

Town of Barnstable Town Council

James H. Crocker Jr Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
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MEETING AGENDA

June 17, 2021

7:00 PM

Councilors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.Lovell@
town.barnstable.ma.us

Administrative
Assistant:
Kelly Crahan
Kelly.Crahan@
town.barnstable.ma.us

**The meeting will be held in the James H. Crocker, Jr. Hearing Room,
Town Hall, 2nd Floor, 367 Main Street, Hyannis, MA 02601**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

7. ACT ON MINUTES (Including Executive Session)

8. COMMUNICATIONS- from elected officials, boards, committees, and staff, commission reports, correspondence and announcements

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

Original posted 6/15/2021 @3:46 pm.
Updated on 6/17/2021 @12:43 to add
on 2021-181A

SPECIAL MEETING SCHEDULED FOR July 1, 2021

NEXT REGULAR MEETING: July 15, 2021

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B. NEW BUSINESS

2021-130	Appointments to a Board/Committee/Commission: Conservation Commission: William Hearn, as a regular member to a term expiring 06/2024; Council on Aging: Jean Ahonen, as a regular member to a term expiring 06/2022; Mid Cape Cultural Council: Michele McCoy, as a regular member to a term expiring 06/2023; Infrastructure and Energy Committee: Clay Schofield, as a regular member to a term expiring 06/2022; Jane Ward, as a regular member to a term expiring 06/2022; Planning Board: Michael Mecinas, as a regular member to a term expiring 06/2024; Recreation Commission: Nicholas Avery, as a regular member to a term expiring 06/2022; Sandy Neck Board: Maureen Piccione, as a regular member to a term expiring 06/2024; Waterways Committee: Todd Walantis, as a regular member to a term expiring 06/2022; Gregory Egan, as a regular member to a term expiring 06/2023; Youth Commission members: Sean Beal, as a student member, to a term expiring 06/2022; Alexander Arabadzhiev, as a student member, to a term expiring 06/2022 (First Reading) (Refer to Second Reading 07/15/2021) 33
2021-130A	Appointment to a Board/Committee/Commission: Youth Commission member: Cameron Levesque, as a student member, to a term expiring 06/2022; (First Reading) (Refer to Second Reading 07/15/2021) 34
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2021-181	Reappointments to a Board/Committee/Commission: Airport Commission: Wendy Bierwith, as a regular member to a term expiring 06/30/2024; John Griffin, as a regular member to a term expiring 06/30/2024; Norman Weill, as a regular member to a term expiring 06/30/2024; Board of Assessors: William Garrefffi, as a regular member to a term expiring 06/30/2024; Board of Health: John Norman, as a regular member to a term expiring 06/30/2024; Community Preservation Committee: F.P. Tom Lee, as a regular member to a term expiring 06/30/2024; Katherine Garofoli, as a regular member to a term expiring 06/30/2024; Deb Converse, as a Housing Authority Representative member to a term expiring 06/30/2024; Comprehensive Financial Advisory Committee: Hector Guenther, as a regular member to a term expiring 06/2024; John Schoenherr, as a regular member to a term expiring 06/30/2024; Conservation Commission: George Gillmore, as a regular member to a

term expiring 06/30/2024; **Council On Aging:** Anna Valtsakis, as a regular member to a term expiring 06/30/2024; **Disability Commission:** Michael Hersey, as a regular member to a term expiring 06/30/2024; Sheila Mulcahy, as a regular member to a term expiring 06/30/2024; Steve Spillaine, as a regular member to a term expiring 06/2024; **Elderly & Disabled Taxation Aid Committee:** William Garreffi, as a regular member to a term expiring 06/30/2024; **Golf Committee:** Keith Hochstein, as a regular member to a term expiring 06/30/2024; **Historical Commission:** Cheryl Powell, as a regular member to a term expiring 06/30/2024; Marilyn Fifield, as a regular member to a term expiring 06/30/2024; Jack Kay, as a regular member, to a term expiring 06/2022; **Housing Committee:** Donald Lynde, as a regular member to a term expiring 06/30/2024; Jacob Dewey, as a regular member to a term expiring 06/30/2024; **Infrastructure and Energy Committee:** John Solomon, as a regular member to a term expiring 06/30/2024; Peter Doyle, as a regular member to a term expiring 06/30/2024; **John F. Kennedy Memorial Trust Fund Committee:** Lynne Poyant, as a regular member to a term expiring 06/30/2024; Robert Jones, as a regular member to a term expiring 06/30/2024; **Land Acquisition and Preservation Committee:** Ann Canedy, as a regular member to a term expiring 06/2024; Phyllis Miller, as a regular member to a term expiring 06/2024; Tracy Pratt, as a regular member to a term expiring 06/30/2024; Anne H. Rowland, as a regular member to a term expiring 06/2024; **Licensing Authority:** Larry Decker, as a regular member to a term expiring 06/30/2024; **Mid Cape Cultural Council:** Margeaux Weber, as a regular member to a term expiring 06/2024; **Old King's Highway Historic District Committee:** George Jessop, an architect representative member, to a term expiring 06/30/2024; **Planning Board:** Stephen Costello, as a regular member to a term expiring 06/30/2024; **Recreation Commission:** Brendan Burke, as a regular member to a term expiring 06/2024; Tim Lus, as a regular member to a term expiring 06/30/2024; **Registrar of Voters:** Lucien Poyant, as an appointed member to a term expiring 06/2024; **Sandy Neck Board:** Ann Canedy, as a regular member to a term expiring 06/2024; Thomas O'Neill, a member-at large to a term expiring 06/30/2024; **Shellfish Committee:** Jacob Angelo, as a member-at-large to a term expiring 06/2024; Tyler Hagenstein, as a professional fisheries trained member to a term expiring 06/2024; **Youth Commission:** Lucas McCauley as a student member to a term expiring 06/2022; Mark Beal, as a student member to a term expiring 06/2022; Jenna Schmidt, as a student member to a term expiring 06/2022; Piper Hunt, as a student member to a term expiring 06/2022; Luc-Andre Sader, as a student member to a term expiring 06/2022; Isabelle Rudy, as a student member to a term expiring 06/2022; Michaela Stampfl, as a student member to a term expiring 06/2022; Laik O'Reilly, as a student member to a term expiring 06/2022; Connor O'Reilly, as a student member to a term expiring 06/2022; **Zoning Board of Appeals:** Aaron Webb, an associate member to a term expiring 06/30/2024; Emanuel Alves, an associate member to a term expiring 06/30/2024; Jake Dewey, as a regular member to a term expiring 06/30/2024 **(First Reading) (Refer to Second Reading 07/15/2021)**36-37

- 2021-181A** Reappointments to a Board/Committee/Commission: **Youth Commission:** Caleb Levesque as a student member to a term expiring 06/2022 **(First Reading) (Refer to Second Reading 07/15/2021)**..... 38
- 2021-182** Regulatory Development Agreement with 77 Pleasant Street Realty Trust / Wayne Kurker Trustee to Redevelop 77 Pleasant Street, Hyannis with an 81 space gravel parking lot. The redevelopment also includes relocating an existing historic residential two-family dwelling within 21 feet of Pleasant Street which will continue as a two-family dwelling **(Refer to Public Hearing 07/15/2021)**39-52
- 2021-183** Approval of exemption from financial interest from Section 20 of G.L. c. 268A **(May be acted upon) (Majority Vote)**53-58
- 2021-184** Transfer Order in the amount of **\$150,000** from the Department of Public Works Operating Expense Budget for the purpose of funding design and permitting of the Snow's Creek Culvert Replacement Project **(May be acted upon) (Majority Vote)**.....59-60
- 2021-185** Transfer Order in the amount of **\$337,335** for the purpose of funding the Town Hall Restroom Renovation Project **(May be acted upon) (Majority Vote)**61-62

Approve Minutes: June 3, 2021

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it so votes, the Council may go into execute

session. The Council may also act on items in an order other than as 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, it may be continued to a future meeting, and with proper notice.

