



Board of Selectmen
Board of Selectmen Meeting Minutes
January 10, 2023

The Yarmouth Board of Selectmen regular meeting was called to order at approximately 5:30 p.m. by Chairman Michael Stone. Selectmen present: Michael Stone, Daniel Horgan, Mark Forest, Peter Q. Smith, and Dorcas McGurrin. Also attending: Town Administrator Robert L. Whritenour, Jr., and Assistant Town Administrator William Scott.

Chairman Stone read the following notice into the record:

“This is to formally advise that, as required by General Laws Chapter 30A, sections 18 through 25, and pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, as extended by Special Legislation dated July 16, 2022, the Yarmouth Board of Selectmen will hold a public meeting on Tuesday, January 10, 2023, at 5:30 p.m. in the Hearing Room, Yarmouth Town Hall, 1146 Route 28, South Yarmouth, MA 02664. The public is welcome to attend either in-person or via the alternative public access provided below.”

The Chairman then led everyone in the Pledge of Allegiance.

1. Budget Review Session

Town Administrator Robert Whritenour provided a brief overview of highlights of the budget. He referred to the budget detail spreadsheet for the actual numbers. He thanked and welcomed the department and division heads for working on the budget over the past two months. He thanked and welcomed the Finance Director and thanked the Town Accountant. He described FY24 as a transitional year for the Town after the pandemic, and in getting operations back to normal.

Mr. Whritenour, by means of a slideshow, explained the budget, beginning with the composition of revenues for FY24. State aid comprised 1%, non-property tax local revenues were 29% and property taxes were 70%. The next slide showed trends in net state aid over 8 years, between 2017 - 2024, and although they comprised less than 1%, the graph showed an upward trend. Estimated non-property tax receipts were next and were on an uptrend since the pandemic. The property tax levy was slowly growing as the next slide showed. He next showed the slide on the Overview of Budget Policy Challenges, which included factoring the Board of Selectmen goals into the budget, the educational increase remaining within Proposition 2½, fully funded contractual wage increases, fully funded utility, pension, health, and general insurance obligations, funded OPER requirements, maintaining \$1.2 million in road maintenance, and providing a portion of \$1.5 million in capital spending in the property tax levy. The total budget overview for FY24 included a total recommended budget of \$106,641,822 which was up 4.65% from last year, and capital spending recommended from free cash with roadway maintenance under the levy budget. He reminded the Board that most budgets provided level services with adjustments to address major challenges and remained within the limits of Proposition 2½. The overview of budget highlights included the establishment of increased project management, capacity within the Department of Public Works, establishment of a new Communications Division to enhance civic engagement with residents, and a new Mechanic position to bring vehicle maintenance to the Town garage, as well as a new local inspector and office assistant in the Building Department to manage work flow, increased hours in the Finance Department to manage work flow, the addition of four firefighter/paramedic positions to increase staffing to

recommended levels. He added that existing contracted wage increases are fully funded. Inflation of overhead items are currently taking a greater share of the overall budget, with the following increases: health insurance 8.1%; town insurance 10%; retirement 2.85%; and Medicare 8%. Regional education spending came in at an increase of 2.5% and additional funding for new debt service, with the overall debt service increasing to reflect recent projects that are exempt from Proposition 2½.

Chairman Stone, Selectmen Smith, Forest, and Horgan, and Selectwoman McGurrin generally commented that they commended the Town Administrator, the staff, the team and the department heads for putting together the proposal. They added that investments on the communication side would be incredibly important and would lead to a much more informed community. Chairman Stone added that he deliberately mentioned to the Board members that there would be a separate hearing on the new positions. He added that having a Communications Division was a step in the right direction. Ms. McGurrin added that a discussion would be needed for the Police Department mental health worker. It would be beneficial to the Police Department, because the Police Department currently was having to intercede in areas that really would be better handled by someone who had the expertise in mental health.

2. Announcements

Chairman Stone commented that on Thursday, the 12th of January, commencing at five o'clock, there would be public interviews for the position of Fire Chief. There would be three interviews, at the approximate times of one at five, one at six, and one at seven. It would be broadcast live.

