



Board of Selectmen Public Meeting Minutes July 24, 2018

The regular meeting was called to order at approximately 6:00 p.m. in the Town Hall Hearing Room by Chairman Holcomb. Selectmen present: Erik Tolley, Mike Stone, Mark Forest. Selectman Tracy Post joined the meeting in session. Also attending: Yarmouth Assistant Town Administrator, Chris Dwelley; Town Planner Kathy Williams; Finance Director Ed Senteio; and Nate Mayo of Vineyard Wind

1. Public Announcements & Comments

Joyce Flynn announced Energy Committee Summer Scholar, Caleb Scribner.

Steve Krintzman of Yarmouth Port spoke in support of Vineyard Wind and the New Hampshire Avenue landing site.

Susan Starkey presented a letter in support of Vineyard Wind signed by 85 residents and asked for the status of the Memorandum of Understanding.

Brian Koelbel of South Yarmouth asked that the Board consider appointing a resident of Gateway Isles to the Drive-In Site Utilization Committee (DISUC), specifically Mr. Larry Fennelly.

Vida Morris asked about the funding of the Mattacheese building and the possibility of deregionalization.

Tom Baron provided copies of his presentation to the Planning Board last week.

Tom Nickinello spoke in support of the Drive-In Site and asked the Board to begin working on a new name for the site.

2. Public Hearings

a. Transfer of Weekday and Sunday Entertainment Licenses for Our Wild Animal Lagoon. Licensing Chair Mike Stone read the legal notice into the record. Owner/manager Meredith Our was present and explained that she recently purchased the property and plans no changes. There was no public comment, and no questions from the Board.

MOTION: To move to close the public hearing.

Motion by: Mark Forest

Seconded by: Erik Tolley

Yea 4 Nay 0

MOTION: To move that the Board of Selectmen approve the application as presented.

Motion by: Mark Forest

Seconded by: Erik Tolley

Yea 4 Nay 0

3. Mattacheese School Project Update

Selectman Post joined the meeting.

Assistant Town Administrator Chris Dwelley updated the Board on the Regional Agreement negotiations. A letter on behalf of the Board of Selectmen was sent to the Town of Dennis regarding capital costs, operating costs, and school committee composition. Dennis representatives have responded that they are satisfied with the current makeup of the agreement relative to those matters and see no need to negotiate on them. A response is being drafted. The School Committee has voted to put the question of the proposed new Mattacheese school building on a ballot, similar to the Cape Cod Tech vote, and is tentatively looking at the first Tuesday of December.

Selectman Post asked if the School Committee was aware of the Yarmouth Board of Selectmen's vote. Mr. Dwelley explained that it was. The School Committee was also asked to respond to a draft Regional Agreement. There has been no response as yet.

Selectman Tolley reiterated his opposition to funding a new school construction project without a new regional agreement in place, and suggested an article to deregionalize the middle schools at a Special Town Meeting. He also suggested that the School Committee was afraid of the results if the vote went to Town Meetings. Selectman Post noted that amendments to the regional agreement need to go through the School Committee.

Selectman Post noted that \$750,000 has already been spent and considerable time wasted on the regional agreement. In addition to a new middle school, the Town also needs a new elementary school; therefore, Yarmouth should look at building one K-8 school on the Mattacheese property. Selectman Tolley concurred, and suggested a strongly-worded letter to the Massachusetts School Building Authority (MSBA) stating the Town's lack of support for the middle school project. Selectman Forest stated for the record that it is wrong to go around Town Meeting, and agreed that an analysis of options for Yarmouth, including deregionalization, should be reviewed. He supported a letter to MSBA. Selectman Stone concurred and asked for Town Counsel's input. Regarding partial deregionalization (grades 4-6), Town Counsel Jay Taleran explained that it will be difficult under the current circumstances and school committee composition. A Special Act could be used, but can be expensive and complicated. It cannot have a negative financial impact on another community; therefore, the Department of Elementary & Secondary Education could conceivably require one town to build a comparable facility for the other town. The process could take a year or more. Town Counsel will prepare a memo for the next meeting. Chairman Holcomb suggested a discussion of election strategy/public outreach for the next agenda.

4. Wastewater Update/Possible Vote

Assistant Town Administrator Chris Dwelley updated the Board on a recent meeting with the Town of Barnstable to discuss initial logistics of a partnership. A follow-up meeting has been scheduled. MA Secretary of Economic Development and Housing Jay Ash attended the most recent monthly meeting of the Dennis/Harwich/Yarmouth partnership. The draft Special Legislation is available for vote, but still under review by the State legislative counsel. Dave Young reviewed minor changes to the draft Act and confirmed that Dennis and Harwich are also reviewing and expected to support the Act.

