

**Minutes**  
**Board of Selectmen**  
**Regular Meeting**  
**November 18, 2008**

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

**Selectmen's Items:**

**Appointments**

Mr. Hoben reviews the resignation of the Cape Cod Commission Representative from Yarmouth. He also reviews a resignation from the Zoning Board of Appeals and the Planning Board. Motioned. Seconded VOTE 5-0.

He also reviews the appointments to the Community Housing Committee. Motioned. Seconded. VOTE 5-0.

Mr. Hoben speaks about the openings on various committees. Ms. McAuliffe says that anyone who is interested in the Cape Cod Commission Representative, Renie Hamman is more than willing to sit down with the new member. Ms. McAuliffe says that there are a lot of openings on various committees and if anyone is interested to please fill out a talent bank form.

**Public:**

**Phil Morris**

Mr. Morris from the D-Y School Committee says that the Capital Assessment Plan has been completed and it is on the D-Y website. He also says that the School Auditor's Report is also complete and the town will be receiving a copy. Bill Snowden asked Mr. Morris if the issues from last year's audit report were answered this year. Mr. Morris says that the issues have been addressed.

**Bill Snowden**

Representing the Yarmouth Agricultural Commission. He says that the first handicap accessible community garden is now open in Yarmouth at the Senior Center. He says that the garden will be ready for spring planting.

**Approval of BOS Minutes 10-28-08**

Motioned. Seconded. VOTE 4-0-1 Jerry Sullivan abstains.

**Hearings:**

**1. Red Rose Inn Cancellation of Annual All Alcoholic Innholders Liquor License and Entertainment License**

Dr. Marasco reads the announcement for cancelling the Red Rose Inn Liquor License. Mr. Lawton says that there is no transfer because the ABCC will not allow the transfer since the establishment has outstanding taxes. Mr. Lawton suggests revoking the license. Dr. Marasco recommends revoking the license. He asks for comments. No one comes forward. Motioned to close the hearing. Seconded. VOTE 5-0. Ms. McAuliffe motions to revoke the license. Seconded. VOTE 5-0.

**2. 99 Restaurant, Change in Manager – Tom Cattaneo**

Mr. Lawton says that the 99 Restaurant has decided to withdraw without prejudice. Ms. McAuliffe motions to withdraw with out prejudice. Seconded. VOTE 5-0.

### **3. Bass River Grille Change of Premises Bass River Golf Course Property (Chapter 300 Acts of 2008)**

Mr. Lawton reviews the situation with regards to the Bass River Grille. He says that the MA state legislature has approved the service of alcoholic beverages on golf courses if approved by the local licensing authority. Mr. Lawton says that Mr. Moran who operates the Bass River Golf Grille has applied for this license change.

Dr. Marasco asks Mr. Lawton if there are any courses that have this ability to serve alcohol on the golf course. Mr. Lawton says he does not believe that there is any course with this approval as of yet. Dr. Marasco reminds the Selectmen that the licensing authority lies in the hands of the Selectmen. He says that he has spoken with several citizens and they believe that the atmosphere would change if alcohol is allowed to be served. Mr. Lawton says that the ABCC has not given any advice on this topic.

Mr. Hoben speaks generally about alcohol on golf courses. He says that once you grant the right to serve alcohol on the course it will be harder to withdraw that right if the Board does not approve at a later date. He also says that he would like to have more information regarding service on the course. He thinks it is a great idea to sell alcohol at the club house but he is leery to allow it on the course. Ms. McAuliffe says that she believes that golfers drink regularly even though it's not allowed, therefore it may be better for the golf course if there is a license holder policing the situation. She also says that the golf director and golf liaison committee do not have a problem with the service of alcohol on the course. Mr. Sullivan says that in out of state clubs that allow alcoholic beverages on the course they do not allow coolers of any kind nor do they allow alcohol in people's bags. He says because it's a licensed premise it is easier to control. Mr. Sullivan says that he would like to postpone the hearing since it's not the height of the golf season. Mr. Marasco says that maybe there should be round table discussions with key stakeholders. Mr. Groskopf speaks about what the golfers want. He says that if the golfers want alcohol on the course then the Board of Selectmen should approve it. Mr. Hoben says that he would like to move into the hearing portion.

Warren Herman Yarmouth resident who lives on the Bass River Course says that he has seen drinking on the course and in the parking lot with no enforcement. He speaks about the lack of policing at the course. Dr. Marasco says that he has just become aware of the problem and he says that there will be more policing on the course in the upcoming season.

