



# Town of Barnstable Town Council

367 Main Street, 2<sup>nd</sup> floor, Hearing Room  
Village of Hyannis, MA 02601  
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E-mail: [council@town.barnstable.ma.us](mailto:council@town.barnstable.ma.us)

## MEETING AGENDA TOWN HALL HEARING ROOM August 15, 2019 7:00 PM

### Councillors:

James H. Crocker Jr.  
President  
Precinct 5

John G. Flores  
Vice President  
Precinct 1

Eric R. Steinhilber  
Precinct 2

Paul Hebert  
Precinct 3

Britt Beedenbender  
Precinct 4

Paul C. Neary  
Precinct 6

Jessica Rapp Grassetti  
Precinct 7

Debra S. Dagwan  
Precinct 8

James M. Tinsley  
Precinct 9

Matthew Levesque  
Precinct 10

Philip N. Wallace  
Precinct 11

Paula Schnepf  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **MOMENT OF SILENCE**
4. **PUBLIC COMMENT**
5. **COUNCIL RESPONSE TO PUBLIC COMMENT**
  - **Update on Implementation of Housing Production Plan  
Elizabeth Jenkins, Director of Planning and Development  
Department**
  - **Comprehensive Wastewater Management Plan Update  
Daniel Santos, P.E., Director, Department of Public Works**
6. **TOWN MANAGER COMMUNICATIONS**
7. **ACT ON MINUTES (Including Executive Session)**
8. **COMMUNICATIONS- from elected officials, boards, committees,  
staff commission reports, correspondence and announcements**
9. **ORDERS OF THE DAY**
  - A. **Old Business**
  - B. **New Business**
10. **ADJOURNMENT**

**NEXT REGULAR MEETING: September 5, 2019**

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**Approve Minutes –July 18, 2019**

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**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

**A. OLD BUSINES (May be acted upon) (Majority vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM #2019-209**

**INTRO: 06/06/2019, 06/20/19, 08/15/19**

**2019-209 ORDER TO CREATE A STABILIZATION FUND FOR COMPREHENSIVE WATER AND WASTEWATER MANAGEMENT**

**ORDERED:** That the Town Council vote to accept Paragraph 4 of Chapter 40, Section 5B of the General Laws and dedicate, without further appropriation, into a special purpose Water and Wastewater Stabilization Fund, created herein for the purpose of planning, designing, construction and other means for the comprehensive management of drinking water and wastewater, one hundred percent of the local option rooms excise tax that the Town receives on the transfer of occupancy from short-term rental properties, pursuant to its acceptance of General Laws Chapter 64G, Section 3A, as amended by Chapter 337 of the Acts of 2018; provided that said dedication shall take effect beginning in Fiscal Year 2020 which begins on July 1, 2019; and provided further that the Town may not revoke its acceptance of this Act for at least three fiscal years; or to take any other action relative thereto.

**SPONSOR:** James H. Crocker Jr, President, Town Council; John G Flores, Vice President, Town Council

DATE	ACTION TAKEN
<u>06/06/19</u>	<u>Refer to Second Reading 06/20/19</u>
<u>06/20/19</u>	<u>Continue to 08/15/19</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Vote

## BARNSTABLE TOWN COUNCIL

**ITEM #2019-209**  
**INTRO: 06/06/2019, 06/20/19**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Mark Milne, Director of Finance  
**DATE:** June 06, 2019  
**SUBJECT:** Creation of a Stabilization Fund for the Comprehensive Management of Water and Wastewater

**RATIONALE:** Significant resources are needed to address the challenges the town faces with the comprehensive management of its drinking water and wastewater needs. These will be the largest capital programs the town has ever managed.

Existing resources that have been dedicated for these purposes to date include 100% of the local meals tax and 33% of the local rooms tax generated from lodging establishments as well as the Host Community Payments to be received on the Vineyard Wind Project.

The town currently generates approximately \$3 million annually from existing meals and rooms taxes and \$16 million is to be received from the Host Community Payments. Additional resources are needed to address the town's Comprehensive Water Management Plan (CWMP) and the costs expected to be incurred from addressing emerging contaminants in drinking water and improvements to water infrastructure. Phase I estimates for the town's CWMP are projected to exceed \$200 million over the next 20 years and the town has incurred nearly \$20 million to date implementing drinking water system improvements associated with contaminants.

State law has recently been amended to expand the rooms excise tax to short-term rental properties and this proposal seeks to dedicate this new revenue source for these purposes.

