



**Board of Selectmen
Town Hall Hearing Room
May 19, 2009
Regular Meeting**

The meeting was called to order at 7:00 p.m. by Selectman James Hoben. Selectmen Present: Suzanne McAuliffe, Erik Tolley, Bud Groskopf. Also Attending: Town Administrator Robert C. Lawton Jr. Selectmen Jerry Sullivan was excused. The Board of Selectmen gave the pledge of allegiance.

Formal Swearing in of Selectmen

Town Clerk Jane Hibbert officially swore in newly elected Selectman Erik Tolley and re-elected Selectman Suzanne McAuliffe. Ms. Hibbert introduced newly elected Steven Edwards of the School Committee and John Reid of the Housing Authority.

Reorganization of Board of Selectmen

MOTION: To move that the Board of Selectmen nominate Jim Hoben as Chairman.

Motion by: Bud Groskopf **Seconded by:** Jerry Sullivan Yea 5 Nay 0

MOTION: To move that the Board of Selectmen nominate Bud Groskopf as Vice Chairman.

Motion By: Suzanne McAuliffe **Seconded By:** Jerry Sullivan Yea 5 Nay 0

MOTION: To move that the Board of Selectmen nominate Eric Tolley as Clerk.

Motion By: Bud Groskopf **Seconded By:** Suzanne McAuliffe Yea 5 Nay 0

MOTION: To move that the Board of Selectmen nominate Jerry Sullivan as Chairman of the Licensing Board.

Motion By: Suzanne McAuliffe **Seconded By:** Bud Groskopf Yea 5 Nay 0

MOTION: To move that the Board of Selectmen nominate Suzanne McAuliffe as Chairman of the Appointments.

Motion By: Bud Groskopf **Seconded By:** Erik Tolley Yea 5 Nay 0

MOTION: To move that the Board of Selectmen nominate Bud Groskopf as Ambulance Waiver Administrator.

Motion By: Jim Hoben **Seconded By:** Jerry Sullivan Yea 5 Nay 0

MOTION: To move that the Board of Selectmen nominate Erik Tolley as Representative D-Y Liaison.

Motion By: Suzanne McAuliffe **Seconded By:** Jerry Sullivan Yea 5 Nay 0

MOTION: To move that the Board of Selectmen nominate Bud Groskopf as Contract Negotiating Representative.

Motion By: Suzanne McAuliffe **Seconded By:** Jim Hoben Yea 5 Nay 0

MOTION: To move that the Board of Selectmen nominate Bud Groskopf as Scholarship Committee.

Motion By: Jerry Sullivan **Seconded By:** Jim Hoben Yea 5 Nay 0

Public

Chairman Hoben requested all speakers to identify themselves clearly and limit their comments to five minutes.

- *Stan Kaczynski gave a report on the Yarmouth Pride Day 2009. A total of 46 participants and collected 129 bags of trash. Mr. Kaczynski gave special acknowledgment to Jack and Tricia Hurley for collecting 10 full bags of trash.*

- *Brian Carey announced to the board that 64 senior students of the D-Y Regional High School received the John and Abigail Adams Scholarship from the State. 42 of the seniors are in the National Honor Society. This year's Senior Class also has 5 Eagle Scouts. This year's graduation will be June 13th at the D-Y Football field; rain date location will be in the gym. Mr. Carey also wanted to remind the board and public about the Memorial Day Ceremony on Monday May 25th, 11am at Town Hall.*
- *Peter Kenny spoke to the board about how the Association for the Preservation of Cape Cod is actively pursuing an objection to the Parker's River Plan. He asked formally for the Town to ask the County Commissioners certain questions.*
- *Steve Edwards, newly elected School Committee wanted to formally thanks the voters for electing him into the position.*

Chairman Hoben turned over the hearings portion to Licensing Chair Jerry Sullivan.

Hearings

Jim Hoben disclosed that he is a member of the Rotary Club.

1. Rotary Club of Yarmouth – One day Entertainment License

Represented by Tom Tomasik, Bob Nashua and Bob DuBois. They are seeking a one day entertainment license for recorded music from 12pm -5pm at the Cultural Center for the Youth Street Art Festival on Sunday May 24th. Brian Carey spoke in favor of the event and applicant. Mr. Sullivan had concerns with the amplification and noise level.

MOTION: To move that the Board of Selectmen vote to approve the one day Entertainment License.

Motion By: Bud Groskopf Seconded By: Erik Tolley Yea 5 Nay 0

2. Optimist Café – New Weekday Entertainment License

Represented by Dr. Allen White and Joe Cotilessa. They are requesting an entertainment license for acoustic live music with no singing or amplification. The hours of the proposed entertainment would be 4pm-9pm on Thursday through Saturday. David Swift read a letter into record opposing the approval of the license mentioning a number of concerns due to being a direct abutter. He requested copies of the minutes of this meeting as well as the original beer and wine hearing, notarized; Mr. Lawton mentioned to Mr. Swift that he would be able to provide those requests for public records. Mr. Sullivan assured Mr. Swift that his concerns would be directed to the correct departments and boards. Dr. White addressed the compliance issues Mr. Swift questioned. Bob DuBois and Peter Kenny spoke in favor of the application.

MOTION: To move that the Board of Selectmen vote to approve the Weekday Entertainment License.

Motion By: Bud Groskopf Seconded By: Erik Tolley Yea 5 Nay 0

3. Mid Cape Racquet Club – Change of Manager

Represented by the new manager Robert Majewski. Mr. Majewski gave a brief history of the business and its management.

MOTION: To move that the Board of Selectmen vote to approve the change in manager.