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-153

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-153 APPROPRIATION ORDER IN THE AMOUNT OF \$2,353,579 FOR THE INSPECTIONAL SERVICES DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$2,353,579** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Inspectional Services Department budget, and to meet such appropriation, that **\$2,353,579** be raised from current year revenue as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-154

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-154 APPROPRIATION ORDER IN THE AMOUNT OF \$10,470,034 FOR THE PUBLIC WORKS DEPARTMENT GENERAL FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$10,470,034** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Public Works Department General Fund budget, and to meet such appropriation, that **\$10,390,393** be raised from current year revenue, that **\$54,640** be provided from the Embarkation Fee Special Revenue Fund, and that **\$25,000** be provided from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-155

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-155 APPROPRIATION ORDER IN THE AMOUNT OF \$3,407,469 FOR THE SOLID WASTE ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$3,407,469** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Solid Waste Enterprise Fund budget, and to meet such appropriation that **\$2,978,376** be raised from the Enterprise Fund revenues, and that **\$429,093** be provided from the Solid Waste Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-156

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-156 APPROPRIATION ORDER IN THE AMOUNT OF \$4,299,130 FOR THE WATER POLLUTION CONTROL ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$4,299,130** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Department of Public Works Water Pollution Control Enterprise Fund budget, and to meet such appropriation that **\$4,253,136** be raised from the Enterprise Fund revenues, and that **\$45,994** be provided from the Water Pollution Control Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-157

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-157 APPROPRIATION ORDER IN THE AMOUNT OF \$7,385,062 FOR THE WATER SUPPLY ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$7,385,062** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Department of Public Works Water Supply Enterprise Fund budget, and to meet such appropriation that **\$7,025,062** be raised from the Enterprise Fund revenues, that **\$318,229** be provided from the Comprehensive Water Management Stabilization Fund, that **\$41,771** be provided from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-158

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-158 APPROPRIATION ORDER IN THE AMOUNT OF \$1,202,939 FOR THE COMPREHENSIVE WASTEWATER MANAGEMENT PLAN FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$1,202,939** be appropriated for the purpose of funding the Fiscal Year 2022 Comprehensive Wastewater Management Plan operating budget, and to meet such appropriation, that **\$1,202,939** be provided from the Sewer Construction and Private Way Maintenance and Improvement Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-159

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-159 APPROPRIATION ORDER IN THE AMOUNT OF \$282,975 FOR THE TOWN COUNCIL DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$282,975** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Town Council budget and to meet such appropriation, that **\$282,975** be raised from current year revenue, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Second Reading) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM#2021-160

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-160 AMENDMENTS TO THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, AND CHAPTER 241, ARTICLE IV, MUNICIPAL ORGANIZATION

ORDERED:

SECTION 1

That the Town Council hereby amends the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, § 241-25, Licensing Authority, by striking subsection C. (2) in its entirety and inserting the following new subsection C. (2) in its place:

“C. Interrelationships

(2) Town Manager: The Licensing Authority interacts with the Town Manager for the purposes of receiving administrative support for its deliberations and responsibilities, to include but not be limited to the office of the Town Manager, including the Licensing program within that office, Legal and Health.”

SECTION 2

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-46, Offices and standards, by striking subsection B, Municipal organization, in its entirety and inserting the following new subsection B in its place:

“B. Municipal organization. The municipal agencies of the Town consist of the office of the Town Manager and the seven municipal departments under the jurisdiction of the Town Manager. The seven departments and their respective divisions are as follows:

- (1) Administrative Services, encompassing Legal, Information Technology, Human Resources and Finance;
- (2) Community Services, encompassing Recreation, Golf and Senior Services;
- (3) Inspectional Services, encompassing Building, Health and Weights and Measures;
- (4) Marine and Environmental Services, encompassing Harbormaster and Natural Resources;
- (5) Planning and Development, encompassing Regulatory Review, Comprehensive Planning, Community Development, Economic Development, Conservation and Parking;
- (6) Police; and

(7) Public Works, encompassing Administration and Technical Support, Highway, Solid Waste, Structures and Grounds, Water Pollution Control and Water Supply.”

SECTION 3

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-47.1, Town Manager, subsection D, Department heads, by striking subsection (1)(l) in its entirety.

SECTION 4

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, by deleting § 241-47.29, Licensing Department, in its entirety.

SECTION 5

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-47.1, Town Manager, by adding the following new subsection E:

“E. Licensing program. There shall be placed within the office of the Town Manager a Licensing program, which seeks to protect the public interest through enforcement of laws and regulations relating to licensing of certain businesses. The Licensing program operates pursuant to applicable provisions of the Town Code and the following state laws: MGL Chapter 100 concerning auctions; and MGL Chapters 136, 138 and 140 concerning licensing. The Licensing program provides administrative support, conducts inspections and compliance activities, and enforces laws and regulations regulating business entities licensed by the Town Manager and the Licensing Authority. The Licensing program provides enforcement of all licensing and issues related to special events on Town-owned property and public ways, private parking lots, underground storage tanks, narrative bus tours, outdoor dining and Pedi cabs. The Licensing program interacts with the Police, Planning and Development and Inspectional Services departments concerning licensing activities. The Licensing program interacts with various boards and committees with concurrent jurisdiction, such as Site Plan Review, Board of Health and Zoning Board of Appeals, and provides administrative and compliance support for the Licensing Authority.”

SECTION 6

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-47.21, Inspectional Services Department, by adding the following new subsection C:

“C. Weights and Measures Division.

1. Purpose. The Weights and Measures Division seeks to protect the public interest through enforcement of laws and regulations relating to weights and measures of certain businesses.
2. Authorities and Responsibilities.

The Weights and Measures Division operates pursuant to applicable provisions of the Town Code and the following state laws: MGL Chapters 94 through 99 concerning weights and measures. The Weights and Measures Division is responsible for code compliance and

enforcement of all laws pertaining to the sale of commodities by weight or measure, the inspection and testing of weighing and measuring devices, the operation and use of electronic retail checkout systems, the method of sale of commodities and the labeling of prepackaged commodities.

3. Interrelationships.

- (1) Town Manager. The Weights and Measures Division interacts with the office of the Town Manager, including the Licensing program within that office, concerning administrative support, code compliance and enforcement of all issues relating to weights and measures.
- (2) Other departments. The Weights and Measures Division interacts with the Police and Planning and Development concerning the provision of measurement devices for various purposes. Other interaction is with the Town Clerk, Public Works and Tax Collector in provision of measurement devices activities for various purposes.
- (3) Other. The Weights and Measures Division interacts with community groups and agencies, private enterprises, state agencies and other municipalities to seek effective accomplishment of goals and objectives.”

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Second Reading 06/03/2021</u>
<u>06/03/2021</u>	<u>Continue to 06/17/2021</u>

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM#2021-160

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Karen L. Nober, Town Attorney
SUBJECT: Amendments to the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, and Chapter 241, Article IV, Municipal Organization

RATIONALE: The Fiscal Year 2022 Operating Budget proposes to make several changes to the Town's organizational structure. This item amends the Administrative Code to align it with the proposed organizational structure.

Specifically: the Interrelationships section for the Licensing Authority is proposed to be updated to reflect current program and division names; the Licensing Department is proposed to be eliminated as a department and included as a program within the Town Manager's Office; the Director of Licensing position is proposed to be eliminated as a Department Head; and the Weights and Measures Division, currently within the Licensing Department, is proposed to be a division within the Inspectional Services Department.

STAFF SUPPORT: Mark A. Milne, CPA, Director of Finance; David Anthony, Director of Property and Risk Management; Lynne M. Poyant, Director of Communications

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-161

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-161 APPROPRIATION ORDER IN THE AMOUNT OF \$1,192,789 FOR THE TOWN MANAGER DEPARTMENT GENERAL FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$1,192,789** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Town Manager General Fund budget and to meet such appropriation, that **\$1,192,789** be raised from current year revenue, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-162

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-162 APPROPRIATION ORDER IN THE AMOUNT OF \$799,097 FOR THE PUBLIC, EDUCATION & GOVERNMENT (PEG) ACCESS CHANNELS ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$799,097** be appropriated for the purpose of funding the Town’s Fiscal Year 2022 Public, Education & Government (PEG) Access Channels Enterprise Fund budget, and to meet such appropriation, that **\$799,097** be raised from the PEG Enterprise Fund revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-163

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-163 APPROPRIATION ORDER IN THE AMOUNT OF \$6,456,364 FOR THE ADMINISTRATIVE SERVICES DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$6,456,364** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Administrative Services Department budget, and to meet such appropriation, that **\$6,456,364** be raised from current year revenue, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-164

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-164 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE FISCAL YEAR 2022 TOWN COUNCIL RESERVE FUND

ORDERED: That the amount of **\$250,000** be appropriated for the purpose of funding the Town Council's Fiscal Year 2022 Reserve Fund and to meet such appropriation, that **\$250,000** be provided from the General Fund reserves.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-165

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-165 APPROPRIATION ORDER IN THE AMOUNT OF \$51,369,023 FOR THE OTHER REQUIREMENTS FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$51,369,023** be appropriated for the purpose of funding the Town’s Fiscal Year 2022 Other Requirements budget, and to meet such appropriation, that **\$43,740,853** be raised from current year revenue, that **\$220,000** be provided from the Pension Reserve Trust Fund, that **\$6,295,178** be provided from the Capital Trust Fund, that **\$45,360** be provided from the Embarkation Fee Special Revenue Fund, that **\$41,040** be provided from the Bismore Park Special Revenue Fund, and that the sum of **\$1,026,592** be transferred from the General Fund reserves all for the purpose of funding the Town’s Fiscal Year 2021 General Fund budget as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-166

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-166 APPROPRIATION ORDER IN THE AMOUNT OF 3,641,181 FOR THE COMMUNITY PRESERVATION COMMITTEE FISCAL YEAR 2022 ADMINISTRATIVE EXPENSE BUDGET AND MINIMUM PROGRAM SET-ASIDES

