

**Minutes**  
**Board of Selectmen**  
**Regular Meeting**  
**April 28, 2009**

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

**Public:**

**Chief Walker – Recognition of Action at Fire at Ocean Club**

Chief Walker recognizes Linda McDonald for her rapid efficient response and extinguishment to a fire in a guest room at the Ocean Club. Chief Walker says that the Fire Department offers fire extinguisher classes for anyone that is interested.

**Phil Morris – School Committee**

Mr. Morris reviews current School Committee issues including the school budget and D-Y High School renovation project.

**Moose Lodge Check Donation**

Sue Milne Finance Director and Recorder for the Moose Lodge Yarmouth Chapter 1721 introduces Beverly Sarno Senior Region from the Moose Lodge. Ms. Sarno presents a check to the Recreation Division for camper scholarships for Flax Pond. Ms. Armstrong Recreation Director says that the \$250.00 check in conjunction with the Recreation Division matching program will send five children to camp for a week.

**Sullivan Way – Road Naming at Flax Pond**

Hugh Sheraton Administrator of the Yarmouth Moose Lodge recognizes the passing of Don Sullivan Pastor/Administrator. Mr. Sheraton speaks about Mr. Sullivan's accomplishments with the Lodge and for the Town of Yarmouth. He indicates that there will be a naming ceremony for "Sullivan Way" (road entering Flax Pond).

Pat Armstrong the Recreation Director also acknowledges Mr. Sullivan for his outstanding contributions to the Yarmouth Recreation Department and the residents of Yarmouth.

**Licensing:**

**1. Moose Lodge – Change in Manager**

Mr. Sheraton reviews his experience at the Moose Lodge and other restaurants in the area. Dr. Marasco welcomes Mr. Sheraton as the new manager of the Moose Lodge.

**2. Reina Soleil LLC dba Ricky's – License Cancellation 731 Rte. 28, West Yarmouth**

Mr. Lawton indicates that the 2009 season license for Ricky's was never paid for or picked up. He says that Ricky's has not been in operation since 2009 therefore as a policy of the Board there should be a revocation/cancellation of the license. Ms. McAuliffe motions to close the hearing for Ricky's. Mr. Groskopf seconds. VOTE 5-0 Dr. Marasco's recommendation is to remove the license. Mr. Groskopf motions, Mr. Hoben seconds. VOTE 5-0 to cancel the license to Ricky's.

**3. Doyle's 1329 Rte. 28, So. Yarmouth – Change of Manager; Change of hours; Amendment to Weekday & Sunday Entertainment License to allow TV on Patio**

Dr. Marasco reads the request from Doyle's. Attorney Paul Tardif representing Doyle's reviews the new manager's background. Attorney Tardif speaks about the outside entertainment license request. Ms. McAuliffe motions to close the hearing. Mr. Groskopf seconds. VOTE 5-0. Dr. Marasco recommends approval of the license. Mr. Hoben motions. Ms. McAuliffe seconds. VOTE 5-0

#### **4. Riviera Beach Resort – Change in Manager**

Paul McBride COO of Red Jacket Resorts introduces the new General Manager of Blue Water John Varady, Christine Jenson the Assistant General Manager for both the Rivera and Blue Water Resorts.

#### **5. Blue Water Resort – Change in Manager; Change of Premise Liquor License to include outdoor areas of service and Amendment to Entertainment Licenses to include outdoor areas**

Dr. Marasco reads the announcement for a change in premise for the liquor license for Blue Water Resort. Mr. McBride indicates that Mr. Varady will also be the General Manager at the Blue Water Resort. Ms. Jenson says that she is on site during all the evening events at Blue Water. The Blue Water Representatives speaks about where the alcoholic service will be located including the private beach.

Ms. McAuliffe asks about noise problems. Ms. Jenson says that the resorts have never had any noise complaints and she again supervises all evening events. Dr. Marasco says that the outside entertainment does have to stay within the premises and noise must be contained.