Motion By: Bud Groskopf Seconded By: Erik Tolley Yea 5 Nay 0

4. Riverway Lobster House - Transfer of Liquor & Entertainment Licenses

Represented by Paul Covello and Jason Cisco. Mr. Cisco briefed the board on his experience in restaurant businesses and his intentions for the business.

MOTION: To move that the Board of Selectmen vote to approve the transfer and amendment of the liquor and entertainment licenses.

Motion By: Bud Groskopf Seconded By: Suzanne McAuliffe Yea 5 Nay 0

5. Bass River Grille – Out-Door Entertainment License

Represented by William Moran. Mr. Moran described the proposed plans for entertainment on the patio portion of the establishment., Golf Enterprise Committee Chairman George Keefe, Golf

Enterprise Committee Secretary Bill Howse brought before the Board conditions that the Golf Enterprise Committee voted 5-2 upon and requested the Board of Selectmen vote to place the attached conditions dated on the proposed Entertainment License. There was a discussion regarding no entertainment before 7pm and that the entertainment would not interfere with any golf activities. Golf Director Jim Armentrout did not have a problem with entertainment starting around 5pm to allow maximum usage and enjoyment for residents and visitors. Mr. Sullivan didn't mind the amplification but wanted the Golf Director to work closely with the Bass River Grille on appropriate noise level.

MOTION: To move that the Board of Selectmen vote to approve the Outdoor Entertainment License as amended.

Motion By: Bud Groskopf Seconded By: Erik Tolley Yea 5 Nay 0

Resignation

1. Mid-Cape Cultural Council – Mary J. Smith.

MOTION: To move that the Board of Selectmen accept the resignation of Mary J. Smith from the Mid-Cape Cultural Council.

Motion By: Erik Tolley Seconded By: Bud Groskopf Yea 5 Nay 0

2. Planning Board – Erik Tolley

MOTION: To move that the Board of Selectmen accept the resignation of Erik Tolley from the Planning Board.

Motion By: Bud Groskopf Seconded By: Jim Hoben Yea 4 Nay 0 Abstain 1

3. Recreation Commission – Mark Lohan

MOTION: To move that the Board of Selectmen accept the resignation of Mark Lohan from the Recreation Commission.

Motion By: Jerry Sullivan Seconded By: Bud Groskopf Yea 5 Nay 0

Selectmen's Items

1. ATM Review - Suggestions for Improvement

Mr. Lawton requested suggestions from the Board on improvements the Staff could do for Town Meeting. Mr. Sullivan liked the early starting time. He suggested financial impacts be presented to the voters when financial articles, specifically bonding items, are being voted on. Ms. McAuliffe suggested looking at the number counts for the past few years to see if having the Town meeting in May rather than April allowed a greater attendance. She also suggested having an overhead broadcasting the motions to better assist the voters see what they are voting on. There was discussion on the procedures of the Planning Board's recommendation on the petitioned article. Mr. Hoben mentioned a video posted on the Town's website regarding the Town meeting.

2. Approval of BOS Minutes for 3-24-09 & 4-7-09 & 5-5-09 Meetings

MOTION: To move that the Board of Selectmen approve the minutes of March 24.

Motion By: Bud Groskopf Seconded By: Suzanne McAuliffe Yea 3 Nay 0 Abstain 2

MOTION: To move that the Board of Selectmen approve the minutes of April 7 and May 5.

Motion By: Bud Groskopf Seconded By: Suzanne McAuliffe Yea 4 Nay 0 Abstain 1

3. *Mr. Groskopf would like to remind the public about the Cape Wind meeting at the D-Y Auditorium tomorrow evening. Mr. Lawton briefed the board on the proposal that will be discussed at the meeting.*
4. *Ms. McAuliffe announced that at 9am on Friday morning at the High School, the Fire Department will be conducting an accident assimilation.*
5. *Mr. Hoben would like open communication with the Association of the Preservation of Cape Cod. Ms. McAuliffe stated that the APCC is not very supportive at keeping communication open. She suggested writing a letter to each of the Board of Directors from the Town*

expressing their views. Mr. Hoben and Mr. Lawton will draft up a letter for the Board's approval.

6. Mr. Hoben would like each of the Selectmen to draft up their goals for the previous year and it will be discussed at an upcoming meeting. Ms. McAuliffe requested the Selectmen to submit their Town Administrator evaluation to her so she could finish it.

Town Administrator's Items

1. Consent Agenda

Mr. Lawton reviewed the Consent Agenda totaling \$4,051 and requests the Board of Selectmen to accept it.

MOTION: To move that the Board of Selectmen accept \$4,051.00 in gifts.

Motion By: Bud Groskopf **Seconded By:** Erik Tolley Yea 5 Nay 0

2. *Mr. Lawton wanted to re-emphasize the Memorial Day Ceremony on May 25th in front of Town Hall. Mr. Lawton wanted to thank Mr. Carey for all of his time and efforts in the preparations of the ceremony.*
3. *Mr. Lawton mentioned to the Board the Dedication of Service he attended for Bray Farm on Friday May 15th. AmeriCorps had built a new board walk.*
4. *The Annual Plant, Bake and Gift Sale will take place on May 23rd at the Howard Lodge.*
5. *Mr. Lawton announced that the new hours for South Yarmouth Library will be posted.*

Adjourn

MOTION: To move that the Board of Selectmen adjourn the regular meeting at 8:55pm.

Motion By: Bud Groskopf **Seconded By:** Erik Tolley Yea 5 Nay 0

Respectfully submitted,



Elizabeth G. Hartsgrove