**FISCAL IMPACT:** The expansion of the local rooms excise tax to short-term rentals must be credited to the General Fund with the exception of 33%, which by default, is credited to the town's Comprehensive Water Management and Private Way Improvement Fund. This proposal is to commit the other 67% of the rooms tax generated from short-term rentals to a Stabilization Fund as opposed to the General Fund.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends the creation of this fund.

**STAFF ASSISTANCE:** Mark Milne, Director of Finance

**A. OLD BUSINESS (Public Hearing) (Roll call 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-002  
INTRO: 07/18/19, 08/15/19**

**2020-002 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$975,000 FOR THE CONSTRUCTION OF ROADWAY AND SEWER WORK**

**ORDERED:** That the sum of **\$975,000** be appropriated for the purposes of funding sewer construction, street lighting, upgrading to stamped concrete medians, and landscaping work, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$975,000**, under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes; that the Town Manager is authorized to assess betterments for sewer construction in accordance with M.G.L. c. 80, or sewer assessments and methods and that the interest rate applied to any such betterment or sewer assessment shall equal the rate the Town incurs on the funds borrowed to finance the project not to exceed 2 percent above such rate in accordance with M.G.L. c. 83, , and, further, that the Town Manager is authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>07/18/19</u>	<u>Refer to Public Hearing 08/15/19</u>

- 
- Read Item
  - Motion to Open Public Hearing
  - Rationale
  - Public Hearing
  - Close public Hearing
  - Council Discussion
  - Move/Vote

## BARNSTABLE TOWN COUNCIL

ITEM# 2020-002  
INTRO: 07/18/19, 08/15/19

### SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** July 18, 2019  
**SUBJECT:** Appropriation and Loan Order in the amount of **\$975,000** for the Construction of Roadway and Sewer Work

**BACKGROUND:** The Massachusetts Department of Transportation (MassDOT) is scheduled to start construction next spring on a project to modify the intersection of Route 28 and Yarmouth Road in Hyannis. During the design phase, the Town requested that MassDOT include in the project the installation of sewer infrastructure to facilitate the future expansion of sewer to the Yarmouth Road area to the north of the project as well as project design features including additional street lighting, upgrading to stamped concrete medians, and additional landscaping.

**ANALYSIS:** MassDOT is scheduled to begin construction in the spring of 2020 which includes reconstruction of the intersection and the approaches to the intersection. The project design features that have been included in the project will make the project more visually appealing as well as improve safety. The Yarmouth Road area to the north of the project is included in Phase 1 of the Town's wastewater plan. Infrastructure within the project limits is required to facilitate the future sewer expansion of this area. After completion of MassDOT's construction there will be a moratorium on construction within the project limits, which will delay future sewer expansion in the area.

**FINANCIAL IMPACT:** Funding for this project will be provided from a bond issue. Future operating budgets will include the debt service on the bonds. **\$700,000** of the project cost is for sewer related work and funding on this portion of the bond will be provided from the Sewer Construction & Private Way Maintenance and Improvement Fund. **\$275,000** of the project costs are for street lighting, medians and landscaping and funding for this portion of the bonds will be provided from the Capital Trust Fund. There is no impact to the Department of Public Work's operating budget.

### TOWN MANAGER RECOMMENDATION:

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works

**A. OLD BUSINESS (Public Hearing)(Roll call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-003**  
**INTRO: 07/18/19, 08/15/19**

**2020-003 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,300,000 FOR THE CONSTRUCTION OF SEWER INFRASTRUCTURE**

**ORDERED:** That the sum of **\$1,300,000** be appropriated for the purpose of funding the construction of sewer infrastructure in Rt. 28 near the Yarmouth Rd. intersection, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,300,000**, under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes; that betterments may be assessed in accordance with M.G.L. c. 80, or sewer assessments may be assessed in accordance with M.G.L. c. 83, and that the interest rate applied to any such betterment or sewer assessment shall equal the rate the Town incurs on the funds borrowed to finance the project, and, further, that the Town Manager is authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>07/18/19</u>	<u>Refer to Public Hearing 08/15/19</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Move/Vote



# BARNSTABLE TOWN COUNCIL

**ITEM# 2020-003**  
**INTRO: 07/18/19, 08/15/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** July 18, 2019  
**SUBJECT:** Appropriation and Loan Order in the amount of **\$1,300,000** for the purpose of funding the construction of sewer infrastructure on Rt. 28 near the Yarmouth Rd. intersection

**BACKGROUND:** The Massachusetts Department of Transportation (MassDOT) is scheduled to start construction next spring on a project to modify the intersection of Route 28 and Yarmouth Road in Hyannis. The Town of Yarmouth received a grant to perform an evaluation of future potential wastewater partnerships with the Town of Barnstable which would involve utilizing an effluent disposal site in Yarmouth in exchange for treatment capacity at the Barnstable Water Pollution Control Facility. The preferred piping route would be along Route 28, through the MassDOT project.