ORDERED: That, pursuant to the provisions of General Law Chapter 44B Section 6, for the fiscal year beginning July 1, 2021, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$522,873** for open space and recreation; **\$522,873** for historic resources; **\$522,873** for community housing; **\$1,872,562** for a budget reserve, and that the sum of **\$200,000** be appropriated from the annual revenues of the Community Preservation Fund for the administrative expenses the Community Preservation Committee, to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

ITEM#2021-167

INTRO: 5/20/2021, 06/03/2021, 06/17/2021

2021-167 APPROPRIATION ORDER IN THE AMOUNT OF \$1,664,958 FOR THE COMMUNITY PRESERVATION FUND FISCAL YEAR 2022 DEBT SERVICE BUDGET

ORDERED: That the Town Council hereby appropriate the amount of **\$1,664,958** or the purpose of paying the Fiscal Year 2021 Community Preservation Fund debt service requirements, and to meet such appropriation, that **\$1,587,546** be provided from current year revenues of the Community Preservation Fund and that **\$77,412** be provided from the reserve for the historic preservation program within the Community Preservation Fund.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>Refer to Public Hearing 06/03/2021</u>
<u>06/03/2021</u>	<u>Opened and Continued to a Public Hearing on 06/17/2021</u>

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

B. NEW BUSINESS (Second Reading) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM#2021-168

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-168 FISCAL YEAR 2022 REVOLVING FUND SPENDING LIMITATIONS

RESOLVED: That the Town Council hereby authorizes the following spending limitations for Fiscal Year 2022 Revolving Funds:

Senior Services Classroom Education Fund - **\$100,000**

Recreation Program Fund - **\$525,000**

Shellfish Propagation Fund - **\$200,000**

Consumer Protection Fund - **\$600,000**

Geographical Information Technology Fund - **\$10,000**

Arts and Culture Program Fund - **\$50,000**

Asset Management Fund - **\$500,000**

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>First Reading Refer to Second Reading 06/03/2021</u>
<u>06/03/2021</u>	<u>Continue to 06/17/2021</u>

- Read Item
- Rationale
- Council Discussion
- Vote

A. OLD BUSINESS (Second Reading) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM#2021-169

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

2021-169 ACCEPTANCE OF PROVISION OF GENERAL LAWS CH. 40, § 3 RELATING TO TOWN REVENUE

RESOLVED: That the Town Council hereby accepts the proviso in General Laws Chapter 40, Section 3, allowing monies received from the rental or lease of any public building or property, or space within a building or property, other than a building or property under the control of the School Committee, to be held in a revolving fund and expended for the upkeep and maintenance of any facility under the control of the board, committee or department head in control of the building or property.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/20/2021</u>	<u>First Reading Refer to Second Reading 06/03/2021</u>
<u>06/03/2021</u>	<u>Continue to 06/17/2021</u>

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2021-169

INTRO: 05/20/2021, 06/03/2021, 06/17/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, CPA, Director of Finance
DATE: May 20, 2021
SUBJECT: Acceptance of Provision of General Laws Ch. 40, § 3 Relating To Town Revenue

RATIONALE: Massachusetts General Laws Ch. 40, §3 allows for monies received from the rental or lease of any public building or property, or space within a building or property to be held in a revolving fund and expended for the upkeep and maintenance of any facility under the control of the board, committee or department head in control of the building. Any balance in the fund at the close of the fiscal year must be closed to the General Fund.

A local option proviso within Massachusetts General Laws Ch. 40, §3, if accepted by the Town Council, would permit any unexpended balance at the end of the fiscal year to remain in the revolving fund and be used for the upkeep and maintenance of any facility. This would dedicate these funds for this purpose.

The Town owns several properties which it currently leases. Leasing the facilities provides the town a revenue source as well as the avoidance of utility expenses and routine maintenance costs which are covered by the tenants. In addition, having the facilities occupied offers the additional protection against vandalism, keeps the Town's insurance cost down and the asset's deterioration by neglect. The properties in this group include; but are not limited to, the Old Town Hall, YMCA, Cape Cod Maritime Museum, Trayser Museum, CJ's Ranch and the Mills Airfield in Marstons Mills.

The Town Council adopted this proviso for school facilities that are under the authority of the School Committee back in June 2011 under Town Council Order 2011-141.

FISCAL IMPACT: Allowing any unexpended lease and rental income remaining in the revolving fund at the end of the fiscal year will allow for the funds to be dedicated for the upkeep of town facilities as opposed to having them close to the General Fund surplus.

STAFF SUPPORT: Mark A. Milne, CPA, Director of Finance

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-178
INTRO: 06/03/2021, 06/17/2021

2021-178 SUPPLEMENTAL APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$4,775,023 FOR THE PURPOSE OF FUNDING THE STRAWBERRY HILL ROAD SEWER EXPANSION PROJECT

ORDERED: That the sum of **\$4,775,023** be appropriated for the purpose of funding the Strawberry Hill Road Sewer Expansion Project, 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 \$4,775,023 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; and 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; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>06/03/2021</u>	<u>Refer to Public Hearing 06/17/2021</u>

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

BARNSTABLE TOWN COUNCIL

ITEM#2021-178
INTRO: 06/03/2021, 06/17/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: June 03, 2021
SUBJECT: Supplemental Appropriation and Loan Order in the amount of **\$4,775,023** for the Strawberry Hill Road Sewer Expansion Project

BACKGROUND: Vineyard Wind plans to begin construction this fall on a project which will install over 5.1 miles of underground 220kV Transmission Cable within Town roadways from Covell's Beach to the interconnection point at the substation proposed on Independence Drive. The Town is scheduled to install sewer infrastructure along the proposed duct bank route from Covell's Beach to Route 132 in order to realize cost savings and minimize construction disturbance. The project involves the construction of approximately 20,500 LF of gravity sewer, 6,400 LF of sewer force main, replacement of approximately 4,000 LF of water main and the installation of one new submersible pump station on a Town-controlled easement at 528 Craigville Beach Road. Bids were opened for the project on May 26, 2021 and the apparent low bidder's total bid price is \$11,710,006.49.

ANALYSIS: Vineyard Wind plans to begin construction this Fall and upon completion, will be required to resurface all disturbed roadways. As a result, it will be cost advantageous for the Town to participate with Vineyard Wind to complete planned utility improvements along the project length as part of this project. Additionally, Vineyard Wind's duct bank will congest the roadways and makes it difficult to install these utilities after their work has been completed. The sewer design has been closely coordinated with the Vineyard Wind duct bank design and completion of the work on a parallel track with the Vineyard Wind construction will minimize disturbance to residence and result in cost savings.

FINANCIAL IMPACT: Funding for this project will be provided from a bond issue. The repayment of the bond will be provided from the resources generated by the Town's Sewer Construction and Private Ways Maintenance and Improvement Fund. The first loan payment on the bond issue is anticipated to be in Fiscal Year 2023 and will be included in the Fiscal Year 2023 operating budget. Completion of construction will result in an estimated \$5,000 increase in operating expenses for the Water Pollution Control Division as well as the need for the addition of 0.25 FTE for the Water Pollution Control Division which will be reflected in a future year Sewer Enterprise fund operating budget. The project is listed on the 2021 Clean Water State Revolving Fund Intended Use Plan and is eligible for \$13,275,023 from the Trust, potentially at 0% interest. Additionally, the Town has been notified that the project is eligible for a subsidy of \$3,318,756 through the Cape Cod and Islands Water Protection Fund. Prior appropriations for the construction of this project include \$8,500,000 for sewer construction (2019-213) and \$1,000,000 for water construction (2019-212).

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

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

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

BARNSTABLE TOWN COUNCIL

ITEM#2021-179

INTRO: 06/03/2021, 06/17/2021

2021-179 SUPPLEMENTAL APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,850,000 FOR THE PURPOSE OF FUNDING THE SOLIDS HANDLING UPGRADES CONSTRUCTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2021 TO FISCAL YEAR 2025 CAPITAL IMPROVEMENT PLAN

ORDERED: That the sum of **\$2,850,000** be appropriated for the purpose of funding the Solids Handling Upgrades Construction Project as outlined in the Fiscal Year 2021 – Fiscal Year 2025 Capital Improvement Plan, 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 \$2,850,000 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; and 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; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>06/03/2021</u>	<u>Refer to Public Hearing 06/17/2021</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-179

INTRO: 06/03/2021, 06/17/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: June 03, 2021
SUBJECT: Supplemental Appropriation and Loan Order in the amount of **\$2,850,000** for the Solids Handling Upgrades Construction Project

BACKGROUND: The purpose of this project is to rehabilitate the solids handling building at the Barnstable Water Pollution Control Facility. This project involves the demolition and replacement of septic and sludge processing equipment that is at or past the end of its design life. This includes gravity belt thickeners, polymer systems, chemical feed pumps, odor control systems, grit classifiers, sludge tank blowers, septic receiving station, instrumentation, controls, electrical panels, and all associated piping and valves. The septic waste receiving station will be rehabilitated and a new metering and billing system will be installed. The project addresses several safety and code deficiencies identified within the building. Instrumentation and automation will be updated, allowing for processing to occur for more hours per day which will increase the solids handling capacity of the facility. The project includes structural repairs to the building, including the sludge holding tanks. Bids were opened for the project on May 12, 2021 and the apparent low bidder's total bid price is \$10,020,767.