3. Public Comments

The open meeting law discourages public bodies from discussing topics not listed on the agenda. The public should therefore not expect the Board to respond to questions or statements made during the Public Comment portion of the meeting. All questions directed to Town Officials should be submitted in writing to the Town Administrator.

Tom Sullivan commented on the runway expansion at the airport as well as requesting that the Finance Committee meetings be put on Channel 18.

Curtis Sears commented on the vehicle policy, and that he would like to see the lettering of Fire and maybe even Police vehicles be a little bit clearer.

Joe Glynn commented that as a representative of the School Committee, and a regular citizen, the School Committee and the Finance Director pointed out the budget projections, so numbers from school administration were on their way.

4. Recognition of Retiree: Brian Niezgoda (Police)

Police Chief Kevin Lennon spoke on behalf of Brian Niezgoda, who could not attend the meeting, due to Mr. Niezgoda working with a son who has a construction company, and they were working very late. Brian Niezgoda sent thanks for the recognition from the Town. The Chief stated he served with the Police Department for many years and was a great officer. His career started in Maine, and then went from Maine to Truro, and then he came to the Yarmouth Police Department where he worked until he retired just last month. He was the type of person that when he came to work, he always had a smile on his face, and was always a go-to guy. His evaluations from his supervisors reflected the same sentiment that Mr. Niezgoda was the type of person that everybody wanted to work with. He served the community with pride and with

professionalism and he would be missed. The Chief noted the saying, “you can fill the position, but you cannot replace the person.” Chief Lennon wished him the best of luck in his retirement.

Chairman Stone read The Town of Yarmouth Board of Selectmen Official Citation:

“Be it known that the Town of Yarmouth hereby recognizes Brian A. Niezgoda and his retirement as patrol officer, effective January 1st, 2023, for dedicated service to the Town of Yarmouth, and be it further known that the Town of Yarmouth extends its sincerest thanks and appreciation for 35 years of tireless service in the Police Department. This citation is duly signed by the Chairman, Board of Selectman, on this 10th day of January in the year of our Lord, 2023. And it is signed on behalf of the entire Board of Selectmen, with our thanks and gratitude for his service.”

5. Hearing: 2023 Golf Fees (1st Hearing)

Chairman Stone commented that there were generally two hearings on fee increases, and this was the first one. Scott Gilmore, Director of Golf, Town of Yarmouth and Dennis Hoye, Head Golf Professional for Yarmouth Golf, joined the hearing. Mr. Stone read the legal notice, which stated that a fee hearing would be held by the Board of Selectman on Tuesday, January 10th and January 24th at 6:00 p.m. at Yarmouth Town Hall, 1146 Route 28, South Yarmouth, MA, for 2023 proposed annual golf fees. Written comments would be accepted at selectmen@yarmouth.ma.us until January 23. Verbal comments would be accepted at the hearing. The Board meeting would begin at 6:00 p.m. The annual pass, the existing fee was \$1,260, and the proposed fee was \$1,300, an increase of \$40. The senior annual pass, the existing fee was \$790, and the proposed fee was \$815. The Links annual pass was \$345, and the proposed fee was \$360. The under 35 annual pass, for people under 35 years of age, was \$790, and the proposed fee was \$825. The young adult pass, for those under 23 years of age, was currently \$340, and the proposed fee was \$355. The junior annual pass for those under 19 years of age was presently \$115 and the proposed fees increase was \$120. The annual Twilight Pass after 2:00 p.m. had no change. The present fee was \$790 and was proposed to remain there. The existing greens fees were \$111.13, and the proposed fee was \$116.68. The golf cart fee, for 18 holes per person was \$16.21 for a passholder and with a proposed increase to \$17.02. For a golf cart for nine holes per person, passholder rates were \$9.85, and the proposed fee was \$10.34. The golf cart fee, for 18 holes per person for a non-passholder, was \$25.46, and the proposed fee was to change to \$26.73. The golf cart fee for nine holes per person for a non-passholder was presently \$16.80, and the proposed fee was \$17.64. The range fees (small) were currently at \$8.10 and the proposed was \$8.50. The medium range fee was presently \$11.55, and the proposed increase was to \$12.12. The large range fee was currently \$13.89, and the proposed fee would be increased to \$14.58. For club rentals, nine holes was currently \$31.80, and would change to \$33.39. The club rental fee for 18 holes was currently \$50.94 which would increase to \$53.48. The club fee premium set was currently \$78.72. That would change to \$82.65 for handicapped maintenance. The current fee was \$57.75. The proposed fee would be \$63.