**ANALYSIS:** MassDOT is scheduled to begin construction in the spring of 2020 which includes reconstruction of the intersection and the approaches to the intersection. After completion of MassDOT's construction there will be a moratorium on construction within the project limits. Installation of the piping as part of the MassDOT project would be more cost effective than installing in the future and would put the Town in position to further negotiate with Yarmouth on a potential wastewater partnership.

**FINANCIAL IMPACT:** Funding for this project will be provided from a bond issue. Future budgets will include the annual debt service on the bond which will be provided from the Sewer construction & Private Way Maintenance & Improvement Fund. There is no impact to the Department of Public Work's operating budget.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends approval of this appropriation and loan order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works

**A. OLD BUSINESS (Public Hearing)(Roll Call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-006  
INTRO: 07/18/19, 08/15/19**

**2020-006 AUTHORIZING THE TOWN TREASURER, UPON THE APPROVAL OF THE TOWN MANAGER TO ENTER INTO A LEASE-TO-PURCHASE AGREEMENT TO ACQUIRE FIVE (5) MARKED POLICE VEHICLES**

**ORDERED:** That in accordance with the recommendation of the Town Manager, the Town Treasurer is authorized to enter into a Tax Exempt Lease Purchase Agreement (TELP) for the acquisition of Five (5) Marked Police Vehicles financed by the issuance of debt under G. L. c. 44 s. 21C, or otherwise authorized by law, for a term of 36 months or for a term not to exceed the useful life of the property as determined by the Town Manager.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>07/18/19</u>	<u>Refer to Public Hearing 08/15/19</u>

- \_\_\_\_\_
- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2020-006  
INTRO: 07/18/19, 08/15/19

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Matthew K. Sonnabend, Chief of Police  
**DATE:** July 9, 2019  
**SUBJECT:** Lease-Purchase Agreement for Police Vehicles

**RATIONALE:** Marked police vehicles are in need of replacement. Five (5) 2018 marked Ford Utility Vehicles (Cruisers) will be acquired pursuant to the Greater Boston Police Council at a price of \$185,947.50. No appropriation is necessary, as this has been previously approved with the passage of the FY20 budget. Three annual payments of principal and interest will be made according to the following schedule:

### Amortization Schedule

Interest Rate = 2.50%

	Date	Payment	Interest	Principal	Balance
	8/23/2019				\$185,947.50
1	8/23/2019	\$63,519.15	\$0.00	\$63,519.15	\$122,428.35
2	8/23/2020	\$63,519.15	\$3,060.71	\$60,458.44	\$61,969.91
3	8/23/2021	\$63,519.15	\$1,549.24	\$61,969.91	\$0.00
Grand Totals		\$190,557.45	\$4,609.95	\$185,947.50	

The equipment will be leased from Natick Auto Sales/MHQ Municipal Vehicles for three (3) years. At the expiration of the lease, the Town may purchase the equipment for One Dollar (\$1.00) per vehicle. The lease is a so-called Tax Exempt Lease Purchase (TELP) available to governmental units; it is similar in some respects to a tax-exempt municipal bond in that the entity financing the lease pays no tax on the interest earned which, in turn, results in a very competitive financing package for the municipality.

The state Department of Revenue has ruled that this transaction is in the nature of a borrowing which requires 2/3 vote of the Council to approve.

This agreement also includes a non-appropriation of funds clause since it will be paid for over a three year period crossing over three fiscal years.

