

**MINUTES
BOARD OF SELECTMEN
WORKSHOP MEETING
TUESDAY, JANUARY 15, 2008**

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

Atty. Peter Koff – Barnstable Municipal Airport Issues and Update

Ms. McAuliffe – Welcomes Special Counsel Peter Koff.

Mr. Koff – Gives general overview of what he has been doing for the Town with regards to the Airport. He reviews handout given to the Board of Selectmen, on improving the situation between the Airport and the Town of Yarmouth. He discusses the main issue of noise abatement. He also discusses the recommendations he proposes (in handout).

Ms. McAuliffe – States that noise abatement is still a concern, because she is receiving several phone calls and e-mails on a regular basis.

Jim Hoben –He asks Mr. Koff how the BOS can compel the Airport to institute changes.

Mr. Koff – He states that there are ways to compel the Airport to make changes such as political alliances, policy discussions, and if necessary litigation.

Mr. Groskopf – Asks Mr. Koff what his action plan would be going forward, and if Mr. Koff will present the plan to the BOS in executive session.

Mr. Koff – He states that his intention would be to create an action plan as soon as the BOS indicate that he should do so.

Mr. Groskopf – He wants the public to know that the BOS has been working diligently with Mr. Koff to correct the problems at the Airport.

Dr. Marasco – He states that Yarmouth needs voting representation on the Airport Commission. He also talks about asking the FAA to do further studies on the airport.

Bob Howard (Town Rep. to the Airport) – He states that at every Airport Commission meeting he receives information from the airport showing the number of flights that use the runways from 10:00pm to 6:00pm.

Ms. McAuliffe – She agrees with Dr. Marasco that before litigation occurs other avenues need to be explored with regards to fixing the noise problem. She also states that the BOS needs to have better communication with the Airport Commission.

Discussion continues with what the next steps are in the process.

Ms. McAuliffe – Asks is anyone from the public would like to speak about the airport issues.

Bo Lawrence – He states that if the Town is looking to receive a Part 150 Study from the FAA that grant money is available to fund the study. He also states that the airport is not complying with all the Part 150 recommendations from the 1989 study.

Mr. Koff – He states that funding from the FAA to do the Part 150 would only be available to the Airport Commission if they wanted the study but funding would not be available to the Town if the BOS wanted to conduct the study.

Tom Sullivan – He thanks the BOS for their work on trying to solve problems at the Airport. He asks if the prior FAA studies could be updated and redone.

Mr. Koff – States that it is unlikely that these studies would be initiated by the Airport Commission.

Ms. McAuliffe – She thanks Mr. Koff for all his work thus far.

Paul Niedzwiecki, Director - Cape Cod Commission update

Ms. McAuliffe – Welcomes Mr. Paul Niedzwiecki Director Cape Cod Commission, Greg Milne Barnstable Town Counselor, Charlotte Striebel Chair Assembly of Delegates, and Renie Hamman Yarmouth Representative to Cape Cod Commission, Andrea Adams Planner and Karen Green Community Development.

Paul Niedzwiecki – Speaks about what the Commission would like to accomplish in the next six months, including implementation of task force recommendations, also the Commission will draft a regional policy plan. The areas that the Commission will concentrate on over the next year will be:

1. Mapping exercise for all 15 towns on the Cape – to determine what areas the towns would like to protect and also determine what the major economic areas of all the towns are.
2. Mitigation schedules in economic centers.
3. Limited DRI review.
4. Building partnerships with the towns to get projects done.

Mr. Niedzwiecki states that the Commission’s goal is to not regulate property owners but look at protection of critical areas such as watersheds. In addition he talks about expanding the wastewater system and how to expand the system while growth is occurring in the “growth incentive zones”. He also addresses the topic of regionalization with regards to accommodating the infrastructure which already exists.

Ms. McAuliffe – Asks the Board if anyone has questions for Mr. Niedzwiecki.

Mr. Sullivan – Thanks Mr. Niedzwiecki for coming before the Board, and ask where Mr. Niedzwiecki sees the relationship going between the town and the Commission since there is a ballot question in April to withdraw from the Commission.

Mr. Niedzwiecki – He states that the Commission has been working with Karen Greene and Terry Sylvia on zoning issues. In addition he also indicates that the Commission is continuing to gather information for mapping. He also states that the Commission is willing to work with the Town of Yarmouth first, in completing these projects. He believes that with the cooperation of the town and the Commission, that zoning proposals and mapping could be accomplished before July 1st 2008.

Mr. Sullivan – He would like to suggest to the BOS that approximately 2 weeks before the town meeting that the Commission come before the community in an open forum to discuss progress of the Commission.

Ms. McAuliffe – She agrees with having an open meeting with the public before town meeting.

Mr. Hoben – He states that one of the main issues is that the town has its own zoning regulations and if the town is required to conform to Commission requirements the waiting period for a developer could be up to two years. He believes that the Commission is an extra layer of bureaucracy.

Mr. Niedzwiecki – He believes that the Commission’s intent is not to add another layer of bureaucracy but to reduce bureaucracy. He states that local zoning should stay local and not regional; the Commission’s goal is to have threshold triggers for zoning.

Mr. Hoben – Agrees with Mr. Niedzwiecki that the planning done by the Commission is good but he is uncomfortable with the amount of regulatory power the Commission currently has over the town.

