



## **Board of Selectmen** **Public Meeting Minutes** **July 30, 2019**

*The regular meeting was called to order at approximately 6 p.m. in the Town Hall Hearing Room by Chairman Stone. Selectmen present: Tracy Post, Norm Holcomb, Erik Tolley, and Mark Forest. Also attending: Yarmouth Town Administrator, Dan Knapik; and Yarmouth Assistant Town Administrator, Chris Dwelley.*

### **1. Public Announcements and Comments**

*The Selectmen announced that the document to terminate the litigation by the Town of Yarmouth vs. the School Committee will be filed within 7 days of today.*

*Lois Greebie, resident, thanked the Selectmen for terminating their school lawsuit.*

*Maria Marasco, resident, expressed her gratitude to Eversource and Town staff who responded in the wake of the recent tornadoes in Yarmouth. She requested that free debris disposal be extended at the Transfer Station for residents who have yet to fully clear their property.*

*Jim Cullen, resident, thanked the Selectmen for compromising on the school issues and dismissing their lawsuit. He also suggested that the Town educate its voters ahead of the upcoming Special Town Meeting. He also thanked the Town staff and contractors who assisted in the wake of the recent tornadoes.*

*Don Marino, resident, thanked the Selectmen for terminating their school lawsuit and urged the Selectmen to start focusing on building a new school.*

*Steve Bergland, resident, thanked the Selectmen for terminating their school lawsuit.*

*Tom Sullivan, resident, announced that he had filed a lawsuit earlier in the day against the DY School Committee regarding the process followed for the recent approval of the new DY Middle School building.*

*Carol Wall, resident, thanked the Selectmen for terminating their school lawsuit. She also suggested that the Selectmen hold public forums in the future.*

*Vida Morris, resident, questioned if funding a new school in Town would improve Yarmouth's education system.*

*Ruth Holland, resident, advocated for solutions to prevent speeding on Center Street in Yarmouth Port.*

### **2. Tornado Updates and Debris Removal**

Chairman Stone recapped a recent meeting that took place in Harwich attended by Governor Charlie Baker. It was explained that Governor Baker noted the need to clear roadways of debris and restore power ASAP, especially considering it is the height of the tourist season on the Cape. Various state agencies dispatched assets to Yarmouth to assist with debris cleanup. Mr.

Stone expressed his appreciation to the Governor for responding to the needs of Yarmouth's community in a swift manner. Selectman Post also thanked Jeanine Benincasa Thorpe, the Undersecretary of Homeland Security, for all of her hard work in response to the recent tornadoes and suggested that the Board send her a thank you note. She also thanked Town staff for their hard work as well.

Selectman Forest indicated his desire that, if the Town qualifies for emergency event status, that it could provide more services to its residents in terms of assisting with debris removal. He also supported extending the free disposal of storm debris at the Transfer Station. Selectmen Tolley asked what the Town's plan for storm response is if Yarmouth qualifies for the emergency declaration and what the plan is if it does not. Dan Knapik, Town Administrator, indicated that if the Town receives an emergency declaration then it will be able to offer debris removal services on private property. Without the emergency declaration the Town will not be able to go on people's private properties, and will instead extend the free disposal of storm debris at the Transfer Station, while keeping the responsibility of clearing private properties on the homeowners.

Jeff Colby, DPW Director, indicated that there is a lot more storm cleanup to do on public property that will be carried out over the next month or so. Mr. Colby indicated that DPW staff had broken up the Town into snow plow routes and would be going through each of them to check for debris that needs to be removed from public rights of way. Mr. Colby also thanked the Towns of Mashpee and Sandwich for their assistance during storm cleanup.

Mr. Knapik suggested that the Town spend the next couple of weeks continuing to clear the public roadways and would return to the Board of Selectmen after that with a plan for private storm debris.