**FISCAL IMPACT:** Total cost of the lease-purchase agreement over the life of the three-year lease is \$190,557.45.

**TOWN MANAGER RECOMMENDATION:** Town Manager, Mark S. Ells recommends acceptance of this grant.

**STAFF ASSISTANCE:** Matthew K. Sonnabend, Chief of Police; Anne Spillane, Barnstable Police Department; Johanna Boucher, Town of Barnstable

**A. OLD BUSINESS (May be acted upon) (Majority vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-008**  
**INTRO: 07/18/2019, 08/15/19**

**2020-008 ORDER TO CREATE A STABILIZATION FUND FOR COMPREHENSIVE WATER MANAGEMENT, WASTEWATER MANAGEMENT AND FOR COMMUNITY HOUSING**

**ORDERED:** That the Town Council vote to accept Paragraph 4 of Chapter 40, Section 5B of the General Laws and dedicate, without further appropriation, into a special purpose Water, Wastewater and Community Housing Stabilization Fund, created herein for the purpose of planning, designing, construction and other means for the comprehensive management of drinking water and wastewater, and for the preservation, acquisition, rehabilitation and creation of community housing as defined under G.L. c. 44B §2, one hundred percent of the local option rooms excise tax that the Town receives on the transfer of occupancy from short-term rental properties, pursuant to its acceptance of General Laws Chapter 64G, Section 3A, as amended by Chapter 337 of the Acts of 2018; provided that said dedication shall take effect beginning in Fiscal Year 2020 which begins on July 1, 2019; and provided further that the Town may not revoke its acceptance of this Act for at least three fiscal years; or to take any other action relative thereto.

**SPONSOR:** Councilors: Paula Schnepf, Precinct 12; Britt Beedenbender, Precinct 4; Debra Dagwan, Precinct 8; Paul Hebert, Precinct 3

DATE	ACTION TAKEN
<u>07/18/19</u>	<u>Refer to Public Hearing 08/15/19</u>

\_\_\_\_Read Item  
\_\_\_\_Rational  
\_\_\_\_Council Discussion  
\_\_\_\_Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM #2020-008**

**INTRO: 07/18/2019, 08/15/19**

**TO:** Town Council  
**FROM:** Paula Schnepf, Town Councilor  
**DATE:** July 18, 2019  
**SUBJECT:** Creation of a Stabilization Fund for the Comprehensive Management of Water, Wastewater and Affordable Housing

**RATIONALE:** Significant resources are needed to address the challenges the town faces with the comprehensive management of its drinking water and wastewater needs. These will be the largest capital programs the town has ever managed. In addition, the town needs to counter the loss in affordable housing that has grown due to the conversion of year-round housing units into seasonal and/or short term rental properties.

Existing resources that have been dedicated for water and wastewater purposes to date include 100% of the local meals tax and 33% of the local rooms tax generated from lodging establishments as well as the Host Community Payments to be received on the Vineyard Wind Project.

The town currently generates approximately \$3 million annually from existing meals and rooms taxes and \$16 million is to be received from the Host Community Payments. Additional resources are needed to address the town's Comprehensive Water Management Plan (CWMP) and the costs expected to be incurred from addressing emerging contaminants in drinking water and improvements to water infrastructure. Phase I estimates for the town's CWMP are projected to exceed \$200 million over the next 20 years and the town has incurred nearly \$20 million to date implementing drinking water system improvements associated with contaminants. Resources are also needed to address the growing shortage of affordable housing for our residents and workforce. According to the Town's Housing Production Plan (approved 2017), approximately 2010 affordable rental units are needed to provide housing for households earning at or below 50% of Area Median Income (AMI). For those seeking homeownership, only 9% of the current housing stock is affordable to households earning less than 80% of AMI.

State law has recently been amended to expand the rooms excise tax to short-term rental properties and this proposal seeks to dedicate this new revenue source for these purposes.

**FISCAL IMPACT:** The expansion of the local rooms excise tax to short-term rentals must be credited to the General Fund with the exception of 33%, which by default, is credited to the town's Comprehensive Water Management and Private Way Improvement Fund. This proposal is to commit the other 67% of the rooms tax generated from short-term rentals to a Stabilization Fund as opposed to the General Fund.

**STAFF ASSISTANCE:** Ruth Weil, Town Attorney, Mark Milne, Director of Finance

**A. OLD BUSINESS (Second Reading) (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-009**  
**INTRO: 07/18/19, 08/15/19**

**2020-009 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Historical Commission:** Jack Kay, 74 Summerbell Avenue, Centerville, as an alternate member to a term expiring 6/20; **Hyannis Main Street Waterfront Historic District Commission:** Jack Kay, 74 Summerbell Avenue, Centerville, as an alternate member to a term expiring 6/20; **Infrastructure and Energy Committee:** Rob Wilson, 197 Old Falmouth Road, Marstons Mills, as a regular member to a term expiring 06/22

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
<u>07/18/19</u>	<u>Refer to Second Reading 08/15/19</u>

\_\_\_\_\_

- Read Item
- Rationale
- Council Discussion
- Move/Vote

**A. OLD BUSINESS (Second Reading)(May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-010**

**INTRO: 07/18/19, 08/15/19**

**2020-010 RESOLUTION ACCEPTING RIGHT OF WAY EASEMENTS FOR BUSINESS LANE AND THORNTON DRIVE**

**ORDERED:** That the Town Manager is authorized to accept, execute, deliver and record on behalf of the Town exclusive permanent rights and easements from the following owners for the following properties for utility sewers to be held under the care, custody and charge of the Department of Public Works.

