



Board of Selectmen **Public Meeting Minutes** **October 16, 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: Tracy Post, Mike Stone, and Mark Forest. Also attending: Yarmouth Town Administrator Dan Knapik; and Yarmouth Assistant Town Administrator, Chris Dwelley.

1. Public Announcements & Comments

Vida Morris cited a Wall Street Journal article of October 5 regarding pickle ball and asked for fiscal restraint. Selectman Post cautioned against generalizations. Chairman Holcomb asked for civility and respect during public comments.

Holly asked the Board to consider establishing a committee to explore a blight ordinance, and offered to share her research materials.

2. All Age-Friendly Community Team Annual Report

Kathi Bailey distributed promotional items to the Board. She reviewed the Team's accomplishments and activities since its inception and highlighted its priorities going forward. She then introduced Jerry Bedard who explained his background and described the Team's current initiatives and intergenerational programs. Ms. Bailey reviewed projected funding needs and potential strategies. Selectman Stone asked about transportation challenges, and Ms. Bailey explained that the Team is working to expand with CCRTA, and changing policy language to permit the use of CPA funds. Technology is also a focus to expand participation for homebound citizens. The Board thanked the Team for its good work.

3. Parker's River Bridge Project Land-Taking Vote

Town Planner Kathy Williams and Town Counsel Sarah Bellino presented the land taking and easement agreements necessary to move forward with the Parker's River Tidal Restoration Project. The project will be funded with \$3.3 million in Hurricane Sandy funds, and a combination of other federal, state, and local grants. This project will allow for greater flushing of Seine/Swan Pond and help with mandated nitrogen-reduction efforts.

MOTION: To move that the Board of Selectmen adopt an Order of Taking of real property pursuant to General Law c. 79, in the Town of Yarmouth, as authorized by Articles 32 and 33 at the 2016 Annual Town Meeting, for the purpose of construction, maintenance, and roadway easements and fee interests associated with a roadway, utility and bridge improvement project on Main Street (Rte. 28) in the vicinity of Parker's River Bridge, Yarmouth, Massachusetts.

To be taken are:

The following portions of the property Located at 681 Route 28, Yarmouth, MA, supposed to be held by Gold Village-Waterside, LLC:

An easement adjoining the southerly location line of the January 10, 1933 (Layout No. 2977) State highway alteration of Main Street (Route 28), and containing about 376 square feet and depicted as parcel 12-GR-3 on the sketch plan attached hereto as Exhibit A.

An easement in a parcel of land adjoining the southerly location line of the January 10, 1933 (Layout No. 2977) State highway alteration of Main Street (Route 28), and containing about 505 square feet and depicted as parcel 12-D-2 on the sketch plan attached hereto as Exhibit A.

A parcel of land containing about 358 square feet and depicted as parcel 12-4 on the sketch plan attached hereto as Exhibit A.

A temporary easement in a parcel of land containing about 6,110 square feet and depicted as temporary easement 12-TE-5 on the sketch plan attached hereto as Exhibit B. Said temporary easement shall expire with the completion of the work contemplated in the Order of Taking.

And the following Portions of the Property located at 703 Route 28, Yarmouth, MA, supposed to be held by Steven M. Katz:

An easement in a parcel of land, adjoining the southerly location line of the January 10, 1933 (Layout No. 2977) State highway alteration of Main Street (Route 28), and containing about 349 square feet and depicted as parcel 12-GR-4 on the sketch plan attached hereto as Exhibit C.

A fee interest in a parcel of land containing about 372 square feet and depicted as Parcel 12-6 on the sketch plan attached hereto as Exhibit C.

A temporary easement in a parcel of land containing about 4,287 square feet and depicted as temporary easement 12-TE-7 on the sketch plan attached hereto as Exhibit D. Said temporary easement shall expire with the completion of the work contemplated in the Order of Taking.

A temporary easement in a parcel of land containing about 413 square feet and depicted as temporary easement 12-TE-8 on the sketch plan attached hereto as Exhibit D. Said temporary easement shall expire with the completion of the work contemplated in the Order of Taking.

