



Board of Selectmen
Executive Session
July 11, 2017

The meeting of the Board of Selectmen in Executive Session was called to order at 6:05 p.m. by Chairman Tracy Post. Selectmen Norm Holcomb, Michael Stone, and Mark Forest were present. Also in attendance: Town Administrator Daniel M. Knapik; Assistant Town Administrator Chris Dwelley; Town Counsel Jay Talerman; Conservation Supervisor Kelly Grant; Director of Natural Resources Karl von Hone; and Highway Superintendent Rick Kelley.

Chairman Post stated the purpose of moving into executive session is to discuss potential litigation and strategy with the intent to return to open session..

Discussion: Town Counsel Jay Talerman opened the meeting with an update on correspondence with Attorney Lawlor, attorney for the owners of 10 Railway Bluffs (Mr. & Mrs. Stephen Fay). Some of the points made by Town Counsel were:

- Last time the drainage ditch was dug out by equipment was 2005.
- One option for the Fay's would be to fill in the scour pond but that would likely have many regulatory hurdles to pass through.
- Attorney Lawlor raised the possibility to build a boardwalk over the pond but would end on town property. That was in a recent communication with Conservation Coordinator Kelly Grant.
- Town Counsel demonstrated that we own an easement for access to the culvert and drainage area. Land taking was in 1954 for 287 feet of easement.
- A previous land taking by Yarmouth of the beach area (land taking was in 1929).

The second part of the meeting was on Bayview Pond and a recent Conservation Commission meeting with a property owner that filled in part of his back yard and review of the 2013 Woods Hole Study of the Scour Pond, Bayview Pond, and the culvert options.

The 2013 price for a 24" culvert was \$350,000.00 according to Rick Kelley, Highway Superintendent.

Comments were offered by all members of the Board. History of land takings and maintenance was discussed. The meeting was informational and provided a brief overview of the history of the site and the recent communications between the Town and the Fay's attorney.

Mr. Holcomb left the meeting at 6:52 p.m.

As there was no other business to come before the executive session:

It was moved by Mr. Forest and seconded by Mr. Stone that the Board of Selectmen adjourn the Executive Session and return to Open Session.

Roll call: Ms. Post, yes; Mr. Stone, yes; and Mr. Forest, yes.
Executive Session adjourned 6:56 pm.

Respectfully submitted,

Daniel M. Knapik
Town Administrator