



YARMOUTH
TOWN OF YARMOUTH
JUL 26 11 9:10
RECEIVED

Board of Selectmen
Town Hall Hearing Room
July 28, 2009
Regular Meeting

The meeting was called to order at 7:00 p.m. by Selectmen Bud Groskopf. Selectmen present: Jerry Sullivan, Erik Tolley and Suzanne McAuliffe. Also Attending: Town Administrator Robert C. Lawton Jr. Selectman Jim Hoben was excused. The Board of Selectmen gave the pledge of allegiance in honor of U.S. Marine Corporal Nicholas George Xiarhos. Mr. Groskopf announced the schedule for Corporal Xiarhos's wake and funeral services.

Public

1. Charles Kelliher asked about rain delays on Town sprinkler systems, sewer systems and how they are charged, gasoline sales at the Bass River Golf Course, American Host waiver of the 90-day stay, cutting expenses rather than raising taxes.
2. Arthur Luke requested the Board to postpone the meeting due to the amount of people attending the meeting and not able to fit into the hearing room. He is concerned with possible negative impacts possible tax increases could affect the businesses.

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

Hearing

1. New Annual All Alcohol Innholders and Weekday Entertainment License – Catherine Cassanos mgr d.b.a **The Red Rose Inn Full Bloom**, 6 New Hampshire Ave.
Represented by Atty. Paul Tardoff and Catherine Cassanos. Atty. Tardoff updated the Board on the intentions of the establishment and owner with the application. The Floorplan has been amended to accommodate the proposed changes. Mr. Tolley asked about the seating arrangement and the total number depicting 40 seats rather than the approved 37. Ms. Cassanos explained how the seats will be split up to not exceed the maximum but the floorplan depicts seating options that she wants to leave open. Mr. Sullivan asked about bankruptcy issues within the application and made note of the correspondence that was received. Mr. Charlie Kelliher spoke about Chapter 13 that was filed and a hearing on August 24th to dismiss the bankruptcy filing and requested that the Board continue the meeting till the hearing decision is made since the owner owes the Town a substantial amount of money. Mr. Kelliher also talked about parking issues for a floorplan that depicts 40 seats when there are only 10 parking spaces. Gary Greeny is a direct abutter and spoke about the residential nature of the neighborhood and had concerns about the entertainment application. Additionally he was concerned with the broad term "Dancing by Patrons" which might create a nightclub. He suggested restrictions in the hours. Ms. Mary Buckley spoke about how there is enough spaces to accommodate the patrons. Ms. Joan White spoke about noise and safety issues within the residential community. Ms. Joanne Bissell spoke on behalf of the Red Rose Inn. Ms. Mickey Alexander informed the Board that the Red Rose Inn was not open last summer. Mr. Francis Flanagan spoke about the low key entertainment that has been the norm at the establishment. Atty. Tardoff addressed a few issues that the public had concerns with. Mr. Sullivan suggested limiting hours that might be acceptable for entertainment and hours of operation. Mr. Sullivan confirmed a petition signed to deny the license. A letters of support from Edward Dever, Mike & Laurie Walsh, Deedra Gardner were submitted. Ms. McAuliffe was concerned with the back taxes but wants to give Ms. Cassanos the opportunity to make the business work.

MOTION: To move that the Board of Selectmen to approve the entertainment and alcohol license Hours for entertainment will be limited till 12midnight and service of alcohol till 1am subject to occupancy and review by the Building Inspector

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

Mr. Lawton requested the Board to approve a one day extension of premises license for Christopher's Steak House to accommodate the volume of public for the wake of Nicholas Xiarhos being held at the establishment.

MOTION: To move that the Board of Selectmen to grant the one day extension.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

The meeting was turned back to Chairman Groskopf.

Cape Care – Presentation/Discussion

Represented by Mary Zepernick and Judy Harris. Ms. Harris spoke to the Board on how the funding of the proposed community plan. She mentioned that on a County level options are limited through Medicare and property taxes. She is hoping that other sources become available at the State and Federal level. She described who would be recipients of the program. Mr. Sullivan cautioned Cape Care about Town Government employees and union negotiations when dealing with healthcare. He was concerned with the missing details of the plan. Ms. Zepernick said that the details are on their website and with this plan she feels that more primary physicians would be attracted to stay on the Cape. Ms. McAuliffe does agree that the US healthcare system needs to be revamped but the details are fuzzy and need to be specific, especially the costs that are associated with the plan.

Discussion

1. Potential Special Town Meeting Dates and Articles

Mr. Lawton explained the vital need for the Special Town Meeting in order to set the tax rate. Mr. Sullivan suggested that the Special Town Meeting should be late September. Mr. Sullivan suggested some informational meetings prior to allow the public to fully discuss the Local Option Taxes. Mr. Groskopf agreed with Mr. Sullivan that a larger venue to allow the public discuss the tax articles. The Board and Mr. Lawton discussed deadlines for holding a Town Meeting on certain dates.