ANALYSIS: The solids handling building was built in 1990 and has reached the end of its design life. The building, the associated processes, and thickened sludge disposal practices were evaluated as part of a 2014 CIP request. The project was put on hold to ensure that future flows identified in the Comprehensive Wastewater Management Plan would be accounted for while designing this project. Now complete, the evaluation recommends a full scale renovation of the building and equipment in order to extend the useful life on the facility by another 20 to 30 years. The solids handling building is critical to the wastewater treatment process, acting as the "guts" of the wastewater treatment facility by pumping and processing sludge from a variety of sources. The building handles up to 12,000,000 gallons of septage, 1,000,000 gallons of grease, and 11,000,000 of wastewater sludge per year. Because of the corrosive and abrasive nature of the work carried out in the building, the condition of the equipment in this building is degrading rapidly.

FINANCIAL IMPACT: This project will be funded with the issuance of a bond. The additional amount requested in this appropriation and loan order will be added to the \$8,500,000 appropriation and loan order authorized under Town Council order 2021-009. The project is listed on the 2021 Clean Water State Revolving Fund Intended Use Plan. The Town has been notified that the project is eligible for a subsidy of \$2,213,763 through the Cape Cod and Islands Water Protection Fund. The repayment of the bond issue will be added to future Sewer Enterprise Fund operating budgets. It is anticipated that the first loan payment on the bond issue will occur in Fiscal Year 2023 and this will be included in the Fiscal Year 2023 rate study.

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

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-180
INTRO: 06/03/2021, 06/17/2021

2021-180 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$22,000,000 FOR THE PURPOSE OF FUNDING THE ROUTE 28 EAST SEWER EXPANSION PROJECT

ORDERED: That the sum of **\$22,000,000** be appropriated for the purpose of funding the Route 28 East Sewer Expansion Project, 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 \$22,000,000 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; and 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; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>06/03/2021</u>	<u>Refer to Public Hearing 06/17/2021</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-180

INTRO: 06/03/2021, 06/17/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: June 03, 2021
SUBJECT: Appropriation and Loan Order in the amount of **\$22,000,000** for the Route 28 East Sewer Expansion Project

BACKGROUND: The Project will expand sewer westerly along Route 28 to the intersection of Route 28 and Phinney's Lane. The project includes the installation of approximately 11,000 LF of new sewers within Route 28, Phinney's Lane, and West Main Street. The project also includes the construction of a new pump station to be located at the Town owned property at 1456 Falmouth Road and approximately 12,000 LF of sewer force mains from the pump station at 1456 Falmouth Road to the Water Pollution Control Facility. The pump station and force mains will be sized to eventually serve the majority of the of the western sewer expansion (more than 7,000 properties). The project also includes modifications at the Water Pollution Control Facility to accommodate the new force mains. This project is identified in Phase 1 of the Town's Comprehensive Wastewater Management Plan (CWMP).

ANALYSIS: The Route 28 East project is a critical component of the Town's sewer expansion plan, and will eventually serve more than 7,500 properties as described in the Town's Comprehensive Wastewater Management Plan (CWMP). This project will immediately allow for about 85 properties to connect to the municipal sewer system. Future phases of the sewer expansion plan cannot move forward until the critical infrastructure installed as part of this project are completed.

FINANCIAL IMPACT: Funding for this project will be provided from a bond issue. The repayment of the bond will be provided from the resources generated by the Town's Sewer Construction and Private Ways Maintenance and Improvement Fund. The first loan payment on the bond issue is anticipated to be in Fiscal Year 2023 and will be included in the Fiscal Year 2023 operating budget. Completion of construction will result in an estimated \$10,000 increase in operating expenses for the Water Pollution Control Division as well as the need for the addition of 0.5 FTE for the Water Pollution Control Division which will be reflected in a future year Sewer Enterprise Fund operating budget. The project is listed on the 2021 Clean Water State Revolving Fund Intended Use Plan, and the project may be eligible for 0% interest loan through the Massachusetts Clean Water Trust. Additionally, the Town has been notified that the project is eligible for a subsidy of \$4,276,500 through the Cape Cod and Islands Water Protection Fund.

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

B. NEW BUSINESS (First Reading) (Refer to Second Reading 07/15/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-130
INTRO: 06/17/2021**

2021-130 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Conservation Commission:** William Hearn, as a regular member to a term expiring 06/2024; **Council on Aging:** Jean Ahonen, as a regular member to a term expiring 06/2022; **Mid Cape Cultural Council:** Michele McCoy, as a regular member to a term expiring 06/2023; **Infrastructure and Energy Committee:** Clay Schofield, as a regular member to a term expiring 06/2022; Jane Ward, as a regular member to a term expiring 06/2022; **Planning Board:** Michael Mecinas, as a regular member to a term expiring 06/2024; **Recreation Commission:** Nicholas Avery, as a regular member to a term expiring 06/2022; **Sandy Neck Board:** Maureen Piccione, as a regular member to a term expiring 06/2024; **Waterways Committee:** Todd Walantis, as a regular member to a term expiring 06/2022; Gregory Egan, as a regular member to a term expiring 06/2023; **Youth Commission members:** Sean Beal, as a student member, to a term expiring 06/2022; Alexander Arabadzhiev, as a student member, to a term expiring 06/2022;

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
07/15/2021)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-130A
INTRO: 06/17/2021**

2021-130A APPOINTMENT TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individual to a multiple-member Board/Committee/Commission: **Youth Commission member:** Cameron Levesque, as a student member, to a term expiring 06/2022

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

B. NEW BUSINESS (First Reading) (Refer to Second Reading 07/15/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-130B
INTRO: 06/17/2021**

2021-130B APPOINTMENT TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individual to a multiple-member Board/Committee/Commission: **Youth Commission member:** Mary Steinhilber, as a student member, to a term expiring 06/2022

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

B. NEW BUSINESS (First Reading) (Refer to Second Reading 07/15/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-181
INTRO: 06/17/2021**

2021-181 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Airport Commission:** Wendy Bierwith, as a regular member to a term expiring 06/30/2024; John Griffin, as a regular member to a term expiring 06/30/2024; Norman Weill, as a regular member to a term expiring 06/30/2024; **Board of Assessors:** William Garrefffi, as a regular member to a term expiring 06/30/2024; **Board of Health:** John Norman, as a regular member to a term expiring 06/30/2024; **Community Preservation Committee:** F.P. Tom Lee, as a regular member to a term expiring 06/30/2024; Katherine Garofoli, as a regular member to a term expiring 06/30/2024; Deb Converse, as a Housing Authority Representative member to a term expiring 06/30/2024; **Comprehensive Financial Advisory Committee:** Hector Guenther, as a regular member to a term expiring 06/2024; John Schoenherr, as a regular member to a term expiring 06/30/2024; **Conservation Commission:** George Gillmore, as a regular member to a term expiring 06/30/2024; **Council On Aging:** Anna Valtsakis, as a regular member to a term expiring 06/30/2024; **Disability Commission:** Michael Hersey, as a regular member to a term expiring 06/30/2024; Sheila Mulcahy, as a regular member to a term expiring 06/30/2024; Steve Spillaine, as a regular member to a term expiring 06/2024; **Elderly & Disabled Taxation Aid Committee:** William Garrefffi, as a regular member to a term expiring 06/30/2024; **Golf Committee:** Keith Hochstein, as a regular member to a term expiring 06/30/2024; **Historical Commission:** Cheryl Powell, as a regular member to a term expiring 06/30/2024; Marilyn Fifield, as a regular member to a term expiring 06/30/2024; Jack Kay, as a regular member to a term expiring 06/2022; **Housing Committee:** Donald Lynde, as a regular member to a term expiring 06/30/2024; Jacob Dewey, as a regular member to a term expiring 06/30/2024; **Infrastructure and Energy Committee:** John Solomon, as a regular member to a term expiring 06/30/2024; Peter Doyle, as a regular member to a term expiring 06/30/2024; **John F. Kennedy Memorial Trust Fund Committee:** Lynne Poyant, as a regular member to a term expiring 06/30/2024; Robert Jones, as a regular member to a term expiring 06/30/2024; **Land Acquisition and Preservation Committee:** Ann Canedy, as a regular member to a term expiring 06/2024; Phyllis Miller, as a regular member to a term expiring 06/2024; Tracy Pratt, as a regular member to a term expiring 06/30/2024; Anne H. Rowland, as a regular member to a term expiring 06/2024; **Licensing Authority:** Larry Decker, as a regular member to a term expiring 06/30/2024; **Mid Cape Cultural Council:** Margeaux Weber, as a regular member to a term expiring 06/2024; **Old King's Highway Historic District Committee:** George Jessop, an architect representative member, to a term expiring 06/30/2024; **Planning Board:** Stephen Costello, as a regular member to a term expiring 06/30/2024; **Recreation Commission:** Brendan Burke, as a regular member to a term expiring 06/2024; Tim Lus, as a regular member to a term expiring 06/30/2024; **Registrar of Voters:** Lucien Poyant, as an appointed member to a term expiring 06/2024; **Sandy Neck Board:** Ann Canedy, as a regular member to a term expiring 06/2024; Thomas O'Neill, a member-at large to a term expiring 06/30/2024; **Shellfish Committee:** Jacob Angelo, as a member-at-large to a term expiring 06/2024; Tyler Hagenstein, as a professional fisheries trained member to a term expiring 06/2024; **Youth Commission:** Lucas McCauley, as a student member to a term expiring 06/2022; Luc-Andre Sader, as a student member to a term expiring 06/2022; Isabelle Rudy, as a student member to a term expiring 06/2022; Piper Hunt, as a student member to a term expiring 06/2022; Jenna Schmidt, as a student member to a term expiring 06/2022; Michaela Stampfl, as a student member to a term expiring 06/2022; Laik O'Reilly, as a student member to a term expiring 06/2022; Connor O'Reilly, as a student member to a term expiring 06/2022; Mark Beal, as a student member to a term expiring 06/2022; **Zoning Board of Appeals:** Aaron Webb, as an

associate member to a term expiring 06/30/2024; Emanuel Alves, as an associate member to a term expiring 06/30/2024; Jake Dewey, as a regular member to a term expiring 06/30/2024

