



Board of Selectmen **Regular Meeting Minutes** **December 1, 2015**

The regular meeting was called to order at 6:00 p.m. in the Town Hall Hearing Room by Selectman Post. Selectmen present: Norm Holcomb, Jim Quirk, and Michael Stone. Chairman Tolley joined the meeting in progress. Also attending: Town Administrator, William Hinchey. The Board of Selectmen gave the Pledge of Allegiance.

1. Public Announcements & Comments

Mr. Ed Garvey made comments in support of Coach Hoar and his work with Yarmouth residents, and particularly the children who benefited from Yarmouth's Sailing Program under Coach Hoar's leadership.

Ms. Andrea St. Germaine updated the Board on D-Y School District's enrollment figures. As of October 1, 2015, enrollment was 3,134; as of October 1, 2014, enrollment was 3,071.

Ms. St. Germaine updated the Board on various school activities. The ukulele group will be performing during the Hyannis Stroll. Station Avenue Elementary School will have their Children's Fair this Saturday, December 5th, from 9-2. St. Pius School will be holding a Children's Book Fair this Saturday as well.

A Pearl Harbor Day event will be taking place on December 8th at D-Y High School.

Dec 11th, Barnes & Noble will be hosting a book fair; the ukulele group will also be performing at that event.

Ms. St. Germaine handed out flyers from One Cape Health News concerning student nutrition and meals for students; MassBioEd which recognized a D-Y teacher for enthusiasm, hard work, and engagement with MassBioEd programs; and data for FY14 which shows the administrative cost per student.

Ms. Vida Morris commented on the Packet Landing presentation and, in her view, the exorbitant estimate for a pavilion and rest rooms. Selectmen Post and Holcomb explained that the figures given were estimates and that if the project moves forward, the project will go out for bids.

Ms. Morris also requested the revenue figures for the pagoda and lodge at Flax Pond. Selectman Post advised Ms. Morris we would get those figures to her.

Mr. Tom Nickinello, Yarmouth Chamber of Commerce, updated the Board on the Taste of Yarmouth Trolley event held on November 7th. 320 tickets were sold, 8 trollies were in service shuttling patrons to several restaurants within Yarmouth. Mr. Nickinello reminded the Board of the dedication of the Bass River Bridge naming in honor of former DPW Director, George Allaire, and the project underway of the bike path on Station Avenue.

Mr. Joe Tierney also commented on the Yarmouth Sailing Program and his regret that Coach Hoar was no longer involved with the program. He asked the Board and the Town

Administrator to work with the parties involved to arrive at an amicable solution to return Coach Hoar to the Sailing Center.

Ms. Nicole Gallagher also commented on behalf of Coach Hoar and her experience with him as her running coach.

2. Public Hearing

a. Proposed Amendment to Yarmouth Alcohol Licensing Rules and Regulations Chapter 60. Selectman Stone read the legal ad into the record. Mr. Stone explained that the amendment is intended to mandate a class that is geared towards the alcohol license holders rather than other classes which are intended for restaurant and bar servers. The class focuses on the license holder's responsibilities to be in compliance with the license requirements. Selectman Stone stated he felt our licensing rules and regulations are in need of updating, but that process will take further work and wanted to get this proposed amendment in place at this time.

Police Officer Phil Magnuson explained the compliance seminar he facilitates focuses on compliance with Yarmouth's requirements for license holders, unlike other seminars which focus on state and ABCC requirements. Officer Magnuson explained that, in his experience conducting inspections, a majority of license holders are completely unaware of the inspection requirements. His desire is to mandate this seminar to license holders so that they are better prepared for town inspections.

Selectman Stone explained that Officer Magnuson, in addition to being a police officer, is an attorney who dedicates his own time and resources to educate the public on licensing requirements. The intention of mandating this seminar is to assist and inform the license holders so there can be fewer instances of license violations. It is not intended to catch businesses that may be inadvertently out of compliance due to being unaware of the license requirements. Selectman Stone opened the hearing for public comments.

Ms. Vida Morris endorsed the proposed amendment to Yarmouth's licensing rules and regulations.

Mr. Tom Nickinello asked if the amendment would affect all restaurants; Officer Magnuson stated this proposed amendment would affect Section 12 and Section 15 licensees. He further commented that he felt the program was a good program but added another layer of compliance for businesses.

