



Board of Selectmen **Public Meeting Minutes** **October 3, 2017**

The regular meeting was called to order at approximately 6:00 p.m. in the Town Hall Hearing Room by Chairman Tracy Post. Selectmen present: Mike Stone, Norm Holcomb, Erik Tolley, and Mark Forest. Also attending: Yarmouth Assistant Town Administrator, Chris Dwelley; Officer Phil Magnuson; Finance Director Ed Senteio; DPW Director Jeff Colby; Director of Municipal Operations Shawn MacInnes; and Building Commissioner Mark Grylls

1. Public Announcements & Comments

Vida Morris objected to the spending on Packet Landing, the Drive-In Site project, and the Cape Cod Regional Technical High School building project. She was also opposed to the Senior Center/Age-Friendly Team intergenerational housing initiative.

Bob Palmieri participated in and spoke in support of two model UN programs put on by the Senior Center/Age-Friendly Team.

Joe Tierney, liaison from the D-Y School Committee, also spoke in support of model UN programs and updated the Board on events at the schools. The Mattacheese School Building Committee will be holding a series of open forum workshops on October 5th, October 18th, and November 15th at DY Library at 7:00 p.m. He also lauded Food Service Director Rooney Pirini for her work on the summer free lunch program funded by the USDA, which served over 16,000 lunches.

2. Anthony's Cummaquid Inn License Renewal Update from Attorney Paul Tardif

Licensing Chair Michael Stone recognized Attorney Paul Tardif, who sent a letter to the Licensing Department on September 28th advising that he is now representing Anthony's Cummaquid Inn. Michael Watson, Manager of Anthony's Cummaquid Inn, was also present. Attorney Tardif reviewed the history of the case and advised the Board that the work will not be completed by October 31st, but great progress has been made. The contractor has been replaced and will take over the building permit this week; work will begin immediately thereafter. To date, the following have been completed: all areas of subflooring; chimneys swept and ready for use; new ceilings in the main dining room; new safety lighting and sound system ready for inspection; kitchen areas complete; kitchen vents to be professionally cleaned; and smoke and CO2 detectors have been addressed on the third floor. Basement wiring will be addressed, as well as adding one 3,000 sf section of the restaurant to the existing sprinkler system, which has been inspected and a fire panel installed and hooked into the alarm system.

Attorney Tardif thanked the Board for its past indulgences and respectfully asked for another extension to allow the work to be completed over the winter and the restaurant to open in spring, 2018. Anthony's has held a liquor license continually since 1975 without a violation.

Mr. Stone clarified that the October 31 deadline was not a mandate, but was agreed upon by all parties so as to avoid continual hearings. The suspension was in effect in June and is still in

effect. The Town does not stipulate that the license was renewed in 2017 because the requisite inspections were not passed in order to obtain a license. Also, the representation on the application was that Anthony's had been open for business when, in fact, they had not been open since December 2015. That statement was made under the pains and penalties of perjury, and the Board reserves its rights in that regard. Mr. Stone also referenced Chapter 10, Section 74 which makes the fire, health, and safety inspections a prerequisite to obtaining a liquor license.

Ms. Post acknowledged she made a motion to suspend last time because this is a perpetual issue that must be resolved by the end of the year; carrying this issue over until 2018 is not acceptable. There are also substantial unpaid taxes and over \$13,000 in unpaid water bills which prevent a license from being issued.

Officer Phil Magnuson noted that the initial Show-Cause Hearing was also a non-renewal and/or suspension hearing. The renewal process has since been clarified as follows: the application must be submitted by November 30th. As of that date, the premises must be open for business as required by Section 12A of Chapter 138. By December 1st, the Safety Fire Certificate must be received by the licensing office. Per the Commissioner of the Alcoholic Beverage Control Commission (ABCC), no local board can take action on a license renewal without the certificate in hand. After a renewal vote, the licensing office must certify to the ABCC that the local board has received the Fire and Safety Certificate. Officer Magnuson was not clear as to what happened last year, but if a license is renewed without the Fire and Safety Certificate (a.k.a. Section 77 Certificate), the ABCC can summarily pull the license without a hearing. There is no provision for a town to issue a license that it knows does not satisfy the law. There is, however, an ABCC procedure for late renewals. Mr. Stone noted that all license holders were provided with a written timeline by Officer Magnuson which advised of the inspection deadlines.

The Board recognized that there was no action that it could take until the required certificates were obtained by Anthony's Cummaquid Inn. Attorney Tardif and Mr. Watson thanked the Board for its time.

3. Energy Committee Annual Update

Joyce Flynn introduced the committee members and Town Liaison Roby Whitehouse. She then reviewed the Committee's function and goals of increasing the Town's energy efficiency infrastructure; finding low-cost energy sources; developing local renewable energy sources; and educating the public. The Committee also monitors policy developments at the State level and spoke at the Department of Public Utilities hearing on Eversource rate increases this year. The Committee awarded the George Allaire STEM scholarship to Amanda Staffier. It has also started a pilot program of weekly office hours at the Yarmouth Senior Center to advise residents. Mr. Duffy has been working to establish Yarmouth's baseline energy usage for the Green Communities application. The Committee recommends joining the Green Communities Program as well as the Cape Cod Climate Change Collaborative.