**MOTION: To move that the Board of Selectmen extend the free disposal of storm debris for residents and property owners in Yarmouth at the Transfer Station through August 13<sup>th</sup>.**

**Motion by: Tracy Post**

**Seconded by: Michael Stone**

**Yea 5 Nay 0**

### **3. MassDOT Special Speed Regulations on Center Street and Vote**

Jeff Colby, DPW Director, explained that the Town applied to MassDOT to reduce speed limits on Center Street based on feedback from residents and the result of a traffic study that was recently conducted. Mr. Colby explained that the Town was requesting a speed reduction in two sections of Center Street, and the State agreed to reduce the speed from 35 mph to 30 mph in the straight-away section of the street. The State, however, did not agree to revise the speed limit for the curved 25 mph section of the street. Mr. Colby explained that the State was looking for approval of their recommendations.

**MOTION: To move to accept the recommendation from the State to reduce the speed limit of the 35 mph speed limit section of Center Street to 30 mph, while leaving the 25 mph section as is.**

**Motion by: Erik Tolley**

**Seconded by: Norm Holcomb**

**Yea 5 Nay 0**

### **4. Water Division Quarterly Update**

Jeff Colby, DPW Director, presented the Board of Selectmen with a Water Department update. Mr. Colby explained that water revenue through May 31, 2019 was \$4,178,660.00, which exceeded the revenue projection of \$3,878,441.00. He also explained that a monitor well network for Well #9 has been established and sampled. The results are being processed and additional monitoring and analysis of the water quality is ongoing. Mr. Colby also reviewed a list of ongoing

Water Department projects, which include meter reprogramming, the development of a master plan, hydrant maintenance, and pump station improvements are examples of future projects. A list of recently completed projects was also reviewed, and it was explained that the department is in the process of hiring and training several new staff members. It was noted that once the Water Department administrative staff is at full strength there will be significant customer service improvements.

Selectman Tolley requested Mr. Colby to begin to consider water rate increase projections in the event that rates need to be increased in the future. Mr. Colby noted that the rate study will be completed relatively quickly after the Water Department Master Plan is developed.

## 5. DPW Building Committee Update

Joe Rodricks, Chairman of the DPW Building Committee, provided an update on the recent work completed by the DPW Building Committee. Mr. Rodricks explained that the overall cost for the project has increased from \$14.6 million to \$15.3 million since the last time it was presented to the Board of Selectmen.

Jeff Alberti, Weston and Sampson, presented a summary of the DPW Building project. Mr. Alberti reviewed the responsibilities of the Town's DPW, and explained that the DPW touches the lives of Yarmouth's residents everyday by maintaining the infrastructure that the community relies on. He explained that the DPW is on call 24 hours a day to handle incidents and respond to emergencies during inclement weather events. Mr. Alberti also detailed the need for a new DPW facility in Yarmouth, and explained that the existing facility is more than 45 years old with no significant improvements/modernizations made to the facility. The efficiency of operations and employee safety are negatively impacted by the substandard conditions in the existing DPW building. He also explained that the current building's maintenance bays and support space are undersized to safely and efficiently maintain vehicles and equipment. Mr. Alberti further explained that vehicle and equipment types and sizes have changed significantly since the facility was constructed in 1972, necessitating the proposed building upgrades. It was also explained that a lack of storage space at the current facility has meant inadequate storage for a portion of the multi-million dollar fleet and equipment, which must be stored outside instead. Mr. Alberti provided a summary of deficiencies which exist in the current building, including toilet facilities not meeting plumbing code and the existing buildings not being compliant with building and mechanical code.

The new proposed DPW building was then reviewed, and Mr. Alberti went over the process the Town undertook to gather information on building needs. A proposed floor plan and site plan was also presented, as well as a conceptual building rendering. It was explained that the anticipated cost of the building is \$15,263,164.00, which, at \$388 per square foot, is a lower cost than most recently completed DPW Building projects in MA. The benefits of the new facility were also reviewed, as it was noted that a new building would make a more safe work environment for Town employees. The building would also protect the Town's valuable vehicles and equipment and will improve efficiency in the department's response time to the public. A new facility will also allow the Town to eliminate the need to invest money into the existing facility. Mr. Alberti explained that the next steps in the project's process is to complete the final design by September 2019. Bids for the project will be opened in October 2019 and a request for the remaining funding for the project will be made at the fall Town Meeting and Special Election. If funding is approved, construction is anticipated to be completed by March 2021.