OwnerAddress

S. Paula Tobey Clark119 Thornton Drive, Hyannis  
Trustee, 217 Thornton Drive  
Revocable Trust

Libero J. Molinari93 Thornton Drive, Hyannis  
a/k/a Libero Molinari and  
Nancy A. Molinari  
a/k/a Nancy Molinari

Victory Chapel Christian35 Business Lane, Hyannis  
Fellowship Church of  
Cape Cod, Inc.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>07/18/19</u>	<u>Refer to Second Reading 08/15/19</u>

\_\_\_\_\_

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Close Public Hearing
- \_\_\_ Council Vote

## **BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-010**  
**INTRO: 07/18/19, 08/15/19**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** July 18, 2019  
**SUBJECT:** Acceptance of Sewer Easements for Business Lane and Thornton Drive

**BACKGROUND:** As part of a project funded by a MassWorks grant, the Town of Barnstable plans to install sewer infrastructure along within Business Lane and Thornton Drive which are both private roads.

**ANALYSIS:** The Department of Public Works is seeking to install sewer infrastructure within Business Lane and Thornton Drive which are both private roads. As a result, the Town has sought easements from the adjacent property owners to allow the sewer infrastructure to be installed within the private roadway. The Town intends to start construction this fall and the project is funded by a MassWorks grant.

**FINANCIAL IMPACT:** These easements will be acquired at no cost to the Town. Additionally, the construction of the sewer infrastructure is being paid for by a MassWorks grant.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of these easements.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works



**A. OLD BUSINESS (Public Hearing) (Majority vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-011**  
**INTRO: 07/18/19, 08/15/19**

**2020-011 APPROPRIATION ORDER IN THE AMOUNT OF \$162,180.00 OF COMMUNITY PRESERVATION FUNDS FOR CREATION OF OPEN SPACE AT BARNSTABLE HOLLOW FIELD LOCATED AT 0 MILLWAY, BARNSTABLE - MAP 299, PARCEL 039**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Sixty-two Thousand One Hundred-eighty and NO/100 (**\$162,180.00**) dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund and that the Department of Public Works is authorized to contract for and expend the appropriation made available for the creation of open space on the field at 0 Millway, Barnstable - Map 299, Parcel 039 by eliminating the baseball field and transforming the underutilized site into a multi-use greenspace subject to oversight by the Community Preservation Committee.

**SPONSOR:** Mark S. Ells, Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
<u>07/18/19</u>	<u>Refer to Public Hearing 08/15/19</u>

- 
- Read Item
  - Motion to Open Public Hearing
  - Rationale
  - Public Hearing
  - Close public Hearing
  - Council Discussion
  - Move/Vote

# BARNSTABLE TOWN COUNCIL

ITEM # 2020-011  
INTRO: 07/18/19, 08/15/19

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair Community Preservation Committee  
**DATE:** July 18, 2019  
**SUBJECT:** Appropriation Order in the amount of **\$162,180.00** of Community Preservation Funds for creation of open space at Barnstable Hollow Field located at 0 Millway, Barnstable Map 299, Parcel 039

**BACKGROUND:** The Department of Public Works is seeking approval from the Town Council through the Town Manager for Community Preservation Open Space/Recreation funds in the amount of \$162,180.00 for the rehabilitation of Barnstable Hollow Field. At their July 15, 2019 meeting, the Community Preservation Committee members present voted unanimously to recommend the Department of Public Works' Application to the Town Council through the Town Manager for appropriation.

**ANALYSIS:** Current plans are to eliminate the baseball field and transform the underutilized site into a multi-use greenspace for increased opportunities for a variety of events, functions, and user groups. Work will include the removal of deteriorated player benches, perimeter fencing, back-stop, flagpole and guard-rails. Improvements include regrading of the site, removal of the old infield, the installation of loam, irrigation system, grass, fencing, wood-faced guard rails, HP accessible entrance, picnic tables, and other miscellaneous materials. This project is consistent with the recently completed Barnstable Comprehensive Field Study and will be a pilot project for the initial development of the Field Restoration Program proposed in the study, and will be constructed under the direction of the Department of Public Works.