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

B. NEW BUSINESS (First Reading) (Refer to Second Reading 07/15/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-181A
INTRO: 06/17/2021**

2021-181A REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Youth Commission:** Caleb Levesque as a student member to a term expiring 06/2022;

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

B. NEW BUSINESS (Refer to Public Hearing 07/15/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-182
INTRO: 06/17/2021**

2021-182 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND 77 PLEASANT STREET REALTY TRUST/WAYNE KURKER TRUSTEE

ORDERED: That the Town Council hereby authorizes the Town Manager, pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable (the “Code”), to enter into and execute a Regulatory Agreement between the Town of Barnstable and 77 Pleasant Street Realty Trust/Wayne Kurker Trustee, for the property at 77 Pleasant Street, Hyannis, 0.79± acres, shown on Town of Barnstable Assessor’s Map 327 as Parcel 118, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 17602, Page 345 (the “Property”); and further authorizes the redevelopment of the Property and grants the requested zoning relief and approval under Chapter 112, Article I of the Code pursuant to and as described in this Regulatory Agreement.

REGULATORY AGREEMENT

77 Pleasant Street Realty Trust / Wayne Kurker Trustee

77 Pleasant Street Hyannis, MA

This Regulatory Agreement (“Agreement”) is entered into by and between the Applicant, 77 Pleasant Street Realty Trust / Wayne Kurker Trustee, the Owner of the property, 77 Pleasant Street, Hyannis, MA, 02601, hereinafter (together the “Applicant” and/or “Developer”), with a mailing address of 1 Willow Street, Hyannis, MA 02601 and the Town of Barnstable (the “Town”), a municipal corporation with a mailing address of 367 Main Street, Hyannis, MA 02601, on this ___ day of _____, 2021, pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Chapter 168 of the Code of the Town of Barnstable.

WITNESS:

WHEREAS, this Agreement shall establish the following: permitted uses and bulk and dimensional requirements, within the proposed Redevelopment (as defined herein), the duration of this Agreement, and any other terms and conditions mutually agreed upon between the Applicant and the Town;

WHEREAS, the Town is authorized to enter into this Agreement pursuant to Chapter 168 of the Code of the Town of Barnstable;

WHEREAS, the Applicant owns the property known as and numbered 77 Pleasant Street, Hyannis, MA, 02601, which is shown on Barnstable Assessor’s Map 327, as Parcel 118, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 29661, Page 224 (hereafter, the “Property”);

WHEREAS, the site and existing dwelling was previously used as a two-unit duplex residential dwelling.

WHEREAS, the Property consists of approximately 35,004+/- SF of land, more or less, and is located in the HD Harbor District 240.24.1.7A (1);

WHEREAS, the Applicant proposes to move the historic portion of the house and move it up within 21' ft. of Pleasant Street, thereby preserving the historic structure and creating a residential streetscape within the historic district. The dwelling will be used for market rate rentals and workforce housing. The Applicant proposes to use the balance of the property as an 81 space, Open-Air Parking Lot to provide parking for harbor side uses, all as shown on the plans submitted and attached hereto as Exhibit A (hereafter, the "Redevelopment Plans," and such proposed site work and improvements all as shown on the Redevelopment Plans are hereafter referred to herein, collectively, as the "Redevelopment");

WHEREAS, the Redevelopment is consistent with the Town of Barnstable's Design and Infrastructure Plan;

WHEREAS, the Town and Applicant desire to set forth in this Agreement their respective understandings and agreements with regard to the Redevelopment;

WHEREAS, the Applicant is willing to commit to the reuse of the Property substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the Redevelopment and therefore considers this Agreement to be in its best interests;

WHEREAS, this Agreement shall vest land use development rights with the Applicant/Owner and/or its successors for the duration of this Agreement, and such rights shall not be subject to subsequent changes in local development ordinances, with the exception of changes necessary to protect the public health, safety or welfare;

WHEREAS, the Redevelopment will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Property is located in the Hyannis Growth Incentive Zone (GIZ) as originally approved by the Cape Cod Commission by decision dated April 6, 2006 and re-designated by decision dated April 19, 2018, and as authorized by Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19, 14-05, 17-11, and 18-11, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application;

WHEREAS, the Redevelopment is not subject to review by the Cape Cod Commission as a Development of Regional Impact as it does not trigger any Cape Cod Commission jurisdictional thresholds;

WHEREAS, the parcel which comprises the Property has undergone Formal Site Plan Review and the Town of Barnstable Site Plan Review Committee preliminarily approved the project (see attached SPR letter), for the combined use for a 81 space gravel open air parking lot and continued use of residential dwelling as a duplex.

WHEREAS, the approved Redevelopment proposal shall require final approval by the Site Plan Review Committee.

WHEREAS, the Redevelopment has undergone review by the Hyannis Main Street Waterfront Historic District Committee, where an approval was obtained to relocate the structure on the lot. (See attached Decision).

WHEREAS, the Redevelopment proposal has undergone three hearings on the Regulatory Agreement application and received an affirmative majority vote from the Planning Board on February 8, 2021;

WHEREAS, the Redevelopment proposal has undergone a public hearing on the Agreement before the Barnstable Town Council and has received a two-thirds vote approving the Agreement on _____;

WHEREAS, this Agreement authorizes the use, intensity of uses and dimensions specified herein. Any substantial deviation from the authorized terms of this Agreement shall require review by the Town Council and Planning Board pursuant to Chapter 168-10 of the Code;

NOW, THEREFORE, in consideration of the agreements and covenants set forth hereinafter, and for other good and valuable consideration, the receipt and sufficiency of which each of the parties hereby acknowledge to each other, the Applicant and Town do enter into this Agreement, and hereby agree to covenant as follows:

1. The Applicant shall move the historic portion of the house and move it up within 21' ft. of Pleasant Street, thereby preserving the historic structure and creating a residential streetscape within the historic district. The dwelling will be used for market rate rentals and workforce housing. The Applicant proposes to use the balance of the property as an 81 space, Open-Air Parking Lot to provide parking for harbor side uses, all as shown on the plans submitted and attached hereto as Exhibit A (hereafter, the "Redevelopment Plans," and such proposed site work and improvements all as shown on the Redevelopment Plans are hereafter referred to herein, collectively, as the "Redevelopment") and as further described in paragraph 4 below;

2. The Developer shall construct the Redevelopment on the Property in accordance with the Redevelopment Plans which are attached as Exhibit A to this Agreement and which are entitled as follows:

a. "Preliminary Parking Layout Plan", 77 Pleasant Street, Hyannis, MA 02601, Applicant – 77 Pleasant Street Realty Trust / Wayne Kurker Trustee Owner – 77 Pleasant Street Realty Trust / Wayne Kurker Trustee

Engineer/Surveyor – Baxter & Nye Engineering & Surveying - Registered Professional Engineers and Land Surveyors, 78 North Street, 3rd Floor, Hyannis, MA, 02601.