MOTION: To move that the Board of Selectmen to hold a Special Town Meeting on September 22nd, 2009.

Motion by: Suzanne McAuliffe **Seconded by:** Jerry Sullivan Yea 4 Nay 0

MOTION: To move that the Board of Selectmen to open the warrant for the Special Town Meeting.

Motion by: Jerry Sullivan **Seconded by:** Suzanne McAuliffe Yea 4 Nay 0

Mr. Lawton reviewed the articles of the Draft Warrant for the Special Town Meeting.

MOTION: To move that the Board of Selectmen to place all nine articles on the Warrant for the Special Town Meeting.

Motion by: Jerry Sullivan **Seconded by:** Suzanne McAuliffe Yea 4 Nay 0

Mr. Arthur Luke spoke about the financial issues of the Town and that the citizens are aware that money is very tight for the Town. He wanted the Board to know that the business owners want to be part of the discussions and be part of the solution. He wanted to thank the Board for allowing the Town time to come up with resolutions. Michael Edwards asked about the effective dates if the Tax articles passed. Mr. Lawton explained that if the articles passed that it would become effective January 1st.

Selectmen

Chairman Groskopf turned over the Board and Committee portion to Chair Suzanne McAuliffe.

Town of Yarmouth
Board of Selectmen

July 28, 2009
APPROVED - Minutes

1. Board/Committee Appointment/Reappointments

MOTION: To move that the Board of Selectmen to appoint Ken Driscole to the Planning Board for a regular term.

Motion by: Erik Tolley **Seconded by:** Jerry Sullivan Yea 4 Nay 0

MOTION: To move that the Board of Selectmen to reappoint Tom Dispersio as the Planning Board representative to the Interrogated Water Resources Planning Committee for a one year term.

Motion by: Erik Tolley **Seconded by:** Jerry Sullivan Yea 4 Nay 0

Mr. Jim Saben wanted to suggest to the Board that a policy be put in place limiting how many boards an individual can serve on at one time. Ms. McAuliffe stated that she had spoken to Mr. Saben directly and it's being looked at.

MOTION: To move that the Board of Selectmen to reappoint Curtis Sears as the Planning Board representative to the Parkers River Marina Committee for a one year term.

Motion by: Erik Tolley **Seconded by:** Jerry Sullivan Yea 4 Nay 0

MOTION: To move that the Board of Selectmen to reappoint Tom Roche as the Planning Board representative to the Community Preservation Committee for a three year term.

Motion by: Erik Tolley **Seconded by:** Jerry Sullivan Yea 4 Nay 0

MOTION: To move that the Board of Selectmen to reappoint Bob Howard as Town of Yarmouth's representative to the Barnstable Airport Commission for a three year term.

Motion by: Erik Tolley **Seconded by:** Jerry Sullivan Yea 4 Nay 0

MOTION: To move that the Board of Selectmen to reappoint Tony Kent as Town of Yarmouth's representative to the Tony Kent Area Board of Directors for a three year term.

Motion by: Erik Tolley **Seconded by:** Bud Groskopf Yea 4 Nay 0

MOTION: To move that the Board of Selectmen to reappoint Dorothy Caprara and Carole Smith to the Historic Commission for a three year term and reappoint Anne McGuire, Barbara Bealler and James Goldberg as associate members for a one year term.

Motion by: Erik Tolley **Seconded by:** Bud Groskopf Yea 4 Nay 0

The meeting was turned back to Chairman Groskopf.

2. Assessors Information on Website (continued from July 7th meeting) Moved to next meeting.

3. Approval of Minutes

MOTION: To move that the Board of Selectmen to approve the June 23 and July 7, 2009 as written.

Motion by: Erik Tolley **Seconded by:** Suzanne McAuliffe Yea 3 Nay 0 Abstain 1

4. Individual Items

- *Mr. Tolley had a question about the Local option tax wording.*
- *Ms. McAuliffe suggested the Board do a proclamation in honor of Nicholas Xiarhos. She read the proposed proclamation dedicating July 31 as Marine Corporal Nicholas George Xiarhos Remembrance Day. Mr. Groskopf stated that there was a movement in the public to name something for Corporal Xiarhos.*

MOTION: To move that the Board of Selectmen to approve the proclamation for Yarmouth Veterans Remembrance Day in honor of Marine Corporal Nicholas George Xiarhos and including the remembrance day for every July 31st.

Motion by: Jerry Sullivan **Seconded by:** Bud Groskopf Yea 4 Nay 0