Selectman Forest suggested that the Town produce videos ahead of Town Meeting to show residents the conditions of the current building and explain the benefits of the project. Mr. Forest

also noted the importance of the improved employee safety and worker morale for DPW workers that the new building would provide. Selectman Post asked if this size structure triggers a review by the Cape Cod Commission. Mr. Alberti responded that they do not believe this project is applicable to the Commission's regulations but they would double check on that issue to confirm.

## 6. Water Resources Advisory Committee Cost Recovery Plan

Rich Bienvenue, Interim Municipal Operations Director, and Dave Young, CDM Smith, presented the Town's cost recovery plan associated with the installation of wastewater infrastructure. Mr. Bienvenue reviewed work that has been done to date to update the Town's comprehensive wastewater management plan, and explained that it has been determined that a centralized wastewater treatment plant is the most effective solution, both from a cost and economic perspective. He explained that Phase 1 of the project encapsulates all of Route 28 and part of South Shore Drive. Phase 1 of the project will address the nitrogen issues in all three effected watersheds and set the stage for future phases.

It was also explained that the Town is currently exploring the option of partnering with neighboring towns to reduce the cost of the project. Dennis, Harwich, and Yarmouth are considering the option of forming a tri-town DHY Clean Waters Community Partnership. Mr. Bienvenue explained that Yarmouth stands to save substantial money in operating cost by pursuing a regional solution.

Phase 1 of the sewer project is estimated to cost \$112 million for a treatment plant, collection system, and recharge facilities. It was explained that there are opportunities for cost reduction through regional opportunities, road work coordination, and design of the facilities. Mr. Bienvenue explained that the goal of the Town's cost recovery plan is to fund the cost of wastewater infrastructure without effecting the tax rate. It was explained that, with a 30-year interest free loan, the annual debt service for this project for the Town would be \$3.73 million for 30 years. He went on to highlight a number of funding opportunities the Town will pursue in lieu of raising taxes such as: grant opportunities, funds from the Cape and Islands Water Protection Trust, a flow-based betterment program, funds from the new short-term rental tax, and debt drop-off.

Mr. Bienvenue provided a proposed breakdown of funding for Phase 1. The breakdown was as follows:

- 18% of the cost would be funded through local receipts (short-term rental tax revenues, estimated savings on solar projects);
- 29% of the cost would be funded through user-generated revenues (capital surcharge on sewage rates, betterment program);
- 28% would be funded through a Water Infrastructure Investment Fund Surcharge (1.5% property tax surcharge, could be offset by a reduction in CPA surcharge);
- 25% would be funded from the Cape and Islands Water Protection Trust funds.

Mr. Bienvenue also reviewed past public information sessions that have taken place to educate the public on the Town's plan, as well as future information sessions upcoming. Selectman Forest asked how the public has received these plans at the meetings and Mr. Bienvenue responded that while there were a lot of questions, but residents have generally been very supportive of the proposed plan.

Selectman Post expressed support for the plan and asked what the next steps were. Mr. Bienvenue explained that the Special Legislation which would enable a DHY Partnership will hopefully be approved in the next few weeks. After that a DHY operating agreement would have to be approved by the Board of Selectmen and Town Meeting. The creation of a Water Infrastructure Investment Fund (WIIF) was also discussed as a potential next step. Selectman Post asked when road construction projects will start to take place, prompting the need for the Town to coordinate on sewer installation. Curt Sears, Chairman of the Water Resources Advisory Committee, responded that the Town must be prepared to begin installation in 2022.