Issued for: Site Plan Review March 3rd 2020; June 16, 2020 and October 16, 2020, Revised for Planning Board, February 2, 2021 & Landscape Plan issued for Planning Board January 14, 2021 as follows:

- i. Preliminary Parking Layout Plan - C3.0
- ii. Landscape Plan - C3.1

3. The Town hereby grants the following waivers from the Town of Barnstable Zoning Ordinance for the Redevelopment, as requested by the Developer:

- a. Section 240-24.1.7A (1) Principal permitted uses. To allow for an open-air parking lot;
- b. Section 240-24.1.7A (1) Principal permitted uses. To allow for use of a two-unit residential dwelling;
- c. Section 240-24.1.7C. Dimensional, bulk and other requirements, for the side yard setback.
- d. Section 240-24.1.7C. Maximum Lot Coverage. Applicant seeks a waiver from the maximum lot coverage, providing 76.5+/-%, where a maximum of 70% is allowed. (Note Building Commissioner has determined that the gravel parking lot is not considered impervious area, however Applicant seeks the waiver to allow for future paving of the parking lot at the Applicant's option, subject to approval by Site Plan Review).
- e. Section 240-24.1.11A. (4)(d)(1) Trees. One three-inch minimum caliper low-water use, low-maintenance tree must be provided for every five parking spaces and must be located within 50 feet of the parking lot. Trees shall be maintained and irrigated as necessary and planted within at least 50 square feet of permeable area. Existing trees located in the interior of lots shall be credited towards this requirement. Applicant seeks a waiver from the total number of trees at 11 Trees, where 16.2 Trees are required.

f. Section 240-24.1.11A. (4)(d)(4) Twenty-one or more spaces: at least 10% of the interior parking lot must be landscaped. Planting along the perimeter shall not be considered as part of the 10%. Interior planting beds are ideally continuous to allow for maximum plant bed size and are constructed as rain gardens to control stormwater. No landscaped island shall be less than six feet wide, except that in parking lots with 51 or more parking spaces where the minimum island width shall be 10 feet. Applicant seeks a waiver of the 10% requirement, providing 2.4+/-%, where 10% is required.

g. Section 240-24.1.11A. (5)(f) Street trees. One deciduous tree with a three-inch minimum caliper is required to be planted within the front setback for every 30 feet of frontage of property if the front setback is greater than zero feet. Trees in paved areas shall have a minimum of 25 square feet of permeable area for growth. Trees in islands shall have a minimum of 50 square feet of permeable area for growth. All landscaped areas shall be continuously maintained, irrigated, and fertilized. Plant materials shall be organically maintained to the maximum extent possible. Applicant seeks a waiver from the total number of trees providing 1 Tree, where 2.4 Trees are required. In addition, the Applicant has agreed to provide one additional deciduous tree with a three-inch minimum caliper to the Town, to be planted offsite at a location of their choice within the Hyannis Main Street Waterfront Historic District.

4. The Redevelopment provides, without limitation, the following site design, traffic safety, and community benefits:

a. Redevelopment – The relocated historic dwelling and use will be a great complement to the district and will improve aesthetics on Pleasant Street, by preserving an existing historic structure and creating a streetscape in the Historic District, where it does not currently exist.

b. Employee Housing / Market Rate Rentals – In addition to the relocation of the structure, the Applicant is proposing to continue use of the two residential units, which can be used as employee housing, or for market rate rentals.

c. The existing site has one (1) curb cut on Pleasant Street. The proposed site will continue to have only one (1) curb cut on Pleasant Street which will contain both the entrance and exit for the site.

d. Traffic flow and site access -The site is located in an area which has adequate roads and access. The Applicant has designed a large internal que, contained entirely within the site which will prevent any backups onto the public ways.

e. Public and Environmental Benefits – The relocated Historic Dwelling and creation of a new streetscape where one currently does not exist, has a great benefit to the Historic District as well as to the public as a whole.

f. Public and Environmental Benefits – The Applicant shall establish a “Clean Harbor Fund”, which will work to clean up trash and debris in the harbor. To start this fund the Applicant has agreed to contribute \$2500.00 annually to the Town, for as long as the parking lot is in operation, to be deposited into a Town account to be used solely for this purpose.

g. Public and Environmental Benefits – Applicant shall purchase and install the Rectangular Rapid Flashing Beacon (RRFB) and coordinate with the Town Engineer and the Department of Public Works, all in accordance with the recommendation from the Town Engineer to the Planning Board, dated December 22, 2020. Provided however that the Applicant shall not be required to expend more than \$20,000.00 for this purpose. If the Applicant determines that the cost will exceed \$20,000.00, then the Applicant at his option may pay the sum of \$20,000.00 to the Town for this purpose or complete the installation of the RRFB.

In either case, payment to the Town or completion of the RRFB, shall occur prior to the operation of the parking lot.

h. Environmentally, the site is appropriate for the use as it is not located in a Groundwater Protection District, being located in the AP.

5. The Applicant shall file with the Site Plan Review Committee a plan meeting all requirements of Article X Site Plan Review. Site Plan Review approval shall be obtained prior to the issuance of any building permit, including demolition permits, or an Open-Air Private Parking Lot license. The final

plan shall comply and/or respond to the conditions of the Preliminary Site Plan review approval on June 23, 2020.

6. The approved Redevelopment proposal shall require final approval by the Site Plan Review Committee.

7. The Applicant shall complete the relocation and substantially complete the exterior of the dwelling prior to the issuance of an Open-Air Private Parking Lot license.

8. The Applicant shall obtain an Open-Air Private Parking Lot license pursuant to §406A of the Town Code for the non-accessory parking use and the use of the property shall remain in compliance with all conditions of that license.

9. The Applicant shall be in compliance with all conditions of the Certificate of Appropriateness issued by the Hyannis Main Street Waterfront Historic District Commission. Prior to issuance of any building permit, including demolition permits, or an Open-Air Private Parking Lot license the Applicant shall submit to the Planning & Development Department Director measured drawings of the existing Joseph C. Linnell House prepared by a professional building designer, licensed builder, or architect sufficient to recreate the house should it be substantially damaged during the relocation process.

10. The Applicant shall have complied with the requirement to establish a "Clean Harbor Fund" in accordance with 4 f. and shall complete the requirements regarding the RRFB as set forth in paragraph 4 g.

11. This Agreement shall run with the land, and all of the terms, conditions, and obligations contained in this Agreement shall be binding on any successor or assignor of the Applicant.

12. The term of this Agreement shall be five (5) years from the effective date of the Agreement (hereafter, the "Term"), and the development rights authorized herein must be exercised prior to expiration of the Term of this Agreement or it shall be null and void. Once the development rights authorized herein have been timely exercised, all terms and conditions of this Agreement shall remain in effect until the Property is no longer used in accordance with the Redevelopment Plans in a manner that requires additional zoning relief.

13. The Developer will replace a portion of the existing sidewalk on Pleasant Street where the proposed on-site sidewalk ties into the existing sidewalk on Pleasant Street which will comply with the Americans with Disabilities Act and Town of Barnstable requirements for public sidewalks.

14. Lighting for the Development shall be contained on-site, shall be down cast, and shall not contribute to light pollution of the area.

15. The site shall be landscaped consistent with the landscape plan identified in paragraph 1, above. All landscaping within the development shall be low water use and shall minimize the use of fertilizers and pesticides.

16. The Developer shall install a stockade fence per the location and specifications shown on the Preliminary Parking Layout Plan sheet C3.0.

17. Exterior construction impacts shall be minimized and construction shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays, and 8:30 a.m. to 2:00 p.m. Saturdays and Sundays. The Building Commissioner shall establish protocols to minimize the location of staging, noise, dust, and vibration. Failure to comply with these protocols following written notice from the Building Commissioner shall

be grounds for the issuance of a stop work order until agreement as to compliance with the protocols is achieved.

18. During all stages in the reconstruction of the dwelling and construction of the parking lot, all vehicles, equipment and materials associated with the development shall be required to be located off the right of way of Pleasant Street except as may be required to install utilities, and work authorized by this Agreement and as approved by Public Works and then only on a temporary basis.

19. Changes to the approved Redevelopment Plans referenced in Condition No. 1 shall require an amendment to this agreement under either §168-5 or §168-10 of the Barnstable Code, as determined by the Town.

20. Subsequent to the issuance of a Certificate of Occupancy for the units, each apartment shall be registered with the Health Division’s Rental Registration Program.

21. The Developer shall maintain the minimum signage as required by licensing for open air parking lots. No flags, banners, or other temporary signage shall be used to advertise the parking lot. There shall be no soliciting parking (ex, attendants waving or holding signs).

22. Upon completion of all work, Developer shall cause a registered engineer or land surveyor to submit as-built plans accompanied by a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan. This document shall be submitted prior to the issuance of the final certificate of occupancy.

23. The development allowed in this permit shall be considered full build-out of the property. The structures authorized shall not be expanded nor other buildings and structures added without compliance with §168-10 of the Barnstable Code.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed on the day and year first above written.

Dated this ___ day of _____, 2021.

TOWN OF BARNSTABLE 77 PLEASANT STREET REALTY TRUST / WAYNE KURKER TRUSTEE

By: _____ by: _____

Name: Mark Ells Town Manager

Name: Wayne Kurker, Trustee

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Mark Ells, Town Manager of the Town of Barnstable, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document in my presence.

Notary Public

My Commission expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document in my presence.

Notary Public
My Commission expires:

EXHIBIT A: REDEVELOPMENT PLANS

SPONSOR: Tracy Shaughnessy, Councilor Precinct 9

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-182
INTRO: 06/17/2021

SUMMARY

TO: Town Council
FROM: 77 Pleasant Street Realty Trust / Wayne Kurker Trustee
THROUGH: Elizabeth Jenkins, Planning & Development Director
DATE: June 17, 2021
SUBJECT: Regulatory Development Agreement with 77 Pleasant Street Realty Trust / Wayne Kurker Trustee to Redevelop 77 Pleasant Street, Hyannis with an 81 space gravel parking lot. The redevelopment also includes relocating an existing historic residential two-family dwelling within 21 feet of Pleasant Street which will continue as a two-family dwelling.