MOTION: To move to authorize the submission of the legislative proposal as amended on July 11th authorizing the Towns Yarmouth, Dennis, and Harwich to form a Clean Water Community Partnership, contingent upon the opportunity to review any proposed amendments by legislative counsel.

Motion by: Mark Forest

Seconded by: Erik Tolley

Yea 5 Nay 0

Discussion followed regarding possible amendments that may come down from the legislature, and the point of voting on an Act that may be changed. Mr. Young explained that it would send the positive feedback that the legislature is seeking to keep the process moving forward. He also explained that this is the second of four steps in the process.

5. Drive-In Site Utilization Committee (DISUC) Update

Jim Saben reviewed the DISUC recommendations from May, 2018. In order to move forward with the Selectmen's instructions, the DISUC has drafted a revised charge. Mr. Saben asked the Board to appoint alternate member Bud Nugent to the vacant seat on the Committee. He also asked the Board to consider changing the name of the Committee, as well as the park. In preparation for an upcoming concert, short-term improvements have begun. After the event, the Committee will meet with the event organizers to assess what else may need to be done. A Use Policy will need to be developed. The Committee will apply for CPA funding. Regarding the boardwalk, the Committee recommends moving forward with Option 1C, the loop, because it will be easier to permit and construct and less expensive than Option 2, which crosses the marsh. The Committee members agree that the boardwalk is central to the success of the project, but are split on which option to invest in.

Mr. Saben asked the Board to vote on the revised charge, appoint Bud Nugent, and to choose the boardwalk option. The Committee will then begin to develop the concept plan for the event area and apply for CPA funding.

MOTION: To appoint alternate member Bud Nugent to the vacant seat on the Drive-In Site Utilization Committee.

Motion by: Erik Tolley

Seconded by: Mark Forest

Yea 5 Nay 0

Discussion followed regarding the boardwalk options. Mr. Saben spoke in support of Option 2, crossing the marsh, as a bigger attraction although it will require more borings to determine if it is financially viable to build. Committee member David Reid explained that he did not see any utility in connecting the Riverwalk Park with Seagull Beach. He also noted that a shorter boardwalk will be less expensive, less impactful to the marsh and neighborhoods, and be completed more quickly. Another alternative would be to phase the boardwalk construction. In order to obtain realistic cost estimates for Option 2, the Committee would need roughly \$70,000 for boring samples.

Selectmen Forest and Stone favored Option 1C, citing the cost of storm damage repairs and the potential for vandalism on a boardwalk crossing the marsh. The area is also designated as a Coastal Barrier Resource Area, which means federal funding will not be available. Town Planner Kathy Williams advised that with Option 1C, design, permitting, funding can all move forward and will take approximately one to two years. Construction could begin after the Parker's River Bridge project is complete.

MOTION: To approve Boardwalk Option 1C.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 5 Nay 0

MOTION: To approve the DISUC revised charge.

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 5 Nay 0

6. Cape Cod Energy Park

Finance Director Ed Senteio, DPW Director Jeff Colby, and Waste Management Supervisor Roby Whitehouse presented the proposal for the Cape Cod Energy Park. The plan was developed as a solution to the increasing expense of bio-solid and food waste and to generate renewable energy, “blue” and “green” jobs, and revenue for the Town. Mr. Senteio explained how an anaerobic digester works. Genesis Industries was chosen through the RFP process as the private partner in the project and will spend nine months establishing contracts for food waste and bio-solids, and working out a contract with the Town. If all goes well, permitting, public outreach, and ultimately construction can then begin. Genesis will be generating energy and possibly AEQ fertilizer. Mr. Senteio noted several regional and State supporters of the process thus far. The partnership with Genesis will reduce the Town’s sludge removal costs by \$40,000 this year.

Staff responded to questions from the Board. Mr. Senteio confirmed that there is an extensive permitting process and explained that this method is prevalent in other parts of the world and is more environmentally-friendly than our current food waste disposal. Other benefits include job creation and potential research partnerships with 4Cs, Bridgewater State, and UMass Dartmouth. Laws regulating food waste disposal exist, but are not strictly enforced yet because there are not enough facilities. The Board thanked the team for its hard work.