Sam Homesley resident adjacent to the Blue Water Hotel says that he supports the outside entertainment. Dr. Marasco asks for a motion to close the hearing. Ms. McAuliffe motions. Mr. Groskopf seconds. VOTE 5-0 Dr. Marasco recommends the approval of the change of premises. Mr. Groskopf motions to approve the change in premises. Ms. McAuliffe seconds. VOTE 5-0.

#### **6. Yarmouth Police Union 5k Road Race Tent**

Dr. Marasco recommends a change in premises for a tent, outside entertainment and liquor service outside. Ms. McAuliffe motions to approve the request. Mr. Groskopf seconds. VOTE 5-0

### **Second Reading – Waterways Management Fee**

Mr. Lawton says that after reconsideration of the discussion two weeks ago Karl vonHone has decided to withdraw his request for a Waterways Management Fee. Mr. Lawton indicates that Mr. vonHone will do more research on the possible fee.

### **Fire Union Negotiations**

Chief Walker speaks about the length negotiations with the fire fighters union and positive outcome of the negotiations. He says the agreed upon contract and if the override passes will allow for the opening of fire station #3 on July 1<sup>st</sup>, 2009. Chief Walker acknowledges the efforts that the fire fighters have put into the negotiations. Ms. McAuliffe asks for an overview of the contract for the residents to be aware of the concessions that the fire fighter's made. Chief Walker indicates that the fire fighter's have agreed to a zero percent pay increase in FY 2010, they have agreed to operate at a three station staffing model. He also says that fire fighters with over 25 years of service will receive a step 6 which will be a minimum cost to the town. Finally, he says that there

will be a new schedule. Ms. McAuliffe says that the contract is only for one year. The Board discusses the contract specifics. Ms. McAuliffe indicates that the entire Board is very impressed with the concessions that the fire fighters have agreed too and it shows that the fire union is working together with the town. The Fire Chief speaks about the linkage between the agreed to contract and the need for the override to pass at the ballot. Chief Walker says that if the override should not pass then the three station model would not work even with the changes in the work rules. The contract has been ratified by the bargaining unit and the Selectmen. The Chief indicates that there will be several public info sessions regarding the necessity of the public safety override.

### **Department of Natural Resources (DNR) – Building Feasibility Study Results**

Curt Raber Partner at Brown Lindquist and Raber Architects explains the feasibility study results. (See attached PowerPoint) The Board discusses the possibility of DNR moving to the 424 Main Street building. Mr. Groskopf suggests selling the building located at 424 Main Street. Dr. Marasco believes that town departments should be combined and he supports the move of DNR to 424 Main Street but not at this time due to budgetary issues. Mr. Lawton reviews the exempt debt borrowing article on the ballot. Mr. Johnson-Staub the Assistant Town Administrator explains what a debt exemption is. Dr. Marasco motions to support moving the DNR to 424 Main Street, and the following year look at the storage facility also needed. Mr. Sullivan seconds. VOTE 5-0

### **Appointments**

#### **Mid Cape Cultural Council (1), Historic Commission (1) Alternate and Health (1) Regular**

Mr. Hoben recommends 1 appointment to the Mid-Cape Cultural Counsel for a 2 year term. Motioned. Seconded. VOTE 5-0. Mr. Hoben recommends 1 alternate position to the Historic Commission for 1 year. Motioned. Seconded. VOTE 5-0. Mr. Hoben recommends 1 appointment to the Board of Health for 1 year. Motioned. Seconded. VOTE 5-0.

### **Selectmen's Items**

#### **1. Approve Minutes of BOS Workshop Meeting 3-10-09, BOS Executive Session 4-14-09 and BOS Open Session 4-14-09**

Motioned by Mr. Hoben to approve minutes and hold executive session minutes of 4/14/09. Seconded. VOTE 4-0-1 Mr. Sullivan abstains.

#### **2. Finalize ATM Article Recommendations**

Mr. Lawton asks if the Board would like to recommend the Cape Light Compact Electric Coop article. The Board recommends the new D-Y school assessment, the Cape Light Electric Co-op, and the sign code. The Board does not recommend withdrawing from the Cape Cod Commission. The Board discusses the petitioned article regarding time-shares on South Shore Drive. The Selectmen do not recommend the time-share article. The Board recommends indefinitely postponing the last two articles on the warrant relating to possible meals tax. The state Legislature has not acted to approve the options.