And to award damages as follows:

- \$900.00 for said Permanent Easement 12-GR-3;
- \$1,200.00 for said Permanent Easement 12-D-2;
- \$1,700.00 for said Parcel 12-4;
- \$8,000.00 for said Temporary Easement 12-TE-5;
- \$1,150.00 for said Permanent Easement 12-GR-4;
- \$2,500.00 for said Parcel 12-6;
- \$6,600.00 for said Temporary Easement 12-TE-7; and
- \$650.00 for said Temporary Easement 12- TE-8.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 4 Nay 0

MOTION: To move that the Board of Selectmen vote to authorize a payment in the amount of \$3,650.00 to Maritime Heritage Research Laboratories, LLC, for the acquisition by MassDOT of interests in portions of real property located at 674 Main Street, West Yarmouth, MA, shown as 12-PUE-1; 12-GR-1; and 12-1, as on the sketch plan to be recorded with an order of taking in connection with a roadway, utility and bridge improvement project on Main Street (Rte. 28) in the vicinity of Parker's River Bridge, Yarmouth, Massachusetts, and referenced in the Land Damages Agreement between MassDOT and Maritime Heritage Research Laboratories, LLC.

The payment will be made from the United States Department of the Interior Hurricane Sandy Coastal Resilience funds, authorized under the Disaster Relief Appropriations Act of 2013 obtained by the Town for this project and not until such time that MassDOT has recorded an order taking said property in the Barnstable County Registry of Deeds, in connection with the Land Damages Agreement between it and Maritime Heritage Research Laboratories.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 4 Nay 0

MOTION: To move that the Board of Selectmen vote to accept those temporary interests in land located at 674 Route 28, Yarmouth, MA as described in a Grant of Temporary Easement from Maritime Heritage Research Laboratories, LLC by and through its manager Barry Clifford, for the purposes of construction and maintenance associated with a roadway, utility and bridge improvement project on Main Street (Rte. 28) in the vicinity of Parker's River Bridge, Yarmouth, Massachusetts, pursuant to the authority granted to the Board by Articles 32 and 33 of the 2016 Annual Town Meeting.

And for consideration of said grant, to make a payment of \$1,700.00 to said Maritime Heritage Research Laboratories, LLC. The payment will be made from the United States Department of the Interior Hurricane Sandy Coastal Resilience funds, authorized under the Disaster Relief Appropriations Act of 2013, obtained by the Town for this project and not until such time that the Temporary Easement has been signed by Maritime Heritage Research Laboratories and Mortgagee.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 4 Nay 0

MOTION: To move that the Board of Selectmen vote to accept those temporary interests in land located at 668 Route 28, Yarmouth, MA described in a Grant of Temporary Easement from the Parker's River Realty Trust by and through its trustee Gerald Manning, for the purposes of construction, maintenance, and roadway easements and fee interests associated with a roadway, utility and bridge improvement project on Main Street (Rte. 28) in the vicinity of Parker's River Bridge, Yarmouth, Massachusetts, pursuant to the authority granted to the Board by Articles 32 and 33 of the 2016 Annual Town Meeting

And for consideration of said grant, to make the payment of \$1.00 to Parker's River Realty Trust.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 4 Nay 0

MOTION: To move that the Board of Selectmen vote to authorize Dan Knapik, Town Administrator, to execute any and all documents and agreements necessary, in connection with the Parker's River Tidal Restoration Bridge Replacement Project; the eminent domain takings of real property and votes related to said project; and to further authorize Mr. Knapik to administer the payment of damages and compensation as voted by the Board to the owners of real property acquired for the aforementioned project.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 4 Nay 0

4. Problem Properties Update

Building Commissioner Mark Grylls and Health Director Bruce Murphy reviewed the main objectives and responsibilities of the Municipal Inspections Division, noting that in FY18, almost 350 complaints were received. The response process to complaints, which is in addition to regular responsibilities of the respective departments, was outlined. Hoarding disorder, physical and/or financial limitations, absentee owners, and illegal business operations are the typical sources of bighted properties. Commissioner Grylls offered options including new or modified bylaws, earlier intervention from Town Counsel, and/or funding for additional staff/inspectors. In particular, \$3,000 for use of the MA Attorney General's Abandoned Housing Initiative, for locksmiths. Town Administrator Knapik also suggested a trial program using a Free Cash grant to work with owners to clean up properties, with funds repaid at the time of a sale. There was consensus on the Board to support the proposed options.