Mr. Gilmore began his presentation saying that, as every year, this was brought before the Golf Enterprise Committee on December 12, 2022. There was a very long, robust meeting on all the fees and about everything going on in the golf area. This year there were a lot of differences in the way they wanted to do the increases. It was not a straight 5% across the board. They were recommending a 5% increase in all the daily fees, including all greens fees, club carts, golf, club rentals, ranges, fees, et cetera. There was a proposed 3% increase to the annual and the senior annual pass. Fees had been raised significantly over the last few years, but there was still a need to pay for everything, as well as a lot of capital needs. It was decided there was a need to freeze the Twilight Pass and not raise that, as it was set so late in the season, and they wanted to see how much of a success it would be at that price. It was decided to do an early purchase for 2023. There was a four-day Black Friday sale in which people took advantage. There were 155 members who purchased early for the next season before the potential increase might have gone in.

The fee increases were proposed due to the significant needs at both facilities, and the projects at Bayberry. Work had started that day on the clubhouse. The expected completion date was April 1. The main maintenance facility needed to be upgraded as well. There was a need for new garage doors and an RFP (Request for Proposals) would be going out in the coming days to get that done. Plans were in line with the Links Course Master Plan. The article just went through Town Meeting in the fall to do the design and engineering for the improvements. The challenges faced needed to be addressed. The wastewater direct transfer pipe was expected to be a benefit to the Golf Division, allowing access to water from the wastewater treatment plant to use throughout the entire facility. Golf was partnering with the Department of Public Works (DPW), and its Director Jeff Colby, to get that in by the end of fall 2023.

Mr. Gilmore stated future projects included those at Bass River Golf Course, which had significant needs. The buildings were very old dating back to the fifties, and the golf course needed a lot of work as well. Currently, some of those costs were \$560,000 in investment to the capital projects, including, as mentioned, the clubhouse, the Links Master Plan, and the direct pipe. There were some cart barn additions and function facilities' needs. The maintenance facility was mentioned. The Links Course would need new piping, new irrigation, new drainage, new bunkers - all part of that design and engineering. There was significant investment that needed to be made in the facilities to keep them up. There were rising costs with inflation up 8%. Fertilizer costs were up 150%; chemicals were up 125%; energy costs were up 125%; seed was way up due to it only being grown out west and there was a limited number of fields now. Steel was up as well. All that affected costs greatly.

Mr. Hoye reported on the annual fee comparisons. He stated that they reached out to the other local competitors to see what they charged last year and this year to determine charges for memberships. One presentation slide listed the greens fees, showing what each course was planning on charging this upcoming season. This information helped show that Yarmouth was competitive, and had a lot to offer, with 45 holes, compared to other municipalities which had 36 holes. This additional usage would make it desirable for people to join. In going forward Yarmouth wanted to rebrand the Yarmouth golf name and try to get its reputation in the state raised up. One of the things they needed to do to make their courses better known statewide was to attract more people and have good players come in, so it was necessary to change the way they did some things. Over the past couple of years, the course conditions had improved incredibly, which was huge in attracting people to come play. Having good golf course conditions adds to the whole experience, from restaurant clubhouse to golf course to golf carts, and people are more willing to pay a bit more. Other things that occurred recently were the bringing in some really great events, such as the Top Shot Invitational Tournament, which was a tournament that raised funds for two different local veterans' groups. It was the largest tournament in Yarmouth thus far. There were 184 participants, and over 22 holes, and it brought in a lot of goodwill and good publicity, and the money all went to good causes. Since then, The Mass Golf Association asked Yarmouth to host the Massachusetts State Four Ball Championship, which is one of the largest events in the state of Massachusetts. It would bring in the best players from all over the state, with 192 participants playing two courses – Bayberry Hills Golf Course in Yarmouth and Hyannis Port, which is one of the finest private clubs in the state of Massachusetts. By hosting this tournament, it would be a good "feather in the cap" and at the same time be really good for advertisement, et cetera. Mr. Hoye stated those were some of the things being worked on going forward.