RATIONALE: The Developer, 77 PLEASANT STREET REALTY TRUST / WAYNE KURKER TRUSTEE, which entity has standing to proceed as owner of the property evidenced by deed recorded with the Barnstable Registry of Deeds recorded at Book 29661, Page 224 dated May 19, 2016 of the property located at and commonly known as 77 Pleasant Street, Hyannis, Massachusetts shown on Town of Barnstable Assessor's Map 327 as Parcel 118, consisting of 39,004 ± square feet (0.803 ± acres), located within the Downtown Hyannis Growth Incentive Zone (GIZ), has filed an application to enter into a Regulatory Agreement with the Town of Barnstable under Chapter 168 and Chapter 240 of the Barnstable Code to redevelop said property by moving the historic portion of the existing house up within 21 feet of Pleasant Street, thereby preserving the historic structure and creating a residential streetscape within the Historic District. The dwelling will be used for needed market rate rentals and workforce housing. The Applicant proposes to use the balance of the property as an 81 space, Open-Air Parking Lot to provide parking for harbor side uses.

The Developer has undergone more than two public hearings on the Agreement application and received a unanimous vote from the Planning Board recommending an approval of the proposed Regulatory Agreement on February 8, 2021.

The development is not subject to review by the Cape Cod Commission as a Development of Regional Impact as it does not trigger any Cape Cod Commission jurisdictional thresholds.

The Developer has received approvals as follows: Site Plan Review (Preliminary), Hyannis Main Street Waterfront Historic Commission and Planning Board approvals.

The Redevelopment will provide the following site design, traffic safety, and community benefits:

- The relocated historic dwelling and use will be a great complement to the district and will improve aesthetics on Pleasant Street, by preserving an existing historic structure and creating a streetscape in the Historic District, where it does not currently exist.
- In addition to the relocation of the structure, the Applicant is proposing to continue use of the two residential units, which can be used as employee housing, or for market rate rentals.
- The existing site has one curb cut on Pleasant Street. The proposed site will continue to have only one curb cut on Pleasant Street which will contain both the entrance and exit for the site.
- The site is located in an area which has adequate roads and access. The Applicant has designed a large internal que, contained entirely within the site which will prevent any backups onto the public ways.
- Environmentally, the site is appropriate for the use as it is not located in a Groundwater Protection District, being located in the AP.

The Redevelopment will provide community and environmental benefits as follows.

The Applicant will establish a “Clean Harbor Fund”, which will work to clean up trash and debris in the harbor. To start this fund the Applicant has agreed to contribute \$2,500 annually to the Town, for as long as the parking lot is in operation, to be deposited into a Town account to be used solely for this purpose.

The Applicant will purchase and install a Rectangular Rapid Flashing Beacon (RRFB) to be installed on South Street, provided that the Applicant shall not be required to expend more than \$20,000.00 for this purpose; then the Applicant at his option may pay the sum of \$20,000.00 to the Town for this purpose or to complete the installation of the RRFB and coordinate with the Town Engineer and the Department of Public Works.

FINANCIAL IMPACT: The “Clean Harbor Fund”, which will work to clean up trash and debris in the harbor, will be established through a condition within the parking lot license noting that the Applicant will contribute \$2,500.00 annually, for as long as the parking lot is in operation, to be submitted to Marine and Environmental Affairs for processing and use of the fund. The Department of Public Works has verified that the sum of \$20,000 should be sufficient to cover the cost of procuring and installing the Rectangular Rapid Flashing Beacon (RRFB). Of note, there are maintenance costs associated with the installation of RRFBs. RRFBs are solar powered and therefore do not have electricity costs, however they require battery replacement approximately every 3 years estimated to cost \$500 and light bar replacement approximately every 10 years estimated to cost \$1,000. Assuming annualized operations and maintenance cost of $\$500/3 + \$1,000/10 = \$266.67$, the associated maintenance costs would be an average of \$300 each year.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Regulatory Agreement

STAFF ASSISTANCE: Elizabeth S. Jenkins, AICP, Director of Planning & Development; Kate Maldonado, Assistant Director of Planning & Development; Karen Nober, Town Attorney



Town of Barnstable Planning Board

www.townofbarnstable.us/planningboard



Chair

Steven Costello

Vice Chair

Jeffrey Swartz

Clerk

Patrick Fran

Members

Mary Barry
Stephen Robichaud
Aimee Guthingher
Robert Twiss

Town Council Liaison

Matthew Levesque

Staff

Elizabeth Jenkins
Director

Kate Maldonado
Assistant Director

Principal Assistant
Karen Herrand

June 14, 2021

Matthew Levesque, President
Barnstable Town Council
367 Main Street
Hyannis, MA 02601

RE: **Report of the Barnstable Planning Board to Town Council on proposed Regulatory Agreement with 77 Pleasant Street Realty Trust, Wayne Kurker, Trustee**

Dear President Levesque,

On October 16, 2020, 77 Pleasant Street Realty Trust, Wayne Kurker, Trustee submitted an application to the Planning Board for a Regulatory Agreement pursuant to Chapter 168 of the Code of the Town of Barnstable. The Applicant seeks to use the property as a private open air parking lot composed of 81 parking spaces. The existing historic residential two-family dwelling will be moved within 21 feet of Pleasant Street and will continue as a two-family residential use. The subject property is 77 Pleasant Street, Hyannis, Massachusetts, shown on Assessor's Map 327 as Parcel 118. It is zoned Harbor District (HD).

The Planning Board held a duly posted and noticed public hearing on the proposal on November 23, 2020 which was continued to December 14, 2020, January 25, 2021 and February 8, 2021. At the conclusion of the hearing, the Planning Board unanimously voted to recommend the Town Council execute a Regulatory Agreement consistent with the final agreement reviewed by the Board, including minor non-substantive revisions.

Respectfully Submitted,

Steven Costello, Planning Board Chair

cc: Elizabeth Jenkins, Director, Planning & Development
Ann Quirk, Town Clerk

367 Main Street, Hyannis, MA 02601



BARNSTABLE
TOWN CLERK

File

19 MAY 23 AM 1:08

Town of Barnstable
Planning & Development Dept.
Hyannis Main Street Waterfront Historic District Commission
www.town.barnstable.ma.us/hyannismainstreet

Decision – Certificate of Appropriateness
Wayne Kurker, Trustee
77 Pleasant Street, Hyannis

The Hyannis Main Street Waterfront Historic District Commission, pursuant to the Code of the Town of Barnstable Chapter 112, Historic Properties, Article III, Hyannis Main Street Waterfront Historic District, hereby approves a Certificate of Appropriateness for the following property:

Property Address: 77 Pleasant Street
Assessor's Map/Parcel: 327/118

The public hearing on this application was opened on May 15, 2019. The applicant sought a Certificate of Appropriateness in order to relocate the Joseph C. Linnell House from its present location to the site shows as "Relocated Existing Duplex Dwelling" on the plan entitled "Parking Lot 77 Pleasant Street, Hyannis, MA 02601" prepared for Wayne Kurker, 1 Willow Street, Hyannis MA, 02601, Prepared by Baxter Nye Engineering & Surveying, dated January 9, 2019. Should the relocation of the house prove to be infeasible, the applicant proposed to demolish the house and build a "historic replica" on the site shows as "Relocated Existing Duplex Dwelling" on the plan entitled "Parking Lot 77 Pleasant Street, Hyannis, MA 02601" prepared for Wayne Kurker, 1 Willow Street, Hyannis MA, 02601, Prepared by Baxter Nye Engineering & Surveying, dated January 9, 2019.

After consideration of the testimony given and materials submitted by the applicant and members of the public, the Commission found the proposal as amended at the public hearing and detailed in the conditions of this decision will appropriately contribute to the historic character of the Hyannis Main Street Waterfront Historic District. The Commission considered the design, color, size, location, and context of the proposed signage and found it to be appropriate for the protection and preservation of the district, with the understanding gained at the hearing that the applicant will make every possible effort relocate the house as indicated on submitted plans, and any portion of the house that does not survive the relocation will be replicated in design and dimensions, reusing any existing materials not beyond recovery. Components of the building not able to be preserved may be replicated with compatible modern materials as detailed in the conditions of this decision.

Based on these findings, the Commission voted to grant the certificate of appropriateness subject to the following conditions:

1. The application is approved as amended to relocate and rehabilitate the Joseph C. Linnell House consistent with the site plan entitled "Parking Lot 77 Pleasant Street, Hyannis, MA 02601" prepared for Wayne Kurker, 1 Willow Street, Hyannis MA, 02601, Prepared by Baxter Nye Engineering & Surveying, dated January 9, 2019.
2. Prior to the commencement of any work, measured drawings of the Joseph C. Linnell House shall be produced from recorded, accurate measurements.
3. The relocation of the house shall consist of the entirety of the front (easterly) elevation, and include the portion of the building extending approximately forty feet to the west. The portion of the building to be moved shall not include the approximately five by ten foot kitchen entrance projection on the south elevation of the building.