5. DPW Update on Proposed Road Projects

DPW Director Jeff Colby updated the Board on road projects, noting that these are multi-departmental projects. Funding for the projects comes from the State Transportation Improvement Projects List, Regional Transportation Improvement Projects List, Chapter 90, and local funding from Free Cash and Road Improvement Bonds. Current projects include: Cape Cod Rail Trail, Route 6A corridor improvements, Parker's River Tidal Restoration Bridge Replacement, Route 28 Bass River Bridge (fast track), Route 28/Old Main/North Main intersection, and Bayview Street drainage and sidewalk. The Baxter Grist Mill project is slated to start in 2019, and Flax Pond pickle ball courts to start this fall. Mr. Colby asked the Board to prioritize the future projects already in the pipeline: Route 6 Bass River Bridge replacement; Exit 8/Station Ave./Union Street improvements; Route 28 sidewalks and repaving; intersection of Route 28/Winslow Gray/South Sea Ave; signals at intersection of Route 28/Seaview Ave; Higgins Crowell Road drainage and sidewalk and Camp Street drainage and sidewalk. The Route 28 projects need to be coordinated with future sewerage. Public impact is also an important piece to consider.

Mr. Colby explained some of the criteria used by the State to prioritize projects, such as high-crash site status. The Board was asked to consider summer construction, road closures, and/or night work to expedite projects. For example, the Parker's River Bridge project could be completed in six months with a road closure, or 18 – 24 months with the roads kept open.

The Route 6 bridge, Winslow Gray realignment, and Higgins-Crowell sidewalks were cited as priorities by the Board. Night work and road closures could be supported on a case-by-case basis.

6. Town-Generated CPA Projects Review

Director of Community Development Karen Greene provided the list of the applications for CPA funds. She explained in greater detail the applications submitted by Town departments and committees: Taylor-Bray Farm barn repairs/restoration; preservation plan for Town-owned historic properties; Affordable Housing Trust; Flax Pond Phase 3B; and the Riverwalk Park and Boardwalk design, permitting, and partial construction. Two individuals submitted applications which would involve Town participation: Thomas Baron submitted an application for design and engineering of a bike trail to connect the Cape Cod Rail Trail to the Drive-In site; and Tom Martin for acquisition of Open Space on Starbuck Lane.

Selectman Forest supported the use of CPA funds to gain access to other funding sources.

7. Matrix Follow-up Report on YFD

Fire Chief Philip Simonian and Deputy Fire Chief Jon Sawyer explained the areas of the Fire Department's agreement and disagreement with the Matrix study. There were many areas of agreement, and clarification of some areas of confusion. The department recommends using the upstairs of Station 3 for the new dispatch center. Under the new flood maps, Station 1 now sits in the flood zone; therefore he suggested a two-station model with a main station in the geographical center of Town, in the area of Old Town House Road/Forest Road.

Chief Simonian and Deputy Chief Sawyer responded to questions from the Board regarding current dispatch procedures, with the goal being to get the responders out the door as soon as possible. Most 911 calls in Yarmouth, nearly 75%, are for fire/EMS. They offered to provide the

Board with the national response time report. There was also discussion of the DNR dispatch procedure. Chief Simonian also recommended an independent dispatch center, administration, and budget. New hires funded by the SAFER Grant are in process. The Board suggested reviewing the costs of the options that have been discussed in preparation for a decision.