The Board thanked the Committee for its dedication. There was discussion regarding further energy use reductions. DPW Director Jeff Colby responded to questions about increased usage. The Water Department increase was due to increased pumping for sale to Hyannis and for local use due to drought conditions this summer. Lighting increases could be partially attributed to turning on more street lights once energy-efficient bulbs were installed, but more research is needed. The Committee would like to see electric vehicle charging stations and a mini "Energy Park" for kids at Peter Homer Park. Mr. Forest noted that there are funding sources for charging stations, which the Committee should investigate. DY School District Facilities Manager Sandy

Cashen advised that the District is working with Cape Light Compact to get an Energy Management System.

4. CVEC/Renewal Round 1 Adder Vote

Liz Argo, Manager of CVEC, explained that all schools in the DY District are being served by photovoltaics. She also complimented the Energy Committee on its excellent work. The CVEC Board has determined that an Adder is necessary for another year, FY18. CVEC has saved participants over \$7 million to date. Future plans include a battery backup system for the emergency shelter at the high school. CVEC President Leo Cakounes updated the Board on the recent history of the CVEC and its concern over the Eversource rate increase case. Counsel has been hired and CVEC has spent roughly \$30,000 to date fighting the proposed changes. Mr. Cakounes is also researching ideas like purchasing existing solar arrays to make the Cooperative self-sustaining. Any revenue beyond operating costs would continue to be returned to members (municipalities, school districts, and water districts), as they currently are. The Adder will reduce Yarmouth's earnings in the Cooperative by \$2,300 in FY19.

Ms. Argo and Mr. Cakounes responded to questions from Mr. Holcomb. In order to further clarify its finances, Ms. Argo offered to provide CVEC's audit statements in addition to the budget document that she prepared for this meeting. Mr. Holcomb also asked for the FY19 budget and was advised that only a draft will be available.

MOTION: To move that the Board of Selectmen approve and authorize the letter dated October 3, 2017 to President Leo Cakounes, Cape and Vineyard Electric Cooperative: "The Town of Yarmouth wishes to extend the memorandum of agreement for the Round 1 operational administrative adder previously agreed to on or before March, 2017. The adder paid to CVEC for management of the Round 1 projects will continue to be half-a-penny per kilowatt hour of production. The extension for the memorandum of agreement for the Round 1 operational administrative adder of half-a-penny is to be for one year with the duration extending from July 1, 2018 through June 30, 2019."

Motion by: Mark Forest

Seconded by: Erik Tolley

Discussion: Mr. Holcomb objected to voting on incomplete numbers. There was no other discussion.

VOTE: Yea 2 Nay 1 Abstain 2 (Ms. Post, Mr. Stone)

Ms. Argo pointed out that CVEC is governed by its bylaws as well as the legislature, which does not allow it to harbor funds. Its audits have been approved by Glivinski & Associates Accounting. Mr. Cakounes noted that the Town has representation on the Cooperative and asked that the Board consider who will administer the programming if CVEC is unable to sustain itself. Mr. Tolley paraphrased that CVEC is essentially requesting a \$2,300 membership fee. Ms. Post stated for the record that she has not worked on CVEC's account. The adder request will be placed on an upcoming agenda after the requested documents have been received by the Board.

5. Energy Reduction Plan; Green Communities Update; and Energy Savings Contractor

Municipal Operations Manager Shawn MacInnes introduced Seth Pickering, Department of Energy Resources Regional Coordinator; Mike Berry DOER Stretch Code Consultant; and Margaret Song and Maggie Downey from the Cape Light Compact. Mr. MacInnes provided an overview of the MassEnergyInsight website, and responded to Mr. Holcomb's previous question about fuel usage, which is in the process of being uploaded to the site.

Green Communities is a Massachusetts Department of Energy and Environmental Affairs program that awards grants to municipalities that increase their energy efficiency. Yarmouth would be eligible for a \$180,000 grant, and possibly more in the future. Mr. MacInnes reviewed the initiatives currently underway by the Town. The five Green Communities criteria are: As-of-right siting for renewable and alternative energy generation, research and development, and manufacturing (adopted at 2010 Town Meeting); expedited application/permitting process (already established); five-year energy use baseline and energy reduction plan with a goal to reduce by 20% (completion estimated in the spring); purchase exclusively fuel-efficient vehicles (fleet study currently being conducted by Weston & Sampson, policy completion estimated by December 2017); and finally, adopt the Stretch Code (anticipated for 2018 Town Meeting).