The Selectmen thanked Mr. Bienvenue for his presentation and expressed general support for the plan. It was noted that the reason funding for wastewater infrastructure failed in Yarmouth in 2011 was due to concerns over the potential effect on property taxes. Since this plan would not affect property taxes, it was noted that it was more likely to gain public support than the 2011 plan.

## 7. Fall Town Meeting Discussion

Chris Dwelley, Assistant Town Administrator, presented the topic of the Town holding a Fall Town Meeting. Mr. Dwelley indicated that the idea is to address Zoning Articles in the fall going forward and all other articles in the spring. Mr. Knapik indicated that the date of the meeting would be October 29<sup>th</sup>, which will be the same date as the Dennis Town Meeting so the two towns can align their school vote.

Chairman Stone suggested having an article on the Fall Town Meeting warrant to alter the section of the Town Charter pertaining to the Finance Committee, by changing the makeup of the committee of seven members to a *minimum* of seven members, so that more than seven could serve at a time if the Selectmen deemed it necessary. This would allow the Finance Committee to welcome new qualified members without losing existing members and would allow the committee to better distribute workload.

The Selectmen discussed whether or not any wastewater articles should be presented at the upcoming Town Meeting as well, including the establishment of a Water Infrastructure Investment Fund (WIIF) and an offsetting reduction in the CPA property tax. It was noted that wastewater articles may not be ready to be presented by the fall but that the approval of the proposed new DPW Building would definitely be on the Fall Town Meeting Warrant.

## 8. Board and Committee Actions

### a. Committee Appointments

**MOTION: To move that the Board of Selectmen accept the resignation of Stephanie Miller from the Board of Assessors.**

**Motion by: Norm Holcomb**

**Seconded by: Tracy Post**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen accept the resignation of Chris Luttazi from the Conservation Commission.**

**Motion by: Tracy Post**

**Seconded by: Norm Holcomb**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen appoint Richard Simon to the Golf Enterprise Committee for a term expiring April 30, 2022.**

**Motion by: Norm Holcomb**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

### b. Approval of Minutes for January 8, 2019 and February 12, 2019

Town of Yarmouth  
Board of Selectmen

July 30, 2019

**Approved December 10, 2019**

**MOTION: To move to approve the minutes of January 8, 2019 and February 12, 2019.**

**Motion by: Norm Holcomb**

**Seconded by: Tracy Post**

**Yea 5 Nay 0**

c. Upcoming Agenda Review. The next Board of Selectmen will take place on August 13<sup>th</sup>.

## **9. Town Administrator Items**

a. Consent Agenda. Dan Knapik, Town Administrator, presented the Consent Agenda to the Selectmen. He explained that there is a total of \$2,600 in donations for the Selectmen to approve.

**MOTION: To move to approve the Consent Agenda as presented.**

**Motion by: Erik Tolley**

**Seconded by: Mark Forest**

**Yea 5 Nay 0**

## **10. Adjourn**

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

**Motion by: Mark Forest**

**Seconded by: Tracy Post**

**Yea 5 Nay 0**

Meeting adjourned at approximately 10pm.

Respectfully submitted,



Linda Dennehy

## **DISTRIBUTED MATERIAL AGENDA PACKET**

- MassDOT Letter dated June 24, 2019 re: Special Speed Regulation #1088-A
- Memo to BOS from DPW Director dated July 24, 2019 re: BOS Water Update
- DPW Building Committee Update Presentation
- Water Resources Advisory Committee Presentation
- Letter to Director of Assessing dated July 11, 2019 re: Resignation
- Memo to BOS from Appointments Chair dated July 19, 2019 re: Appointment to Golf Enterprise Committee
- Draft BOS Meeting Minutes for January 8, 2019
- Draft BOS Meeting Minutes for February 12, 2019
- 2019 BOS Upcoming Agenda Items Schedule
- Memo to BOS from Recreation Division dated July 22, 2019 re: Donations
- DYRSD Adult Education Program for Fall 2019