

## **DRAFT RESOLUTION**

For consideration by Yarmouth Town Council Thursday January 21

**Item No. 63: To act upon appropriation of funds or other actions 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

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 the Corps is able to move the project forward in incremental steps and reserve to the Town the option to terminate the study or decline implementation without penalty at any step in the process, and

Whereas the Town Council wishes to enter into an agreement with the Corps to initiate the 206 Study process, beginning with Hydrologic and Hydraulics analysis, and sediment sampling and testing work all at an estimated cost of \$180,000 with the local share estimated at \$55,000,

Now therefore be it ordered that the Town Council hereby authorizes and directs the Town Manager to enter into an agreement with the Army Corps of Engineers 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 that a sum not to exceed \$55,000 is hereby appropriated from Surplus as the local share of the initial phases of the study, and 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, if such phases are authorized by the Town Council. *and*

*Be it Resolved by the Town Council that the Town Council shall continue to consider additional actions including possible initiation of permit applications and data collection and assessment for removal of the Bridge Street dam by the Town of Yarmouth outside of the 206 Program and Army Corps assistance.*

*(This last Section, while perhaps true, says nothing of substance and may be unhelpful or confusing to the public and process; I suggest you omit it when offering the motion- NJT)*

**Item No. 64:** To hold a public hearing and act upon an amendment to Chapter 401 of the Yarmouth Town Code (Fees and Permits) regarding Sewer User Fees.

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 401 of the Yarmouth Town Code is hereby amended at Article XXVI to read as follows:

## ARTICLE XXVI

### A. SEWER USER FEE

There shall be four rate classes or tiers for properties connected to the town sewer system:

- **Low Users-** As Defined by Chapter 304

**Annual Fee: ~~\$100~~ \$120**

- **Standard Users-** As Defined by Chapter 304.

**Annual Fee: ~~\$350~~ \$420**

- **High Users-** As Defined by Chapter 304.

**Annual Fee: ~~\$575~~ \$690**

- **Industrial Users-** As Defined by Chapter 304.

**Annual Fee: ~~\$1,550 plus \$0.020~~ \$1,800 plus \$0.024 per cubic foot of metered water use in excess of the High User rate class range upper limit as defined by Chapter 304.**

Senior Discounts- Owner occupied single-family units where the owner(s) is age 70 or older as of October 1 of the billing year shall have the billing rate discounted by 20%. If there is more than one owner of record for the property, the discount shall apply so long as at least one owner age 70 or greater is living on the premises or until ownership changes. It is the responsibility of the owner(s) to file information with the Town Engineer to establish eligibility.

Owner occupied multiple condominium units served by a single meter shall be eligible for the Senior Discount so long as 50% or more of the units served under the building meter would qualify for the Senior Discount as a single-family unit if separately metered.

Rental housing units, if metered separately to each unit, shall be eligible for the Senior Discount so long as one or more of the tenants of that unit is age 70 or older as of October 1 or the billing year. It shall be the responsibility of the