**FISCAL IMPACT:** Funding for this appropriation will be provided from the set-aside for open space and recreation in the Community Preservation Fund which has a current balance of \$1,271,447. The Department of Public Works operating budget is adequately funded to provide for the future maintenance of the field.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends this appropriation and transfer on behalf of the Community Preservation Committee

**B. NEW BUSINESS (Refer to Public Hearing 09/05/19)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-012  
INTRO: 08/15/2019**

**2020-012 APPROPRIATION AND TRANSFER ORDER FOR \$30,000.00 FOR THE  
OUTBOARD ENGINE REPLACEMENT ON THE HARBORMASTER PATROL  
BOAT**

**ORDERED:** That the sum of **\$30,000** be appropriated for the replacement of an outboard engine for the Harbormaster's south side patrol boat and that to meet this appropriation that **\$30,000** be transferred from the waterways improvement fund.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

## BARNSTABLE TOWN COUNCIL

**ITEM# 2020-012**  
**INTRO: 08/15/2019**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel Horn, Harbor Master/ Director, Marine and Environmental  
**DATE:** August 15, 2019  
**SUBJECT:** Appropriation and Transfer Order in the amount of \$ **30,000.00** for the Outboard Engine Replacement on the Harbormaster's South Side Patrol Boat

**BACKGROUND:** The Harbormaster's primary south side patrol boat (a 25 foot Parker, Ocean 26) needs an outboard engine replacement. The 2006 two hundred and fifty horse power engine has come to the end of its useful life. Issues with the exhaust housing, power head base, and damage to the cylinder have taken the engine/boat out of commission. The Harbormaster Division respectfully requests \$30,000.00 to repower the Parker with a new three hundred horse power engine with digital command.

**ANALYSIS:** When in service, the Parker patrols the entire south side of the Town of Barnstable waters, from Hyannis Harbor to Popponesset Bay. This boat is used to ensure the safety of the people and vessels who use our waterways. Come the fall, this boat will also be used to remove the Town's approximately 200 Aids to Navigation. The request for a slightly larger three hundred horse power engine is due to the Parker being underpowered. The Parker has a lot of freeboard and an enclosed cabin which makes it vulnerable to the wind. The larger engine with digital command will make the boat handle the wind, more maneuverable when hauling aids to navigation, and when operating the vessel in tight quarters.

**FISCAL IMPACT:** Funding for this appropriation will be provided from the Waterways Improvement Fund which has a current available balance of \$118,647.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends this appropriation and transfer order.

**B. NEW BUSINESS (Refer to Public Hearing 09/05/19)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-013  
INTRO: 08/15/19**

**2020-013 APPROPRIATION ORDER IN THE AMOUNT OF \$136,055 COMMUNITY PRESERVATION FUNDS FOR HISTORIC PRESERVATION AND RESTORATION OF ANNUAL TOWN REPORT VOLUMES YEARS 1868 TO 1994**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Thirty-six Thousand and fifty-five dollars and NO/100 (**\$136,055.00**) be appropriated and transferred from the amount set aside for historic preservation in the Community Preservation Fund to be expended for the preservation of historic assets consisting of Annual Town Reports for years 1868 to 2016 including without limitation scanning, de-acidification and encapsulation in mylar; and that the Town Manager is authorized to expend the amounts appropriated for the stated purposes subject to oversight by the Community Preservation Committee.

**SPONSOR:** Mark S. Ells, Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

## BARNSTABLE TOWN COUNCIL

**ITEM# 2020-013**  
**INTRO: 08/15/19**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair of Community Preservation Committee  
**DATE:** August 15, 2019  
**SUBJECT:** Appropriation Order in the amount of **\$136,055** Community Preservation Funds for historic preservation and restoration of Annual Town Report Volumes Years 1868 to 1994

**BACKGROUND AND ANALYSIS:** At the July 15, 2019 Community Preservation Committee meeting, the members present voted unanimously for recommendation to the Town Council through the Town Manager, the Property and Risk Management Department's request for **\$136,055.00** in Historic Preservation funds for the deacidification, preservation via encapsulation in Mylar, and binding of Annual Report volumes beginning with the year 1868 through 1994. Incidental to preservation of the original documents, Annual Report volumes for years 1868 through 2016 will be scanned and digitized with Optical Character Recognition software while the books are unbound. Missing volumes for the years 1870, 1874 and 1880 will be provided from the Massachusetts State Library electronically.