Dr. Marasco reads the liquor hearing notification. He opens the hearing. Mr. Moran the manager of the Bass River Grille says that he would like to withdraw the application and have the hearing at another time. Ms. McAuliffe motions to withdraw the hearing with out prejudice. Mr. Hoben seconds. VOTE 5-0 Mr. Sullivan says that he would not like this situation to sit idle. Dr. Marasco says that he would like to set up round table discussions with the golf committee, golf members and others to discuss the situation.

### **4. Discussion – Possible Modification of Ballot Question Summary Legislation**

Ms. McAuliffe describes the legislation. The Board discusses changes to the legislation. Ms. McAuliffe speaks about the difficulties of writing the pro and con statements. Mr. Sullivan says that the legislation is very cumbersome and takes a lot of administrative time. Mr. Groskopf believes that the responsibility of writing the statements should be in the hands of the Government Oversight Committee. Dr. Marasco says that the pro and con statements were extremely inflammatory last year. He says that he would be for putting out general statements to the public and not the "for" and "against" arguments. Mr. Lawton says that it costs

approximately \$4,000 to send out the statements for each town meeting. The Board agrees to make changes to the legislation and discuss the draft changes at a future BOS meeting.

## **5. FY10 Budget Update – Discussion of Policies**

Mr. Lawton says that he has directed the department heads to present two budgets a level funded budget and an override budget. He reviews the increase of students going to Cape Tech next year. He suggests that if the Board wants to stay within Proposition 2 ½ the town and D-Y schools would have to have the same appropriation as was voted at the September town meeting. He also reviews the retirement assessment, cherry sheets, health care increases and a reduction in local receipts.

Dr. Marasco speaks about the school department budget and the increase the town had to give to the school in September. The Board continues to speak about the town budget and the possibility of an override for the entire budget and also the possibility of a piece meal override. Ms. McAuliffe says that the perception of the School Board and the Town of Dennis was that Yarmouth could pass a municipal override, but that in these financial times the passage of any override is very unlikely. Mr. Hoben believes that if this financial situation is going to last for the next few years maybe the town needs to come to terms that an override will not pass and there may be drastic cuts to the budget in the future. Mr. Lawton speaks about regionalization; he says that there are a lot of restrictions to regionalize certain services.

## **Town Administrator's Items**

### **Consent Agenda:**

#### **1. Donations to Senior Center, Fire Dept., Police Dept., DPW, Recreation Dept. and General Fund**

Mr. Lawton reviews the donation items. Mr. Hoben motions to approve the donations. Mr. Sullivan second. VOTE 5-0

#### **2. Action Items:**

##### **a) Tax Payment Plan**

Mr. Lawton says that the Tax Payment Plan was a request from the Agricultural Commission. He says that the Chairman asked if the Selectmen could recognize that farms use a lot of water and thus should be able to have a tax payment plan to reduce the financial burden. Mr. Lawton says that the Agricultural Commission has asked for the Board to allow two payment plans within a 5 year period, he suggests that the Board try the payment plan. The Board discusses the payment plan. Mr. Sullivan suggests an estimate plan to allow farm owners to pre-pay in the future.

##### **b) Special Municipal Status**

Mr. Lawton reviews the special municipal status request from the Old Kings Highway Regional Historic District Committee. He says that this has been requested by the Counsel for the Regional Commission.

Mr. Hoben motions to approve the tax payment plan (two payment plans within 5 years) for agricultural properties within the Town of Yarmouth and also to approve the special municipal status for the Old Kings Highway Committee members. Mr. Sullivan seconds. VOTE 5-0

## **Town Administrator Items**

### **Old Kings Highway Election**

Mr. Lawton informs the Board that the Old Kings Highway election is November 25<sup>th</sup>, 2008 in Room A from 6:00pm to 7:00pm. He says that Jane Hibbert the Town Clerk does not have anyone who has taken out papers for the election; therefore people will have to do write-ins. He also states that if no one comes to the election then the Selectmen will have to appoint someone to the OKH.

### **Street Light Shut-offs**

Mr. Lawton updates the Board on the street light shut-offs. He says that there will be a notification in the Cape Cod Times to inform residents where the lights to be turned off are location in the community. The Board discusses the criteria for the shut-offs. Mr. Lawton speaks about the savings to the town from the shut-offs.