7. Bayview Street Agreement

DPW Director Jeff Colby presented the Bayview Street Agreement for maintenance work on Bayview Street in conjunction with the Town of Barnstable. The work plan is still in development, but will include road resurfacing, minor drainage improvements, and sidewalk reconstruction. The majority of the roadway is in Yarmouth, thus Yarmouth is taking the administrative lead.

Selectman Post and Chairman Holcomb suggested that Yarmouth should be reimbursed for its management role by the Town of Barnstable. Mr. Colby explained that there is no additional administrative burden to Yarmouth on this project, and there is another Public Works project in the pipeline which Barnstable will manage that will significantly benefit Yarmouth. Selectman Stone asked that Paragraph 7 be reviewed by Town Counsel.

MOTION: To approve the Agreement as presented.

Motion by: Mark Forest

Seconded by: Erik Tolley

Yea 5 Nay 0

8. Vineyard Wind Update

Assistant Town Administrator Chris Dwelley advised that Vineyard Wind representatives have asked to begin work with the Town on a Memorandum of Understanding to address legal fees and administrative expenses as was discussed at the last meeting. Staff is seeking input from the Board. The Board was particularly concerned with the burden placed on Town staff in what is an extremely technical project.

- **Save our Sound Legislation and Possible Vote to Endorse.** Save Our Sound has asked the Cape delegation to put forth legislative protections for Nantucket Sound. Selectman Forest explained that a federal National Cultural Historic Landmark designation is being sought for the waters beyond three miles from the coast.

MOTION: To move that the Board endorse the letter dated May 30, 2018 by the Alliance to Protect Nantucket Sound and authorize the Town Administrator to express similar support to our congressional delegation.

Motion by: Mark Forest

Seconded by: Erik Tolley

Yea 5 Nay 0

MOTION: To move that the Board authorize the Town Administrator to draft a Memorandum of Understanding with Vineyard Wind.

Motion by: Erik Tolley

Seconded by: Mike Stone Yea 5 Nay 0

9. Board of Selectmen

- a. Board and Committee Actions: None.
- b. Approval of Minutes for May 5, 2018

MOTION: To move that the Board approve the minutes of May 5, 2018.

Motion by: Mark Forest

Seconded by: Mike Stone Yea 5 Nay 0

- c. Upcoming Agenda Review. The August 7th meeting will begin at 5:00 p.m. with Executive Session.
- d. Individual Items: General discussion of the composition of the DPW building committee.

10. Town Administrator Items

- a. Consent Agenda. To appoint Pat Armstrong as the Yarmouth representative to the Community Action Committee of Cape Cod and Islands. The Board asked that the letter in support of keeping the Registry of Motor Vehicles in Yarmouth be sent to Sen. Julian Cyr and Reps. Wil Crocker and Tim Whelan.

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

Motion by: Erik Tolley

Seconded by: Mark Forest Yea 5 Nay 0

- b. Town Administrator Updates: None
- c. Water Resources Planning: None
- d. Dennis-Yarmouth School Agreement: None
- e. Mattacheese School Project: None

11. Adjourn

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

Motion by: Tracy Post

Seconded by: Mark Forest Yea 5 Nay 0

Meeting adjourned at approximately 9:00 p.m.

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Transfer of Weekday and Sunday Entertainment License Applications for Our Wild Animal Lagoon
- Draft Dennis-Harwich-Yarmouth Clean Waters Community Partnership Act
- Drive-In Site Utilization Committee Update
- Cape Cod Energy Park PowerPoint Presentation
- Bayview Street Agreement with Barnstable
- Save our Sound Legislation Draft Letter of Support
- BOS Meeting Minutes from May 5, 2018
- 2018 BOS Upcoming Agenda Items Schedule
- Memo to Town Administrator from Director of Community Services dated May 2, 2018 and letter to BOS from Community Action Committee of Cape Cod & Islands, Inc. dated March 23, 2018 re: Representative from Yarmouth
- Draft Letter of Support to Rep. Whelan re: RMV
- Memo to BOS from Director of Public Works dated July 18, 2018 re; Install and maintain underground cables and conduits
- Application for Special Entertainment License for Yarmouth Seaside Festival
- Memo to BOS from Recreation Division dated July 18, 2018 re: Donations
- Letter from Department of Veterans Affairs, Cape Cod Vet Center to Director of Community Services dated July 13, 2018 re: letter of thanks
- Board of Health Meeting Agenda for July 23, 2018