer this liquor license.

Mr. Groskopf so moved, seconded by Mr. Saben. Vote unanimous.

Jerry Sullivan returned to the Board

Appointments

Bud Groskopf explained the town has an opening for the Human Rights Commission and recommended that Mr. Paul Nossiter be appointed for a one year term. Mrs. McAuliffe so moved, seconded by Mr. Horgan. Vote unanimous.

Bud recommended Evelyn Hayes and Ed Voelker to another three year term on the energy committee to run to December '08. Mrs. McAuliffe so moved, seconded by Mr. Horgan. vote unanimous.

Mr. Groskopf reported on the ad hoc committee for the John Simpkins School's future. He contacted 7 regular members and 2 alternates and they were all willing to serve. These are Nancy Anastasia, Marion Broidrick, Art DeBonville, Priscilla Gregory, Hugh March Phil Morris, Tom Roche and George Burr and Duncan Oliver as alternates. The Board agreed.

Mr. Groskopf read the resignation of Charles Lockhart Yarmouth's representative to the C3TV Board of Directors. Mrs. McAuliffe moved to accept the resignation with regret, seconded by Mr. Horgan, vote was unanimous.

Mr. Groskopf recommended the appointment of Gerald McMahon to the C3TV Board of Directors for a three year term to run thru January 31, 2009. Seconded by Mr. Horgan. Vote unanimous.

Selectmen

Discussion Possible Override

The Board discussed schools and their fixed costs. Dan announced next Tuesday night the 17th there will be a very important discussion at 7:00 regarding the Chapter 70 Funding as it relates to the district agreement. Mr. Sullivan said the meeting will be aired on Channel 22, the education channel.

Suzanne said she went to the Cape Cod Selectmen's and Councilors Association Meeting. Bud and Bob Lawton also attended with other town managers and legislators. She referred to the sheet in the packet that has the topics the legislators covered. She noted this week the Mass Municipal Meeting is in Boston.

Mr. Sullivan reiterated Ms. Fernald's points on her presentation on the mentor program at Big Brothers and Big Sisters.

Mr. Lawton referred to a letter concerning collective bargaining and the board needs to appoint someone to be on the bargaining team for the school. It has to be a member of the Board of Selectmen. Bud Groskopf volunteered.

Being no further business, Mrs. McAuliffe moved to adjourn, seconded by Mr. Horgan. Vote unanimous.