Mr. Groskopf – Believes that the Commission needs to remember that they are a regional Commission and not local therefore the Commission should not be involved in subjects that are specific to the town.

Mr. Niedzwiecki –He wants to reassure the voters that there will be changes in the Commission in the future.

Dr. Marasco – Thanks Mr. Niedzwiecki for coming. He states that there is a group of people who will never support the Commission because of personal interests. He believes that there is not an overall negative opinion of the Commission in Yarmouth. The town has been trying to redevelop Rt. 28 especially with regards to the many hotels, but developers have been running up to road blocks with the Commission’s 10,000sq. ft. threshold. He indicates that the BOS asked the Commission repeatedly to reevaluate the 10,000sq. ft. threshold but that the Commission has not responded, which is a problem with the partnership between the Town and the Commission. He suggests that if there is a way to change the 10,000sq. ft. threshold he would like to work with the Commission to do so.

Ms. McAuliffe – She is believes that referrals to the Commission should be discretionary. She thinks that something pretty dramatic has to change before town meeting to get the Board’s support to stay in the Commission. She thinks that DRI’s should be extremely limited and also the issue should be presented by the town and not by the Commission staff. She also would like to see streamlining because it is cumbersome to present information repeatedly to several different groups. For example, going through a DRI takes a huge amount of time and is extremely redundant because meetings must be held with many subcommittees. She would like to have a substantial report from the Commission ready for town meeting with goals for the future and progress thus far.

Mr. Niedzwiecki – He states that he understands Ms. McAuliffe’s concern but he does not know if a substantial report could be ready for town meeting because of time, resources and staff constraints. He also states that the Commission will not expedite the process of changing thresholds and other procedures just because there is a question on the ballot in one town.

Discussion continues with regards to the amount of progress the Commission can make before town meeting in April.

Dr. Marasco – Asks Mr. Niedzwiecki to outline the cost of the Commission, what potential costs to the town are, and what benefits such as planning the town receives from the Commission.

Mr. Niedzwiecki – States that he can provide the Board with a detailed analysis of those figures but approximately the assessment to town's Cape-wide is \$2.7 million, with Yarmouth assessment being approximately \$250,000 a year.

Ms. McAuliffe – Asks Renie Hamman (Yarmouth's representative to the Commission) is she would like to make any comments.

Ms. Hamman – She states that last May she voted to withdraw from the Cape Cod Commission because she felt it was doing more harm than good especially with the 10,000 sq.ft threshold. She says that she remains cautiously optimistic after seeing the proposed changes that Mr. Niedzwiecki presented in a PowerPoint presentation a few weeks ago.

Ms. McAuliffe – She states that as far as where the BOS should go from this evening she would like to have a meeting before Town Meeting to inform the public where possibly Mr. Niedzwiecki could present his PowerPoint laying out what the Commission has accomplished thus far.

Mr. Sullivan – He has also been a critic of the DRI threshold of 10,000sq. ft., but he would like to look to the future with regards to the Commission. He would like to see a sustainable plan from Mr. Niedzwiecki in March.

Mr. Niedzwiecki – He states that he would like to come back to Yarmouth for a public meeting in March to discuss future plans.

1st Review

A. Committee Operation Policy

Ms. McAuliffe – She would like the Board to review the policy and not vote on it until a later date once everyone has gone over it.

B. Annual Town Meeting Warrant

Mr. Lawton – States that the BOS will discuss the warrant at the next meeting. The Board discusses when they would like individuals to come to meeting to review warrant articles and resolutions.

C. Cultural Counsel

Mr. Lawton – Explains that Cultural Counsel sent a letter to the Selectmen requesting to have an additional one day liquor license for an annual event(February 9th, 2008), but the Board set a policy awhile ago to not make one day liquor licenses a regular occurrence. He would like to know if the Board would like to approve the license for the Cultural Counsel.

Mr. Sullivan – He believes that a one day license only happens once a year or one in the life-time of an organization, however he believes that the Cultural Counsel is a unique situation with the property, he wants to check with the Board of Appeals on the restrictions to the property. He recommends to the Board to allow Mr. Lawton to approve the liquor license, the Board does not need to vote on the license. He states that in the future he would like to see the Board take a position on approving the one day liquor licenses.

The Board recommends to Mr. Lawton to approve of the one day liquor license on February 9th, 2008 to the Cultural Counsel.

D. Consent Agenda

Dr. Marasco – Motions to accept the consent agenda. Mr. Sullivan – Seconds. VOTE 5-0

Adjourn

Ms. McAuliffe – Asks for a motion to adjourn.

Motion to Adjourn. Seconded. VOTE 5-0 Meeting adjourned at 9:03 p.m.

**BOARD OF SELECTMEN WORKSHOP MEETING
JANUARY 15, 2008
(CONSENT AGENDA)**

Gift to Natural Resources Division	
Donation by IFAW	\$50.00
Donation made to Division of Senior Services	
Donated by Mary E. O’Connell	\$25.00
Donated by Mid Cape Scrabble Club	\$75.00
Donated by Mary E. O’ Connell	\$20.00
Total:	\$170.00

Approved on January 15, 2008 VOTE 5-0