

**TOWN OF YARMOUTH  
MINUTES OF THE TOWN COUNCILSPECIAL MEETING**

Meeting: 12 -20/21  
Date: April 1, 2021  
Time: 7:00 PM  
Place: Video Conference

**\*Coronavirus Note: Meeting was held by audio or video conference**

**1st Order of Business:** Roll Call of Members. All present via video meeting  
Roll Call of Members P = Present A = Absent T= Tardy

P Meghan Casey 1 South Street  
P April Humphrey, 277 East Main St  
P Heather Abbott, c/o 200 Main St  
P Michelle Cromarty 27 Summer Street  
P Timothy Shannon, 47 West Elm St  
P Randall Bates 30 Tannery Lane  
P Robert Waeldner, 141 Oakwood Drive

**Item No. 84: Receive the FY 22 Education Department budget proposal from the Yarmouth School Committee.**

**Be it Ordered** that the proposed FY 22 Education Department Budget as presented by the School Committee is hereby received and referred to the Operations Committee for review.

**Approved by roll call: 7-0**

**Item No. 85: Amendment to Council Order 63-20/21 voted January 21, 2021 (“206 Study”)**

**Be it Ordered** that Council Order 63-20/21 as voted January 21, 2021 is amended to read as follows:

Item No.63: Approval of Feasibility Cost Share Agreement (the “Agreement”) related to the Army Corps of Engineer’s recent Federal Interest Determination for river restoration projects in the Royal River.

Whereas the Town of Yarmouth owns two dams in the Royal River located near Bridge Street and Elm Street, respectively, which dams serve no current purposes for manufacturing, power generation, flood control, or other commercial value, and

Whereas both dams create a barrier to upstream and downstream migration of fish and block upstream access to up to 71 miles of river habitat and 135 miles of potential reproductive and nursery habitat for migratory fish species and

Whereas the Army Corps of Engineers has undertaken a Federal Interest Determination assessment to determine opportunities and eligibility for the Town to receive assistance from the Corps to investigate options of ecosystem restoration in the Royal River watershed under Section 206 of the Water Resources Development Act of 1996 and to assist the Town in implementation of such options as may be determined will improve the quality of the environment, are in the public interest and are cost-effective, and

Whereas the Yarmouth Town Council finds that restoration of the natural and unimpeded flow of the Royal River achieved through removal of the two dams or other cost-effective alternatives could provide substantial and important benefits to the Yarmouth and regional community, environment, and economy, and

Whereas the Army Corps of Engineers can initiate a thorough analysis of dam removals as well as alternatives, with the objective of determining the best option(s), taking into consideration a host of concerns including, but not limited to, effective habitat and fisheries restoration, careful analysis and management of potential sediment mobilization and downstream deposition in the navigable waters of the Royal River, impacts on historic sites and structures, public and private infrastructure, impacts on social, economic, cultural, scenic and recreational attributes of the river, total cost and cost-effectiveness, water quality and permitting matters, and

Whereas the project, if commenced, will require a local match of 50/50 after the first \$100,000 of federal expenditures in the study and permitting phase, and 35/65(local/federal) percentage cost sharing in construction/implementation phases, and

Whereas upon 30 calendar days written notice to the other party, either party to the Agreement may elect at any time, without penalty, to suspend or terminate future performance, however, any suspension or termination shall not relieve the parties of liability for any obligation incurred, and

Whereas the Town Council wishes to enter into the Agreement and wishes to appropriate the initial local share estimated for the current fiscal year of up to \$55,000,

Now therefore be it ordered that the Town Council hereby authorizes and directs the Town Manager to enter into the Feasibility Cost Share Agreement (the "Agreement") with the Army Corps of Engineers in substantially the form presented hereto in order to initiate the 206 Program for Aquatic Habitat Restoration in the Royal River including, but not limited to, the potential removal of the Bridge Street dam and the Elm Street dam, and

Be it Further Ordered (a) that a sum not to exceed \$55,000 is hereby appropriated from Surplus as the local share of the initial phases of the study in the current fiscal year, (b) that the Town will appropriate additional funds pursuant to the Agreement in subsequent fiscal years to arrive at an estimated total Town contribution of \$280,000 for the study and permitting phase pursuant to applicable appropriation procedures, and (c) that the Town Treasurer is hereby authorized to accept and expend such funds from individuals, businesses, organizations, foundations, or governmental entities as may be offered to reduce the Town's own-funds costs for this initial phase work of the 206 program effort, and/or to reserve such donations for future phases of the work.

**Approved by roll call: 7-0**

Meeting adjourned at 8:36PM

Approved 4/15/2021

Respectfully Submitted

Nathaniel J. Tupper, Town Manager