Mr. Gilmore added that the plan was to show what it looks like when there is a need to increase fees, and then what the expenses look like. So based on revenue sources and based on roughly a 3% increase across the board in memberships and daily fees, and expenses at 8%, Mr. Gilmore hoped this demonstrated the need for the increase, allowing the Golf Division to stay stabilized and keep going in the right direction. He added that, in working with Chief Lennon, they hoped to bring the Sean Gannon Tournament to Yarmouth as well sometime in June. He opened the discussion up to take any questions.

After hearing questions, Chairman Stone stated thanked the committee for the presentation and their work. The matter would be continued at the second hearing on January 24, 2023, at 6:00 p.m.

6. Fire Chief Interview Update

Chairman Stone announced that the next item would be a fire chief interview update, and more information on that would be provided by the Town Administrator.

Town Administrator Whritenour acknowledged the Director of Human Resources, Sarah O'Reilly, for her work on the recruitment process, and keeping everything together. The first assessment center did not reveal three qualified candidates, which was required as per the Town's Charter. To expand the process and open it up, there was a second recruitment conducted with additional candidates, and a second assessment center. As a result of that process, there were three recommended, qualified candidates - Jeffrey Verone, Scott Smith, and Acting Chief John Sawyer. Interviews were scheduled for Thursday, January 12. The Board of Selectmen's meeting would start at 4:30 p.m. to have a half an hour for an organizational discussion of the process prior to the first interview beginning at 5:00 p.m. The interviews would be at 5:00, 6:00 and 7:00 p.m., and each of the three candidates would be sequestered under Sarah O'Reilly's watchful eye, upstairs in Town Hall, at 4:30 p.m. They would not be able to discuss the questions that would be asked, and the candidates would not have advanced knowledge of those questions. For the public's information, the Board members had a brief discussion on the finalists.

Mr. Whritenour said that at 5:00 p.m. Jeffrey Varone would be first candidate to be interviewed. He was currently serving as the Fire Chief in the Town of West Warwick, Rhode Island, since 2018. He began his firefighting career with the Providence Fire Department and was there for 35 years, moving all the way up to the rank of Deputy Assistant Chief, before joining West Warwick as the Fire Chief of that department. The second interview at 6:00 p.m. would be with Captain Scott Smith of the Yarmouth Fire Department. He was with Yarmouth for 18 years and had been serving as a Captain since January of 2022 - approximately one year in the captain slot. He began his firefighting career in Chatham, where he was a firefighter for four years, before he joined the Yarmouth Fire Department. At 7:00 p.m. Acting Chief Jon Sawyer was scheduled to be interviewed. He has served the Town of Yarmouth for 24 years and has been serving as Acting Chief since Chief Phil Simonian retired last May. He began his firefighting career at the United States Air Force, where he served 10 years as an active-duty firefighter, followed by five years as a civilian firefighter at three military bases, before he joined the Yarmouth Fire Department.

Mr. Whritenour stated that the resumes of all these candidates had been distributed to the Board. In working with the MRI firm and in meeting with the Chairman in reviewing proposed questions. Which would not be distributed this evening. Some of the candidates had access to some of the questions prior to the interviews, but there was a finalized list which would be distributed to members of the Board. At the beginning of the 4:30 p.m. meeting, the questions would be distributed so that each Board member would ask up to three questions or so each. The interviews would be kept down to an hour timeframe. It had been recommended that the same process be followed as was done during the process for selecting the Police Chief, whereby the decision would not be made that night. The Board members would deliberate at their next board meeting.

Chairman Stone added that the consultants provided some draft questions and that he and Mr. Whritenour went over them. They removed a couple of the questions and revised others to make them more specific and more germane to this particular position. They added some questions so that the Board could have some flexibility to substitute questions if they did not like the ones that the consultants came up with or if they liked some of the other questions better. The purpose of the meeting beginning at 4:30 p.m.

would be to try to get a general sense of the questions from those who had hired the police chief and were involved in that process. The questions were somewhat based on the person's experience.