The Stretch Code requires that new construction minimizes “life-cycle” energy costs by achieving higher Home Energy Rating System (HERS) scores. This code only applies to new residential construction; new commercial construction over 100,000 sf; or supermarkets, labs, and warehouses over 40,000 sf. Because there is very little new residential construction in Town, and virtually no new commercial construction over 40,000 sf, the impact to the construction industry would be minimal.

Seth Pickering offered to hold stakeholder meetings in preparation for the spring Town Meeting. Analysis of post-rebate and incentive costs shows the cost on a new home to meet the Stretch Code would be roughly \$500 additional. Mr. Berry added that the Town’s existing building code and the Stretch Code are virtually the same, except that the Stretch Code requires additional testing.

Mr. Tolley asked for Building Commissioner Mark Grylls’ opinion. Mr. Grylls confirmed that there is no difference between the two codes, except to achieve a higher HERS rating. Builders are currently building to the standard and pursuing the incentives. There would be no impact to what is currently being done. Mr. Tolley was concerned about another layer of regulation on top of wind and flood regulations, especially in regard to affordable housing and noted that most Cape communities have not adopted it.

Mr. Pickering explained that updates to the Base Energy Code have brought it more closely aligned to the Stretch Code over the years. The Code is not applicable to renovations and/or additions. A town can also renounce the Stretch Code if it is unhappy with the program. The Board asked for another more in-depth presentation and public forums.

6. Metropolitan Planning Organization (MPO) Sub-Region B Representative Nomination

Ms. Post requested a ballot to submit in advance of the election. Nominations will be submitted on October 16th; elections take place on October 20th and absentee ballots will be accepted via email before November 15th. Sheryl McMahon of Dennis is the current representative and has suggested the Towns of Dennis and Yarmouth (Sub region B) alternate. The MPO brings together federal, state, and local officials to develop and advocate for a unified Cape transportation improvement program.

MOTION: To move that the Board of Selectmen nominate Norm Holcomb as the Sub Region B representative to the MPO.

Motion by: Tracy Post

Seconded by: None.

Deborah Wygent	\$150.00	Kerstin Sampson	\$150.00
Simonne Boggs	\$150.00	George Marusak	\$150.00
Tanya Paris-Phillips	\$150.00	Barry Walraven	\$150.00
Scott Beckwith	\$150.00		

TOTAL **\$4,150.00**

***MOTION: To move that the Board of Selectmen approve the consent agenda.**

Motion by: **Seconded by:** **Yea** **Nay**

***No vote on the consent agenda was held due to an oversight. The above donations will be added to the consent agenda at the next Board of Selectmen meeting.**

2. Town Administrator Updates: Assistant Town Administrator Chris Dwelley announced that Massachusetts has been named No. 1 in the country for energy efficiency, with some of Yarmouth's initiatives being emphasized. Mr. Dwelley also provided a bi-weekly update on major Town projects and upcoming events and asked for feedback. The goal is to better align the projects with the Board's overarching goals. The Town, in conjunction with the Chamber of Commerce, has released a survey to the business community to get feedback on potential service improvements. An updated budget guidance schedule was also provided. Ms. Post thanked staff and asked for a central calendar so that Selectmen can plan to attend the wide variety of public events in Town.

3. Water Resources Planning: Tri-town meeting on October 20th. Discussions have begun with Barnstable.

4. Dennis-Yarmouth School Agreement: Mark Abrahams will be presenting on two-town regional school funding on October 16th at Town Hall.

5. Mattacheese School Project: No updates.

6. Drive-In Site Utilization Project: No updates.

7. Cape Tech Update: Superintendent Bob Sanborn will hold a briefing Thursday at 5:30 at Bridgewater State College. Town Counsel Jay Talerma will brief the Board on the funding aspect on October 17th.

9. Adjourn

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

Motion by: Norm Holcomb **Seconded by: Mark Forest** **Yea 5** **Nay 0**

Meeting adjourned at approximately 9:35 p.m.

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Letter from Atty. Tardif, dated September 28, 2017 Re: Liquor License Renewal
- Real Estate, Personal Property and Water Bills for Anthony's Cummaquid Inn
- Energy Committee Annual Report to the Board of Selectmen
- CVEC Extension of the Round 1 Adder for FY19 with Draft CVEC Round One Operational Administrative Adder – Renewal Vote
- Cape & Vineyard Electric Cooperative, Inc. – Annual report FY 17
- Cape Cod Commission's Request for Nominations Memo for Cape Cod Metropolitan Planning Organization Sub-Regional Election Process 2017
- Memo to BOS from Appointments Chairman dated September 27, 2107 re: Conservation Commission Reappointments
- All Cape Selectmen and Councilors' Meeting Minutes for June 22, 2017
- 2017 BOS Upcoming Agenda Items Schedule
- Memo to BOS from Parks and Recreation dated September 25, 2017 re: Donations
- Memo to BOS from Town Administrator dated September 20, 2017 re: FY 19 Budget Policy Statement