Mr. Tom Murphy from the Yarmouth Restaurant Association commented that he has been working with Chief Frederickson and Officer Magnuson over the past three years on this issue and feels the program is a very good program but he is not in favor of mandating it. He stated that he feels mandating the seminar only adds another layer of government oversight and if licensees are required to attend this seminar, the Board of Selectmen should be required to attend. Additionally, he was concerned that at some future date, there could be a fee attached to this mandated seminar attendance, and though Officer Magnuson is very good and experienced at what he does, who will be available in the future that may not have the same level of experience. Mr. Murphy further explained that at this time, there are many layers of requirements already placed on restaurant owners and asked that this amendment not be mandated but to allow the Restaurant Association to work with the owners. Their schedules will not allow mandatory attendance as one or two seminars scheduled in the future.

Ms. Morris restated her support for mandating this seminar for restaurant / license holders as the requirement is only an annual requirement.

Officer Magnuson stated his support of Mr. Murphy and acknowledged his assistance and support to the YPD in their efforts to educate business owners. He further explained that he felt mandatory attendance every other year would suffice to achieve the goal of educating the restaurant and bar owners. Chief Frederickson outlined the benefits of mandating this seminar in that it allows for better communications between the business owners and YPD, and educates the owners on the multitude of requirements they are required to comply with.

Selectman Post expressed concern over mandating attendance at a few seminars that might be scheduled in the future and would this training be in conjunction with other required training. Officer Magnuson explained that the other training (TIPS, etc.) are geared towards the servers, not the owners. Selectman Stone explained that the other required trainings are hosted and scheduled by the Yarmouth Restaurant Association.

Chairman Tolley expressed concern on behalf of a business owner that the availability of the seminars would not accommodate the schedules of the owners. Officer Magnuson explained that additional seminars will be scheduled as necessary and that the mandated attendance would be for one of the "principals" on the license.

Mr. Murphy commented on the Restaurant Association's proactive approach with restaurant owners to ensure their staffs are properly trained in all the required areas and asked that the Board allow the Association to approach this seminar in the same manner.

Selectman Holcomb commented that based on his experience, he supports mandated two-year attendance for business owners to ensure they maintain a level of knowledge as a license holder. Selectman Quirk stated he would like the Board to be proactive in providing and mandating this training to reduce any potential violations. He does not support an annual requirement but is in favor of a bi-annual requirement. Selectman Post asked how changes in a law would be disseminated to license holders between their attendances at bi-annual seminars and how we would account for any changes in license holders. Officer Magnuson explained that the change of license holder issue is addressed in the licensing permit process. Changes in the law will require more proactive efforts on YPD's part to ensure license holders are kept abreast of changes.

Mr. Nickinello suggested that perhaps the Board should look into offering the seminar in an online forum to facilitate any mandated training.

MOTION: To move that the Board of Selectmen continue the hearing on December 8, 2015 at 6:00 p.m.

Motion by: Jim Quirk

Seconded by: Tracy Post

Yea 5 Nay 0

Selectman Stone turned the meeting back over to Chairman Tolley.

3. Cape Light Compact 2016-2018 Energy Efficiency Plan

Maggie Downey, Director of Administration for Cape Light Compact (CLC) presented the CLC 2016-2018 Energy Efficiency Plan and an overview of grid modernization. An overview of CLC's history and programs made available to their customers as well as background on a 3-year energy efficiency plan were explained. The programs that CLC provides include residential, low-income, and commercial and industrial programs. The commercial programs provided specific

programs tailored to small, medium, and large business programs. Ms. Downey provided an overview of the CLC's calendar of events to ensure all interested parties are aware of the status of plans and the process for plan submission.

A presentation of grid modernization plans was given including the objectives of reducing the effect of outages, optimizing demand, integrating distributed energy resources, and improving mobile workforce and asset management. A comparison was demonstrated between utility company approaches to grid upgrade technologies and what the potential benefits would be for the Cape. CLC plans to communicate their position on grid modernization to Eversource as well as exploring ways the CLC can integrate grid modernization components into its energy efficiency plans.

4. Fiscal Policies

Town Accountant, Rich Bienvenue, presented a fiscal policy for the Board's consideration. His presentation included background on industry best practices, Board and Management direction, public policies, and rating agency considerations. Mr. Bienvenue explained his policy development with a view towards achieving objectives, implementing broad guidelines, adaptability, industry best practices, and a review of the local environment.

The policy recommendations to the Board include general financial management, budget, revenue, financial planning, debt management, reserve and liquidity, and contingent policies. Mr. Bienvenue also provided a comparison of expenditures and revenues among other Cape towns. Additionally, Mr. Bienvenue did a review of the town's OPEB and pension funding policy.

The Board commented on their views of establishing fiscal policies, thanked Mr. Bienvenue for his efforts in developing fiscal recommendations for the Board, and expressed support for the town establishing fiscal policies.

MOTION: To move that the Board of Selectmen adopt the fiscal management policies as submitted and presented.