7. Vehicle Policy Update (2nd Reading)

Chairman Stone and Town Administrator Whritenour introduced the next item which was the vehicle policy update. The Board was advised that they could act on it immediately but were not required to, since there was no pressing deadline. They hoped to review the policy update again and make necessary changes. During the first iteration there had been some amendments to some of the issues involved, such as operational types of issues and awkward language. Some renderings of the proposed color scheme were brought in again, to address the green color issue. The DPW had been buying green trucks previously, but recently had been having trouble getting those green trucks, because it was a special order that cost extra. With the new color scheme, the goal was to have a higher visibility. The green trucks were kind of "incognito" and there were questions of people not knowing who was there and what they were doing. The green trucks were hard to see, hard to read and hard to follow, as well as hard to get. With the proposed new markings, they would be easier to identify as Town trucks. It would be easier to order them. These trucks would not necessarily belong to a particular division. The trucks would be part of a fleet, and if they were marked with decals, a truck used by the Sanitation Division could be used at another time by the Septage Division. Aluminum body trucks would also last longer. The biggest problem should not be what color the trucks are. It should be the procedures that are used to plan how the vehicles are used. The policy did a good job in outlining those items. The statutes that determined public safety did not really apply to the IRS guidelines. The Police and Fire vehicles would not directly fall under this, but it would be critical that the Fire and Police vehicles be legible. There were some differences between the public safety cars and the rest of the cars, which this policy was really geared toward. Mr. Whritenour said another point was that there could be somebody in Town in a central supervisory capacity that would make sure that when these trucks were ordered, they would not have any unnecessary amenities. The vehicle should meet the need for the vehicle without being excessive.

8. Review of Draft Letter to DEP Regarding Proposed DEP Title 5 Watershed Permit Regulations

Chairman Stone stated that the Town Administrator drafted a letter to be sent to the Department of Environmental Protection (DEP) regarding the proposed Title 5 regulations with substantial revisions for Watershed Permit Regulations. He stated that some further grammatical and stylistic edits would be made to it to make certain things uniform. Selectman Forest added that over the past several years, the Town of Yarmouth had created an updated revised wastewater plan with a schedule that was more affordable. The proposed watershed permitting would be challenging, in getting a lot done in a very compressed time frame. He suggested giving copies of the letter to the Board members, and to review and finalize it at the next Board meeting on the January 24.

9. Board and Committee Actions

Chairman Stone turned over the meeting to Appointments Chair McGurrian for Committee Appointments.

1. Committee Appointments

MOTION: To appoint Ms. Regina Hopkins as a regular member to the Library Planning Committee. The appointment is for a three-year, unexpired term, which runs through February, 2024.

Motion by: Dan Horgan Seconded by: Peter Smith

Vote: 5 ayes; 0 nays. The motion carried unanimously.

2. Upcoming Agenda Review

Town Administrator Whritenour stated that the meeting on the January 24 would include items that were deferred, including the letter. He proposed that the hearing and the discussion on the proposed new positions be held on February 7, with presentations done that day. March 7 would be the first review of the Annual Town Meeting warrant. There were three meetings right in a row in which they could focus on the Town Meeting warrant - March 7, March 21, and March 28. It was the goal to execute the warrant on March 28. March 7 would be the review of the Town Meeting articles, as well as a scheduled public hearing for the budget and the capital plan.

The members also discussed options on how to make warrants available to the public, other than only publishing them in the newspaper. The legal requirement to publish in the newspaper would need to be brought before Town Meeting to change.

It was discussed to have the Police Department come to a future meeting to do a presentation on body cameras, so that the public would be aware how they worked.

3. Individual Items

Selectmen Smith asked about the Mattacheese Middle School and whether a committee had been formed yet to discuss its reuse. Assistant Administrator Scott stated that the Mattacheese issues had been temporarily put off until after some of the wastewater issues were handled.

Selectman Forest presented some information about the applications for funding (design and construction) for the two bridges at the Cape Cod Canal.

