

Minutes
Board of Selectmen
Regular Meeting
October 28, 2008

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

Public:

1. Police Drug Grant Acknowledgement, Technology Grant Acknowledgement

Chief Almonte says that the Police Department has received non matching \$14,000 grant for technology. He recognizes Lt. Kevin Lennon for finding and applying for the grant. He says they have also received a non matching \$27,000 grant to help in reducing drug activity in Yarmouth. Deputy Chief Fredrickson explains the drug diversion grant to reduce the abuse of prescription drugs; he says that Yarmouth is one of only 11 towns in the country to receive the grant. Ms. McAuliffe applauds the Police Department for finding new funding sources; she also says that the town will benefit from these grants.

2. Mary Zepernick – Update Health Care Ballot Question

She reviews the non-binding health care ballot question which supports healthcare as a human right. She is suggesting voting “yes” on question 4.

3. Alex Gleason

He says that he is a D-Y High School senior, student class president, and a Boy Scout for Troop 50 in Yarmouth Port. He is currently working on his Eagle Scout rank and part of his obligation is to create a project that will benefit the Town of Yarmouth. He says that he would like to hold a food drive for people in town. His goal is to feed 200 families in Yarmouth, and he is partnering with the Yarmouth Senior Center. He will collect food from November 1st to the 15th at the Town Offices, Libraries, all of the Public Schools, Chamber of Commerce and the Shaws and Stop and Shops. On Election Day the Boy Scouts from his troop will be in uniform to collect food from all the polling areas. Mr. Gleason also says that he will be at the Yarmouth Chamber of Commerce dinner to speak about the problem. Ms. McAuliffe thanks Mr. Gleason for his efforts to help feed people in the community.

4. Charlie Kelleher W. Yarmouth

He addresses the Board about airport noise issues. He also speaks about the possibility of a split tax rate for rentals and he comments on motel issues.

Hearings:

1. Change in Manager – Hearth’n Kettle 1192 Rt. 28, So Yarmouth – Louis Massi

Dr. Marasco says that the Hearth’n Kettle has withdrawn their request for a change of manager at this time. Mr. Hoben motions to allow the Hearth’n Kettle to withdraw without prejudice. Ms. McAuliffe seconds. VOTE 4-0

2. New Annual Wine & Malt Restaurant License Evangelos Theodorou, Mgr. dba Jerry’s Seafood

Dr. Marasco says that Jerry’s Seafood is requesting a one month continuous. Mr. Hoben motions to approve a one month continuous. Mr. Groskopf seconds. VOTE 4-0

3. German American Club Licensing Requests

Dr. Marasco says that he has a request from the German American Club for several one day entertainment and liquor licenses. Dr. Marasco says that he feels that the Masonic Lodge is a good location to hold these events. Mr. Hoben asks how many one day liquor licenses should be approved in a one year time period. Mr. Lawton says that the German American Club would like to have monthly meetings in February, April, and June. Dr. Marasco says that possibly the Board should approve the two days in November and December and then bring the German American Club before the Board to discuss further dates in 2009. Mr. Groskopf motions to approve one day liquor and entertainment licenses for the German American Club for one day in November and one day in December. Mr. Hoben seconds.

VOTE 4-0

4. Bass River Grille

Dr. Marasco says that there have been some liquor violations at the Bass River Grille and he would like a show cause hearing to reprimand the establishment. Ms. McAuliffe says that show cause hearings are usually held for serious violations of the license and she does not believe the particular incident is egregious enough to hold a hearing. Dr. Marasco disagrees. The Board discusses whether or not to have a show cause hearing for the Bass River Grille. Ms. McAuliffe says based on the information she does not believe that the issue rises to the level of a show cause hearing. Mr. Lawton says that the information will be in the packet for the November 4th meeting. Dr. Marasco says that it is really hard to know exactly what happened therefore he would like to have the Bass River Grille before the Board. The Board agrees to review the material next week and then determine if a show cause hearing is necessary.

Motel Issue – Updates: Deputy Kelleher, Jim Brandolini & Bruce Murphy

Jim Brandolini the Building Inspector speaks about the research conducted to determine how motels in the community are being used. He says that in a combined effort the Building, Health and Fire Department's reviewed the history of each and every hotel in the community. He also speaks about determining what a transient is. Mr. Brandolini also says that there have been joint inspections of all the motels with cooperation from the Health and Fire Department.

Mr. Hoben says that he is mostly concerned with the four hotels that are unlicensed but still have people living there. Mr. Brandolini says that they will file civil complaints against these motels; he says that these four motels are in violation because of non-compliance with the transient regulation. He continues to discuss building code standards. Mr. Hoben speaks about money available to help families find better housing. The discussion continues with regards to the type of tickets that can be issued to the motels in violation. The Board discusses the specific uses of the motel rooms. Dr. Marasco says that it is obvious that several hotels are using the rooms for permanent housing. Mr. Brandolini speaks about change of use for the motels. Mr. Murphy speaks about the motel septic systems and cesspools. Mr. Groskopf asks what the courts will be able to do to solve the problems at the motels. Mr. Brandolini reviews the various ways to ticket the motels for non-compliance. He says that town counsel informed him that they could file civil action, injunctions or give tickets to the motels. He states that town counsel advised filing civil action against the motels to get the owners to comply with the long term stay violations. The Board continues to discuss how the courts can force the motels to comply with town regulations. Mr. Hoben speaks about a temporary resolution by the Heath Agent condemning rooms in order for families to move into better housing. Mr. Hoben says the Board of Selectmen is behind aggressively pursuing the motel compliance. The Board thanks Deputy Kelleher, Jim Brandolini & Bruce Murphy for coming before the Board to discuss these issues.