Motion by: Tracy Post

Seconded by: Norm Holcomb

Yea 5

Nay 0

5. Board of Selectmen

- a. Approval of Minutes.

MOTION: To move that the Board of Selectmen approve the Board of Selectmen Minutes for October 20, 2015 and November 3, 2015.

Motion by: Jim Quirk

Seconded by: Tracy Post

Yea

Nay

- b. Individual Items.

Selectman Stone mentioned the holiday festival that will be held at Taylor-Bray Farm this weekend, December 5th and 6th, from 10:00 a.m. to 6:00 p.m. Mr. Stone also expressed his concern and regret over the issue with regard to Coach Hoar's dismissal from the Sailing Program. He also commented on the letter from Town Administrator to those individuals who emailed the Selectmen with their concerns over Coach Hoar's dismissal stating he felt the letter was inadequate and left many questions, such as, was Coach Hoar provided an opportunity to give his side of the dispute, were any of the Selectmen informed of this decision prior to his dismissal, and what was the administrative process that resulted in his dismissal. Mr. Hinchey responded that yes, Coach

Hoar was provided an opportunity to give his input into the issue; no, the Selectmen were not advised of the issue prior to his dismissal as this personnel matter comes under the purview of the Town Administration and staff; and a debriefing of the administrative process can be provided to the Board under executive session, with an invitation to Mr. Hoar to attend or be represented at executive session. Selectman Stone stated he would like to receive a debrief on the issue.

Selectman Post stated she would like to receive a debrief as well and felt it was inappropriate to make any public comments on the matter without knowing the facts of the case. Selectman Quirk concurred.

Selectman Post wanted to clarify that she did not intend to cut off Ms. St. Germaine during public comments but was attempting to adhere to the Board's policy of not allowing presentations during public comments. Additionally, she reminded everyone the Housing Assistance Corps is conducting its annual telethon on December 9th; they are looking for volunteers to man the phone banks.

Selectman Quirk commented that he also has concerns over the dismissal of Coach Hoar and wants to receive a debrief, and he is also concerned about the investment the town has in the sailing program.

Selectman Holcomb expressed his thoughts that he feels we should not be following procedures that have been applied by other entities with regard to personnel matters. He also stated he felt that since so many people in the community were concerned over this issue, the information should not be restricted to the Board.

Mr. Holcomb asked about the format to be used for the Town Administrator interviews. Mr. Hinchey briefed the Board on the schedule for the candidates' events, meetings, tours, and interviews.

Chairman Tolley expressed his appreciation for Selectman Holcomb's desire to have a quick resolution and public dissemination of the information regarding Mr. Hoar but stated we must be careful with regard to personnel issues and Coach Hoar's rights and desires. Chairman Tolley wanted it on record that he is opposed to making personnel matters such as this a matter of public information as it sets a dangerous precedent.

Chairman Tolley mentioned that the Town of Yarmouth Christmas Stroll is December 6th in Yarmouth Port. He also mentioned the Taylor-Bray Festival this coming weekend. He also reminded the public that hunting season is upon us and reminds everyone to exercise caution and to be aware there will be hunters in the wooded areas.

6. Town Administrator's Items

a. Consent Agenda

1) Donations to YPD

- Town of Raynham	<u>\$275.00</u>
TOTAL	\$275.00

MOTION: To move that the Board of Selectmen approve the Consent Agenda.

Motion by: Jim Quirk

Seconded by: Norm Holcomb

Yea 5

Nay 0

b. Town Administrator Updates. Mr. Hinchey reminded the Board of the unusual meeting schedule coming up: meetings on Thursday and Friday, December 3rd and 4th, and next Tuesday, December 8, 2015. Chairman Tolley mentioned that a date should be determined for when the Board's decision will be made public in announcing their selection for Town Administrator. They decided they would include the announcement as an agenda item on the December 8th meeting agenda.

7. Adjourn

MOTION: To move that the Board of Selectmen adjourn the meeting.

Motion by: Jim Quirk

Seconded by: Tracy Post

Yea 5

Nay 0

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Proposed Amendment to Yarmouth Rules and Regulations Chapter 60
- Letter to Chairman Tolley from Cape Light Compact dated September 17, 2015 re: 2016-2018 Energy Efficiency Plan
- Fiscal Policies Presentation
- Board of Selectmen Meeting Minutes of October 20, 2015
- Board of Selectmen Meeting Minutes of November 3, 2015
- Memo to Board of Selectmen from YPD dated November 19, 2015 re: Donation Request
- Alcoholic Beverages Control Commission Advisory issued November 16, 2015
- Revised Yarmouth-Substance Abuse Committee (Y-SAC) Charge