3. Dr. Marasco speaks about the incident where the 3 year old boy was found wandering on Rt. 28. He also speaks about the murder on South Shore Drive. He believes that making zoning changes could help revitalize the community. He wants to let the public know that the Board of Selectmen and the other town departments are a unified team. The Board talks about substandard housing.

4. Ms. McAuliffe discusses Mike Daley's (FAA Consultants) figures on Chapter 70.

5. Ms. McAuliffe reviews the topics that need to be discussed at an upcoming meeting with Cape Wind in late May. Mr. Lawton says the meeting with Cape Wind is not a hearing but an information session. He indicates that hearings will follow at later dates once all the information from Cape Wind is finalized. 2:07

### **Town Administrator's Items**

#### **Consent Agenda**

Mr. Sullivan motions to approve the consent donations portion of the Consent Agenda. Mr. Groskopf seconds. VOTE 5-0

### **CONSENT AGENDA**

#### **General Donations**

The Holly Tree Resort Developer, Keith Carlson donated 12 file cabinets

*Estimated Value* **\$3,600.00**

Holmestead Nursery, Inc., Jack & Dan Holmes – General Maintenance of Chase Brook Park, West Yarmouth

*Estimated Value* **\$775.00**

#### **Police Department Donations**

University of Delaware \$275.00

Training Donations:

Lasell College \$180.00

Town of Harwich \$120.00

Town of Rehoboth \$135.00

Daniel Stewart \$ 60.00

Marie Patriarca \$135.00

#### **Division of Senior Services**

Thank you for tax preparation services:

Charles A. Brewster, Sr. \$ 25.00

Patricia A. Champ \$ 50.00

Frances M. Monick \$ 25.00

Anita A. Moore \$ 25.00

Barbara Procaccini \$ 25.00

Jean M. Saxton \$100.00

Pricilla Crosby \$ 25.00

Clare Hipp	\$ 40.00
Sandra L. Relyea	\$ 20.00
Pricilla Crosby	\$ 25.00
Lorraine F. Logan	\$ 15.00
Marcel A. LaRue, Jr.	\$100.00
Blanche M. Vaiser	\$ 15.00
Sandra L. White	\$ 50.00
Pamela J. Newman	\$ 35.00
Carolyn H. Weeks	\$ 20.00
Cecile Fallows	\$ 50.00
Muriel K. Randall	\$ 50.00
Marie Schomp	\$ 35.00
Beatrice M. Banas	\$ 20.00
Barbara J. Young	\$ 75.00
D. Kelley Yancey	\$ 25.00
Beverly A. McAndrews	\$100.00
Audry L. Smith	\$ 20.00
Edward F. Hanlon	\$ 50.00
Alice B. Bolgus	\$ 25.00
Garden Club of Cape Cod	\$ 26.88
AL-ANON Meeting	\$ 25.00
Vida R. Morris – In Memory of Nancy Cross	\$ 20.00
Total Cash Donations	\$2,021.88
Total Estimated Value Donations	<u>\$4,375.00</u>
<b>TOTAL DONATIONS</b>	<b>\$6,396.00</b>

**Approval of Town Counsel – One Year**

Mr. Groskopf motions to approve Mr. Lawton’s recommendation of appointing Town Counsel for one year. Mr. Hoeben seconds. VOTE 4-0-1 Mr. Groskopf abstained.

Mr. Lawton gave a brief history and informed the Board of Selectmen that the Town’s Bond Rating was raised to AA-.

Mr. Hoeben motions to approve the sale of the bonds and adopt the approved Bond rating. Mr. Groskopf seconded. VOTE 5-0

**Adjourn**

Motioned. Seconded. VOTE 5-0 Meeting adjourned at approximately 9:20pm.

**Date: April 28, 2009**

**Voted: 5-0**