Town Reports are specifically listed in the Municipal Records Retention Schedule for permanent retention by state law. Digitization of these records will allow wider access and searching capabilities for the public through the website and Town of Barnstable staff using keywords, saving measurable research time, while allowing the preserved original permanent records to be stored in the climate controlled vault in the Town Clerk's Office. This project received a unanimous vote of support from the Barnstable Historical Commission as well as letters of support from multiple Town Departments and Libraries.

**FISCAL IMPACT:** This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends this appropriation and transfer.

**STAFF ASSISTANCE:** Property and Risk Management Department

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM #2020-014  
INTRO: 08/15/19**

**2020-014 ACCEPTANCE OF GIFT IN THE AMOUNT OF \$4,902.50 FROM THE LUKE VINCENT POWERS FOUNDATION TO THE RECREATION DIVISION FOR THE PURPOSE OF PURCHASING A BIG BELLY SOLAR TRASH CONTAINER FOR LUKE’S LOVE PLAYGROUND**

**RESOLVED:** That the Town of Barnstable hereby accepts a gift of **\$4,902.50** from the Luke Vincent Powers Foundation to the Recreation Division for the purpose of purchasing a Big Belly solar trash container for Luke’s Love Playground and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move / Vote

# BARNSTABLE TOWN COUNCIL

**ITEM #2020-014**  
**INTRO: 08/15/2019**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** August 15, 2019  
**SUBJECT:** Acceptance of a gift in the amount of **\$4,902.50** from the Luke Vincent Powers Foundation to the Recreation Division for the purpose of purchasing a Big Belly solar trash container for Luke's Love Playground

**RATIONALE:** The Luke Vincent Powers Foundation has graciously donated \$4,902.50 for the purpose of purchasing a Big Belly solar trash container for Luke's Love Playground. It is the Powers Family desire to further enhance their original gift in 2009 of Luke's Love with educational components for the children and families who visit as well as keeping the area as clean as possible. In addition, they hope that having the Big Belly at Luke's Love will make trash removal easier for the Town.

The Barnstable Recreation Division is extremely grateful to the Luke Vincent Powers Foundation for their generous gift and the continuation of their partnership with the Town of Barnstable.

**FISCAL IMPACT:** There is no immediate financial impact to the Town's operating budget as a result of accepting this grant.

**STAFF ASSISTANCE:** Patti Machado, Recreation Director; Chris Gonnella, DPW Structures & Grounds Foreman; Trisha Otto, Recreation/ Hyannis Youth and Community Center (HYCC) Financial Supervisor



**B. NEW BUSINESS (Refer to Public Hearing 09/05/19)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-015  
INTRO: 08/15/19**

**2020-015 APPROPRIATION ORDER OF \$242,822.00 FOR THE REHABILITATION AND RESTORATION WORK TO THE PAINE BLACK HOUSE, 2135 MEETINGHOUSE WAY, WEST BARNSTABLE, MA**

**ORDERED:** That the sum of \$242,822.00 be appropriated for the purpose of rehabilitation and restoration work at the Paine Black House, 2135 Meetinghouse Way, West Barnstable, MA, and that to fund this appropriation, that pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Seventy-seven Thousand and seventy-eight dollars and NO/100 (\$177,078.00) be transferred from the amount set aside for historic preservation in the Community Preservation Fund, including without limitation the interior door and fireplace rehabilitation and restoration, ADA bathroom and access ramp, subject to oversight by the Community Preservation Committee, and that Sixty Five Thousand Seven Hundred and Forty Four and no/100 (\$65,744.00) be transferred from the Capital Trust Fund, and that the Department of Public Works is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2020-015**  
**INTRO: 08/15/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** August 15, 2019  
**SUBJECT:** Appropriation Order in the amount of **\$242,822.00** for the rehabilitation and restoration work to the Paine Black House, 2135 Meetinghouse Way, West Barnstable, MA

**BACKGROUND:** At the June 17, 2019 Community Preservation Committee meeting, the members present voted 5 yes and 2 no for recommendation to the Town Council through the Town Manager, the Department of Public Work's request for \$177,078.00 in Community Preservation Historic funds for needed structural repairs; interior door restoration; ADA bathroom; flooring; interior finishes and fireplace and chimney work; exterior site work including grading, seeding and access ramp for the Paine Black House. This funding request represents a total project cost of \$242,822.00 with the balance to be funded through Capital Improvement Plan (\$65,744.00).