10. Town Administrator Items

1. Consent Agenda

Town Administrator Whritenour reviewed the items on the consent agenda which included requests for approval of a DY Bayside Brawlers fundraiser at the Yarmouth Transfer Station, March 25 and 26, 2023, for approval of the Community Development Block Grant (CDBG) annual action plan, as well as for approval of donations to the Yarmouth Fire Department.

MOTION: To accept the Consent Agenda.

Motion by: Peter Smith Seconded by: Dorcas McGurrin

Vote: 5 ayes; 0 nays. The motion carried unanimously.

2. Town Administrator Updates

Mr. Whritenour brought up Town Administrator items not listed on the agenda. The first was to update the Board on the Airport Master Plan Scoping Session with the Massachusetts Environmental Policy Act (MEPA) Unit last week at the airport. He said that Ron Price from QED Aviation traveled here to attend

that session as well. They spoke at the session and presented the Board’s viewpoints. Some of their prepared comments involved questioning the purpose and need for a runway extension, and requesting a full analysis of runway extension alternatives, and doing a complete analysis of the airport noise, which was not included in their environmental notification form, including having mitigation strategies developed for airport noise. He said he would provide a copy of those comments to the Board. Many were there from the Hyannis Park Civic Association, and they were very happy to see the Town representatives attend and participate. They were prepared with a list of things that needed to be fully analyzed. From here, the airport was to submit an environmental notification form, and from that, the MEPA unit had to scope out what the actual environmental impact study would include. After they have studied all the issues, they would develop the draft environmental impact report, on which the Town could comment again. It would probably be a 24-month process from beginning to end, but it was extremely important to get those items in the scoping.

Mr. Whritenour told the Board that he got a letter in from the Dennis-Yarmouth Regional School District, indicating negotiations commenced for successor contracts with the educational staff and other staff of the regional school district. Each of the two towns are allowed a collective bargaining representative. He wanted the Board members to know there was an opportunity to nominate a new Yarmouth representative to the Chairman of the School Committee. He said it would be important to be able to keep tabs on those negotiations because the labor costs were the biggest costs associated with education.

As a final item, last week, the day before being sworn in, Governor Maura Healy and Lieutenant Governor Kim Driscoll came to Yarmouth for a reception at the Food Pantry. Mr. Whritenour said it was a nice opportunity to interact with them.

11. Adjourn

Selectman Stone asked for a motion to adjourn.

MOTION: To adjourn

Motion by: Dorcas McGurrian

Seconded by: Mark Forest

Vote: 5 ayes; 0 nays.

The motion carried unanimously.

The meeting was adjourned at approximately 8:50 p.m.

Respectfully submitted,

Darcy Herrington

As we currently have no municipal wastewater system, the cost to implement our recommended program is monumental for a town our size and thus we have proposed, and MEPA has approved, an eight-phase implementation plan spread over 40 years in order to make our project more practical and affordable. This plan is projected to remove sufficient nitrogen in our three nitrogen sensitive watersheds (Lewis Bay Watershed, Parkers River Watershed and Bass River Watershed) and meet the established Total Maximum Daily Loads (TMDLs). The Town is fully committed to this plan, and we intend to seek construction funding for Phase 1 at our spring 2023 Annual Town Meeting.

Yarmouth and other Towns of Cape Cod fully support and have internalized our common goal of removing nitrogen in our coastal embayments to the recommended water quality thresholds. While our community requires no additional motivation in this direction, we do need additional funding and technical assistance from our State partners to more broadly support our efforts and to help advocate for the financial resources together we know we need to achieve our goals. To that end we provide the following general comments on the recently proposed amendments to Title 5 and Watershed Permit Regulations that we would like to see strengthen our partnership in this enormous task, rather than create additional obstacles to success:

1. 314 CMR 21.04 (1) (c) – The requirement to remove at least 75% of the nitrogen load needing to be removed in each nitrogen sensitive area watershed within 20 years would be met per our approved CWMP in the Parkers River Watershed and the Lewis Bay Watershed. However, we need at least 30 years to meet that goal in the Bass River Watershed which is our largest watershed with twice as many parcels. Therefore, we request that the regulations be revised to allow for alternate implementation schedules based on previously approved CWMPs. Adopting an arbitrary twenty-year standard that supplants our approved CWMP Plan would be an unfunded mandate creating an estimated additional cost of approximately \$400 million to the Town.
2. 310 CMR 15.215 – The requirement to install a Best Available Nitrogen Reducing Technology system on every parcel in a nitrogen sensitive watershed (if the Watershed Permit option is not selected) within five years does not seem feasible. The installation, approval, monitoring and operations evaluations fall to local Boards of Health who are not staffed for this level of effort and would fall on already strapped town budgets. Yarmouth alone would have over 12,500 of these systems to install. Moreover, we do not believe sufficient qualified systems or installers exist here on the Cape to meet that timeframe. Costs would increase due to short supply and overwhelming demand. This is just an unfunded burden being placed on communities. It would take at least a 20-year implementation period to feasibly handle so many systems. Additional foresight should also be given to the projected efficacy of these experimental systems to meet water quality maximum nitrogen loading thresholds in each watershed. The truth we know is that the alternative systems are inadequate for meeting our water quality standards and wastewater treatment will also be required in most of our watersheds.

3. These regulations disregard recently approved CWMPs by unreasonably decreasing the implementation period or requiring unattainable implementation schedules for on-site nitrogen removal systems as a threat to communities. The result will drive up costs further for equipment and for contractors/ installers when all Cape communities are forced into this same timeframe. The wastewater solutions are already extremely costly, and this will only exacerbate the issue. Furthermore, these proposed regulations have created confusion and divisiveness among local voters who now fear they will be required to fund both costly wastewater systems and new alternative septic systems as well. This confusion and the lack of clear information pits neighbors against each other and makes it extremely difficult to gain voter confidence in what we have promoted as the correct and approved solution. The regulations should be amended, at a minimum, to specifically clarify that the recently approved CWMPs, including existing implementation schedules, will qualify for meeting the standards of a watershed permit and will relieve the burden of the threatened additional cost of installing alternative septic systems as well.

4. The CWMP watershed solutions or the on-site nitrogen removal systems options are both extremely costly. Additional Federal or State grant programs would do more to help speed up the implementation of these programs versus issuing regulations with unattainable timelines. We request that efforts be placed into creating and advocating for more grant funding to assist communities like Yarmouth who truly are committed to restoring water quality, but in an affordable way. The original introduction of the proposed regulations was accompanied by a proposal of \$200 million in grant funding to assist communities in meeting water quality goals. The proposed funding has been withdrawn, and communities are now expected to fund the entire program with no State grants at all. Additionally, our State partners are not doing enough to advocate for additional federal grant resources to meet this enormous challenge. This creates an unrealistic scenario and places an inordinate financial burden on small, cash-strapped local communities. This must change for our programs to be successful. The State Revolving Fund is an excellent program, and we are thankful to have been placed at the top of the State's Intended Use Plan for this program, but it provides loans only and more grant-based revenue sharing support is needed to capture the strong support of local property taxpayers.

The Town of Yarmouth strongly supports the Department's efforts to assist in the removal of nitrogen from our coastal embayments, but we feel that the proposed regulations cater solely to interest groups and not the communities that are struggling with these issues. We are in hopes that these comments may help us to work better together to make significant progress. We appreciate the opportunity to provide comments on the proposed Title 5 and Watershed Permit Regulation amendments, and we hope to maintain a strong dialogue with your agency. Should you have any follow-up questions please contact Director of Public Works, Jeff Colby at 508-398-2231 ext. 1291 or at jcolby@yarmouth.ma.us.

Sincerely,

On Behalf of the Yarmouth Board of Selectmen,

Michael Stone Chairman

On behalf of the Yarmouth Water Resources
Advisory Committee

Curtis F. Sears, Chairman

cc: Mille Garcia-Serrano, Director of MassDEP Southeast Region Office
Robert Whritenour, Yarmouth Town Administrator
Jeff Colby, Yarmouth Director of Public Works
David Young, CDM Smith
Senator Julian Cyr
Senator Susan Moran
Representative Christopher Flanagan
Representative Kip Diggs