### **Snow & Ice Budget**

Mr. Lawton informs the Board that Jim Lefter DPW Assistant Director has put out a press release describing the snow plowing services for this season. He also informs the Board that the cost of sand, salt and ice ban has increased significantly this year. He says that there will be more in-house people plowing the roads this year to help reduce costs to the town. He says that all this information means that all the roads will be plowed but much slower this year, main roads will be plowed first.

### **Town Hall Closure December 26<sup>th</sup>, 2008**

Mr. Lawton tells the Board that several town departments including all of town hall will be closed on December 26<sup>th</sup>. Employees will be using vacation, personal time or comp time for that day.

### **Department Updates**

Mr. Lawton informs the Board that the Recreation Department has come up with the idea to have local businesses sponsor basketball teams for \$250.00 and the funds will be used for Recreation Scholarships for children in need. The sponsorships sold out in several weeks. He also says that both the Fire Chief and Police Chief have been very active in meeting with surrounding Chiefs to come up with services that can be regionalized. He also says that Bruce Murphy the Health Director is concerned that the state has eliminated the rabies baiting program; he is worried that rabies cases will increase. Mr. Lawton says that in the 1<sup>st</sup> quarter the town reduced its electric use by 2% which is very good news. Lastly, Mr. Lawton reviews a letter that should be sent to Coastal Zone Management for the possibility of funding to expand the bridge at Parker's River. The Board agrees that Mr. Lawton should send the letter to CZM.

### **Selectmen Items**

Mr. Sullivan reads a letter from Chief Randal C. Sherman regarding the Chief's appreciation for the Board to name Fire Station #3 after him but he respectfully declines the offer.

Mr. Hoben speaks about the Affordable Housing Trust buy-down program. He says currently the Affordable Housing Trust is considering houses for the buy-down program. Mr. Hoben motions to allow the Affordable Housing Trust to purchase such bid properties. Dr.

Marasco seconds. VOTE 5-0. The Housing Trust is authorized to sign purchase and sales agreements for the housing buy-down program.

Mr. Hoben also says that he has asked the Board of Health to move their meeting time to 5:00pm. He feels that there will be more people who would be able to sit on the Board if the time of the meeting was pushed back to 5:00pm. Mr. Hoben says that there may be some members who will not be able to continue to serve if the meeting time is set at 5:00pm. He asks residents to put in talent bank forms if they are interested in being on the Board of Health.

Dr. Marasco says that one of the community football teams has made it to the Super Bowl and he would like the Board to recognize their achievement.

Ms. McAuliffe says that she attending the Cape Cod Commission hearing on the draft regulations for DRI thresholds. She says that there are quite a few recommendations on the draft document. She also says that she will be at the meeting of the Assembly of Delegates where they will be reviewing the Regional Policy Plan.

### **Adjourn**

Motioned. Seconded. Meeting adjourned at approximately 9:00pm.

**Board of Selectmen  
Regular Meeting  
November 18, 1008  
Consent Agenda**

**Donations to Senior Center**

<b>Josephine M. Brodeur</b>	<b>10.00</b>
<b>Richard A. &amp; Joan M. Kingsbury</b>	<b>25.00</b>
<b>Regina L &amp; John F. McCarthy</b>	<b>20.00</b>

**Donations to Fire Department**

<b>Janice E. Tvelia-Schiltz &amp; Richard Schiltz</b>	<b>25.00</b>
<b>Chris &amp; Tim Johnson (bike helmets)</b>	<b>30.00</b>
<b>Room Rental Station II</b>	<b>120.00</b>
<b>Dolores D. &amp; Richard A. Redding</b>	<b>50.00</b>
<b>Peter &amp; Karen Carnes (Station 3 – Sign Fund)</b>	<b>50.00</b>

**Donations to Police Department**

<b>Janice E. Tvelia-Schiltz &amp; Richard Schiltz</b>	<b>25.00</b>
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**Donations to DPW**

**Gift of Memorial Bench to be installed at Bass Hole Beach in memory of Roger Murphy**

**Donation to Recreation Department**

<b>William D. Bastian</b>	<b>40.00</b>
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**General Fund**

<b>Jane &amp; Irving Romer</b>	<b>100.00</b>
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**Action Items:**

- 1. Tax Payment Plan**
- 2. Special Municipal Status**

**Dates: 11-18-08     Votes: 5-0**