**ANALYSIS:** The Paine Black House is listed as a contributing building on the State and National Historic Registers and has previously received Community Preservation Historic funds for its restoration. This final phase work is required to use the property as a community building for smaller group meetings of the public and residents of the town and village. Management of this community asset will be through the Town Manager's office, under the Property Management Program. This Application received support from the public, civic groups, and the Town Councilor for the District at the Community Preservation Committee public hearings.

**FISCAL IMPACT:** The balance in the set-aside for historic preservation within the Community Preservation Fund is currently \$669,929 and the Capital Trust Fund balance is \$18,165,971. There is no impact on the General Fund.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends appropriation and transfer in the stated amount.

**STAFF ASSISTANCE:** Daniel Santos, P.E., Director, Department of Public Works

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-016  
INTRO: 08/15/19**

**2020-016 RESOLVE APPROVING THE APPOINTMENT OF KAREN L. NOBER AS TOWN ATTORNEY**

**RESOLVED:** That the Town Council, in accordance with Section 10-7(k) (1) of the Barnstable Charter, hereby approves the Town Manager’s appointment of Karen L. Nober as Town Attorney effective September 16, 2019

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

**B. NEW BUSINESS (Refer to Public Hearing 09/05/19)**

**BARNSTABLE TOWN COUNCIL**

**ITEM #2020-017  
INTRO: 08/15/19**

**2020-017 APPROPRIATION ORDER IN THE AMOUNT OF \$203,117 FOR THE FISCAL YEAR 2020 BARNSTABLE PUBLIC SCHOOLS OPERATING BUDGET**

**ORDERED:** That the sum of **\$203,117** be raised and appropriated for the purpose of funding the Fiscal Year 2020 Barnstable Public School Operating budget; and that this sum be added to the **\$69,599,861** appropriated under Town Council Order **2019-162** resulting in a total Fiscal Year 2020 Operating budget of **\$69,802,978**.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

ITEM #2020-017  
INTRO: 08/15/19

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Meg Mayo-Brown, Superintendent of Schools  
**DATE:** August 15, 2019  
**SUBJECT:** Supplemental Appropriation Order for the Fiscal Year 2020 Barnstable Public School Operating Budget

**BACKGROUND:** The final passage of the State Budget included Chapter 70 funds that were higher than anticipated for many communities. Specifically, for Barnstable, Chapter 70 funds increased by \$1,659,259 to \$12,228,200. This is a 16% increase for the town of Barnstable. The Fiscal Year 2020 budget development process used the CH70 estimate provided in the Governor's proposed budget of \$11,627,404 or \$600,796 less. It is also important to know that the funding is not "one-time" but rather built into the formula. The State is continuing its investment and commitment to education, particularly for special student populations and the cost of health insurance.

**ANALYSIS:** With this request the School Department seeks increase support to students and teachers, particularly around areas of mental health and behavior. This request includes 2 full-time School Councilors to support a systemic proactive and preventative approach in addressing student behavior. The estimated salary for each Councilor is \$74,739.

The behavioral and mental health needs of many of our students are significant. We know that the numbers of students with anxiety and depression are increasing. Teachers share stories of students engaging in self-harm such as cutting, or coming to school with significant trauma as a result of issues at home, including opioid and other substance abuse related matters. Expertise is needed in these situations, and school counselors have the professional knowledge base and skill set to provide prevention and intervention services to students. Currently, the school counselor ratio at BIS is 1:387 and at BUE the ratio is 1:406. Based on our recent UMass program evaluation of school counseling, the best practice ratio is 1:250.

Additionally, this request includes the recommendation to fund 1 full-time Technology Facilitator with a salary of \$56,239 to support the technology infrastructure that Barnstable Public Schools are in the process of implementing.

**FISCAL IMPACT:** The additional \$600,796 may be appropriated, estimated General Fund revenue could be reduced by a corresponding amount, or some combination of both. This request seeks to appropriate a portion of the additional funding. Traditionally, any additional state aid that is received in excess of what the town has used to balance the proposed budget has been offset by reductions in revenue estimates elsewhere to keep a balanced budget. Due to the significant additional aid to be received in FY 2020 and the needs within the School Department this request is being brought forward. The town has until the time it sets its tax rate to bring forward additional funding requests to use these excess funds if necessary; otherwise, General Fund revenue estimates elsewhere will be reduced when the Fiscal Year 2020 tax rate is set. We anticipate this to be in November 2019.

**STAFF ASSISTANCE:** Mark A. Milne, Director of Finance; Gareth Markwell, Deputy Finance Director