Regionalization – Response to County Commissioner’s Letter

Mr. Lawton discusses the possibility of regionalization. Bill Snowden asks if the county farm could be agricultural resource center, where all Cape towns could utilize the farm. Mr. Snowden said that the farm would be set up for education. The Board says that they will put the regionalizing the farm on their list when they talk to the county.

Appointments:

New Charge to Recycling and Solid Waste Advisory Committee

Mr. Lawton says that he provided to the Board the current charge of the RSWAC. He says that Mr. Sarnosky the Chairman of RSWAC wrote a letter to the Selectmen asking what the Selectmen would like the committee to concentrate on now that the curbside pick-up non-binding article failed at the polls.

Dr. Marasco says that he thinks it’s important to keep the RSWAC committee functioning because recycling is and will continue to be a big issue for the community. He thinks that RSWAC can be a great educational resource and also be the committee to organize cleanup days around town. Dr. Marasco also suggests that RSWAC could look at how to curtail dumping around the community. Ms. McAuliffe says that she would like the committee to research how other communities stop illegal dumping. Mr. Hoben also suggests that the committee investigate how to recycle hazardous waste. The Board agrees to allow RSWAC to create a new charge with these suggestions and also further suggestions from their committee. Ms. McAuliffe informs Mr. Sarnosky that the Board really values the Recycling and Solid Waste Advisory Committee.

Mr. Hoben says that there are some openings to the Board of Health soon based on the 12 year term limit.

Selectmen’s Items:

1. Approval of BOS Minutes 9-23-08 & 9-30-08

Mr. Groskopf motions to approve the meeting minutes. Mr. Hoben seconds. VOTE 5-0

2. Approval of Finance Committee Summit Minutes 9-22-08

Mr. Hoben motions to approve the meeting minutes. Mr. Groskopf seconds. VOTE 3-1-1 Jerry Sullivan absent, Dr. Marasco abstains.

3. Other Selectmen Items:

Mr. Groskopf says that “Tell it to Bud Time” will be in recess during the month of November.

Dr. Marasco speaks about the marina outline from the Town Planner. He also speaks about the mounding bylaw; he suggests that the Planning Board should look at other town’s mounding bylaws specifically Dennis and Chatham.

Dr. Marasco also reviews the library issue and the various Library Associations available funds. He says that he is disappointed that some of the Library Associations did not want to divulge their financial statements. Ms. McAuliffe says that she would like to have a policy drafted that makes the Library Associations reveal their financial documents, especially since the town is putting money towards the operation of the libraries. Ms. McAuliffe says that she wants to make clear that the Yarmouth Library budget was reduced by \$86,000 in September and the decision of the Board to keep Yarmouth Port open does not mean that the Library budget was not cut. She says that the Board responded to the Yarmouth resident’s opinions to spend some of the money, which was left after the budget cuts, on Yarmouth Port staying open. Mr. Hoben says he feels like the money would have been better spent on other library expenses than keeping

Yarmouth Port open for only 12 hours. The Board continues to discuss options with the Libraries in the future.

Dr. Marasco also speaks about the Fire Review Committee. He says that he wants to inform the public that the Board is trying to find ways to get the station reopened.

Ms. McAuliffe reminds everyone that the Board of Selectmen meeting on November 4th, 2008 will be at the Police Station.

Town Administrator's Items:

1. Consent Agenda

Mr. Lawton reviews the consent agenda. Dr. Marasco motions to approve the donations and thank you checks on the consent agenda. Mr. Hoben seconds. VOTE 4-0 Mr. Lawton reviews the beach access pass for the U.S. Coast Guard. He also asks if the Board wants to waive the \$400.00 on Police details for the Seaside Festival. The Board discusses waiving the pros and cons of waiving the fee. Mr. Groskopf motions to approve the beach access pass and the waiver for the Seaside Festival. Mr. Hoben seconds. VOTE 4-0

Mr. Lawton asks if the Board would like to waive the building, plumbing, electrical and water permits for Old Cedar Lane Affordable Housing Trust Project on town property being constructed by Our First Home a non-profit. The Board agrees to waive the fees for Our First Home.

Adjourn

Motioned. Seconded. Meeting adjourned at approximately 9:12pm.

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CONSENT AGENDA**

General Donations:

Aubrey Groskopf	\$212.70
M. Gulotta & J. Gulotta	\$ 60.00
Regina M. Mullen	\$ 70.00

Donations to the Fire Department:

Albert Gray III for Station #3 Sign	\$ 50.00
Station II Room Rental	\$105.00
Station II Room Rental	\$ 17.50
Jerry Sullivan (Sign Fund)	\$212.02

Donations for Senior Center:

Wilbur L. Peabody	\$500.00
Kenneth F. Cadran	\$ 50.00
Marguerite M. Gabrick	\$100.00
Geraldine P. Noble	\$100.00
Bernadette Maddalena	\$ 25.00
Friends of Yarmouth Council On Aging	\$3,386.00
Marguerite T. Martin	\$100.00
Sea Shell Quilters	\$ 50.00
Elizabeth J. Murphy	\$ 25.00
The Garden Club of Yarmouth	\$ 26.88
James O'Connor – Facility Use	\$ 25.00
Room Rental Al-Anon	\$ 25.00

Donation for DPW:

Gift of a Bench to be Installed at Seaview Beach in memory of Margaret & Edward Fogarty	\$650.00
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Beach Access Pass

Seaside Festival

Date: 10-28-08

Voted: 4-0