8. Green Communities Application Vote

MOTION: To move that the Board of Selectmen vote to adopt the Fuel Efficient Vehicle Policy as presented.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 4 Nay 0

MOTION: To move that the Board of Selectmen vote to adopt the Green Communities application and Town Energy Reduction Plan.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 4 Nay 0

9. Mattacheese Ballot Vote

MOTION: To move that the Board of Selectmen vote to hold the Town debt exclusion vote on the same day as the DY District vote on building the new school.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 4 Nay 0

Chairman Holcomb felt that more time was needed and the two ballots would be confusing, noting that the town of Dennis is waiting until its spring town meeting to vote on funding. Finance Director Ed Senteio explained that if the building question passes in December, but the funding question fails in the spring, the expense will come out of the general fund, resulting in reduced Town services. Discussion followed regarding the tax impact and the regional agreement. The Board will schedule two public hearings into its regular agendas in November. Chairman Holcomb reviewed the costs under foundation enrollment and recommended making a final offer to Dennis, to include a three year review of the agreement. There was consensus that if no agreement could be reached, Yarmouth should investigate renovating Mattacheese into its own Grade 4-7 or K-7 school.

MOTION: To move to call the question for a vote.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 2 Nay 2

Discussion continued regarding the December election date. Selectman Post argued that it would be unwise to separate the votes on the school and its funding. Selectman Forest concurred, noting that other parts of the agreement could still be negotiated. Town staff will compile figures on the estimated impact to the budget to be used to inform the public.

The original question was called to a vote, and the Board voted unanimously in favor.

The Town Administrator will draft a response to the town of Dennis for review at the next meeting.

10. Recycling Fee Vote

MOTION: To move that the Board of Selectmen approve the recycling sticker fee for residents only.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 4 Nay 0

11. Board of Selectmen

- a. Board and Committee Actions

MOTION: To move to appoint Jeff Colby, Erik Tolley, Brian Gardiner, Judy Tarver, Curt Sears, Joseph Rodricks, Mark Galkowski, Sharon Wimer, and Thomas Griffiths to the DPW Building Committee.

Motion by: Mark Forest

Seconded by: Mike Stone

Yea 4 Nay 0

b. Upcoming Agenda Review: The Town Administrator noted the joint meeting of the Board of Selectmen, FinCom, and Water Resources Advisory Committee on October 25th.

RECORDING ENDED

- c. Individual Items

12. Town Administrator Items

- a. Consent Agenda
- b. Town Administrator Updates:
- c. Water Resources Planning:
- d. Dennis-Yarmouth School Agreement:
- e. Mattacheese School Project:
- f. Cape Tech:

13. Adjourn

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

Motion by: Mark Forest

Seconded by: Tracy Post

Yea 4 Nay 0

Meeting adjourned at approximately 10:50 p.m.

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- All Age-Friendly Community Team Annual Report and Presentation
- Memo to BOS from Town Planner dated October 10, 2018 re: Parker's River Tidal Restoration Bridge Replacement Project Land Easements/Fee Takings for Vote
- Problem Properties Update PowerPoint Presentation
- DPW Update on Proposed Major Road Projects
- Memo to Chairman, BOS and Town Administrator from Director of Community Development dated October 10, 2018 re: Town-Sponsored CPA Applications
- Memo to Town Administrator from Fire Chief Simonian dated September 7, 2018 re: Matrix Study Disagreements
- Memo to Town Administrator from Director, Municipal Operations dated October 10, 2018 re: Green Communities Application
- Memo to Town Administrator from Town Clerk dated October 11, 2018 re: Special Town Election Warrant for a new District Middle School
- Memo to BOS from RASWAC dated October 9, 2018 re: Recycling Only Sticker Recommendation
- Memo to BOS from Appointments Chairman dated October 10, 2018 re: DPW Building Committee Appointments
- 2018 BOS Upcoming Agenda Items Schedule
- Proposed letter to Executive Office of Energy and Environmental Affairs re: Environmental Bond Bill
- Proposed letter to Executive Office of Housing and Economic Development re: Economic Development Bond Bill
- Memo to BOS from Recreation Division dated October 1, 2018 re: Donations
- Memo to Town Administrator from Libraries dated October 5, 2018 re: Donations
- Flu Shot Clinic Flyer