1 of 1



Town of Barnstable
Site Plan Review
200 Main Street, Hyannis, MA 02601
www.town.barnstable.ma.us
Office: 508-862-4679



June 23, 2020

Ford and Ford Attorneys at Law
72 Main Street
PO Box 485
West Harwich, MA 02671

SPR 029-20 Wayne Kurker Tr /77 Pleasant St Realty Trust (Attorney Jeff Ford)
77 Pleasant Street, Hyannis
Map/Par: 327/118
Zoning: HD/AP

Proposal: Move existing dwelling on the site and add an 81 space gravel open air private parking lot.

Dear Attorney Ford,

At the informal site plan review meeting held on June 9, 2020 and the Formal Site Plan Review meeting held on June 18, 2020 it was determined by the Building Commissioner that the above proposal is provisionally approvable and may proceed through the Regulatory process. The Site Plan Review Committee made the following preliminary comments:

- Approval is based upon, and must be substantially constructed in accordance with site plans entitled: 1174 Pitchers Way, Hyannis dated 04-21-2020.
 - **Brian Florence:**
 - Applicant will need to return to Site Plan Review with a complete set of final plans after the Regulatory Agreement is completed.
 - Subsequent to the granting of relief by the Planning Board, any revisions to the plans required by the Site Plan Review Committee will be binding and if they are in conflict with the Planning Board decisions, the Applicant will be required to return to the Planning Board to modify the Regulatory Agreement.
 - **Paul Wackrow:** Paul.Wackrow@town.barnstable.ma.us
 - May need to revisit historic approval if guardrail is required; Building re-location already approved. Planning Board and Town Council appearances may require finalized plans.
 - Analysis required that moving the house is feasible; structural engineer to prepare
 - Proposed use is not allowed under zoning; thus Regulatory Agreement
 - **Richard Scall:** Richard.Scall@town.barnstable.ma.us
 - Town Manager hearing required for private open air parking lot license.
 - **Hyannis Fire:** Captain Webb
 - Access to site is good.
 - Will need to review final plans prior to approval

ZONING TABLE

ZONING DISTRICT(S): (H) HARBOR DISTRICT
OVERLAY DISTRICT(S): (O) O-12
ALLOWED USE: PER REGULATORY AGREEMENT**

EXIST USE: RESIDENTIAL** PROPOSED USE: RESIDENTIAL PARKING LOT**
EXIST TOTAL BUILDING AREA=1,585 SF NO PROPOSED BUILDINGS
EXIST BUILDING TO REMAIN

TOTAL PARCEL AREA: 35,004 ± SF

	REQUIRED/ALLOWED	EXISTING	PROPOSED
LOT AREA	35,000 SF	35,004 SF	35,004 SF
FRONTAGE	20 FT	73.50 FT	73.50 FT
BUILDING SETBACKS HD ZONE:			
FRONT SETBACK	20 FT	118.8 FT	23.8 FT
SIDE SETBACK	10 FT	1.0 FT	8.0 FT
REAR SETBACK	10 FT	147.5 FT	276.8 FT
LANDSCAPE PARKING SETBACKS HD ZONE:			
FRONT SETBACK	10 FT	N/A	79.8 FT
SIDE SETBACK (PER 20L 240-241.1)	6 FT	N/A	8.5 FT
REAR SETBACK (PER 20L 240-241.1)	6 FT	N/A	6.3 FT
MAX. BUILD HEIGHT (EXISTING)	2.5 STORES OR 35 FT	< 28 FT	< 28 FT
MAX. LOT COVERAGE (IMPERVIOUS AREA)	70%	22.0% (2,701 SF)	76.5% (26,793 SF)**

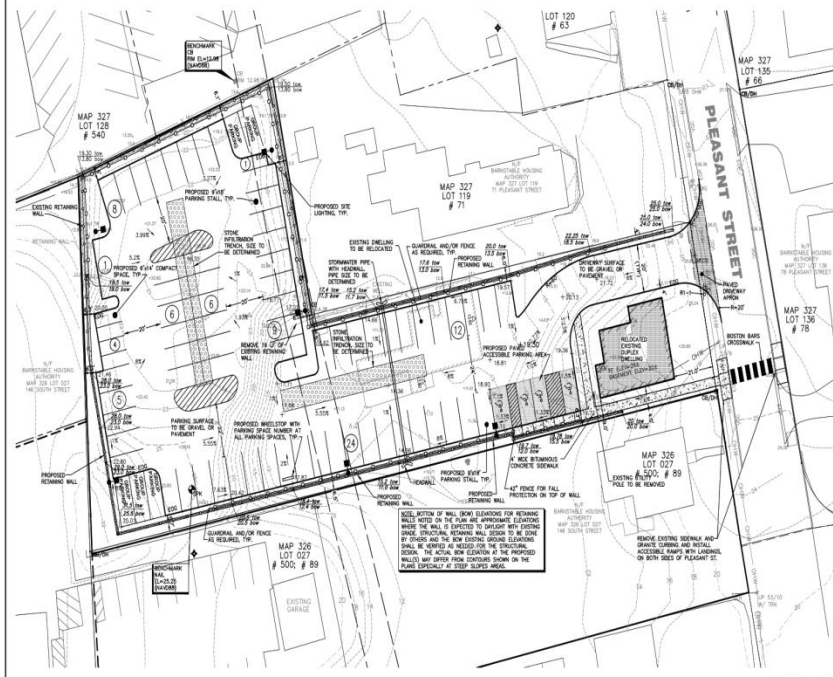
PARKING TABLE

PARKING LOT**	70 PARKING SPACES (8'x18')
	1 PARALLEL SPACE (8'x25')
	3 COMPACT SPACES (8'x14')
	5 GROUP SPACES (8'x18')
	81 TOTAL SPACES

LANDSCAPING

USE INTERIOR LANDSCAPING	10% ± 3,362 SF ± 3,336 SF	N/A	2.8% (668 SF)**
STREET TREES - 1 TREE PER 30 FEET	71.5' / 30 = 2.4 TREES	N/A	1 TREE**
PARKING LOT TREES - 1 PER 8 SPACES	81 SF / 8 = 10.1 TREES	N/A	11 TREES**
ACCESSIBLE PARKING (TOTAL/VAN)**	4/1* SPACES		4/1* SPACES (8'x18')
BIKING VEHICLE			8x8/10 PASSENGER

**ACCESSIBLE PARKING SPACES ARE INCLUDED AS PART OF THE TOTAL PARKING REQUIRED/PROVIDED COUNT.
**REGULATORY AGREEMENT



- NOTES:**
- THE INTENT OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT. IF APPROVED, FINAL DESIGN PLANS WILL BE NEEDED.
 - ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH WHOLESALE, TOWN ORDINANCES, REQUIREMENTS, AND SPECIFICATIONS.
 - THE CONTRACTOR SHALL CONTACT THE ENGINEER TO SCHEDULE A PRE-CONSTRUCTION MEETING AT LEAST 780 (2) WEEKS PRIOR TO COMMENCING CONSTRUCTION.
 - THE CONTRACTOR SHALL MAKE SUBMITTALS TO THE ENGINEER FOR APPROVAL BEFORE ANY FABRICATION OR DELIVERY OF PRODUCTS OR MATERIALS.
 - ALL PROPOSED WALKWAYS WILL BE HANDICAPPED ACCESSIBLE. ALL PROPOSED RUNNING SLOPES ON WALKWAYS SHALL BE LESS THAN OR EQUAL TO CROSS SLOPES < 2%. THESE ARE MAXIMUM SLOPES WITH NO TOLERANCE. ALL WORK WILL BE IN ACCORDANCE WITH THE MOST CURRENT REQUIREMENTS OF THE U.S. ACCESS BOARD, AMERICANS WITH DISABILITIES ACT & COMMONWEALTH OF MASSACHUSETTS ARCHITECTURAL ACCESS BOARD.
 - DEMOLISH REMOVE ALL EXISTING STRUCTURES, FOUNDATIONS, CONCRETE PADS, FENCES AND APPURTENANCES UNLESS OTHERWISE NOTED TO REMAIN. SALVAGE OR REUSE SALVAGE DURING PAVEMENT IN AREA OF PARKING WHERE ASPHALT IS STRUCTURALLY SOUND, SHOW NO SIGN OF CRACKING, AND MEETS PROPOSED GRADES SHOWN ON GRADING PLAN.
 - EXISTING PAVING EDGES SHALL BE SANITARY TO CREATE A CLEAN EDGE WHERE IT IS TO BE TIED INTO NEW PAVING, OR WHERE ASPHALT IS REMOVED ADJACENT TO ASPHALT WHICH IS TO REMAIN. BROKEN OR UNUSABLE PAVEMENT SHALL BE REMOVED AND SURFACE REPAIRED WITH SUITABLE COMPACTED MATERIAL PER PAVEMENT SECTION DETAIL HEREIN. ANY SLOTTED LINES SHOWN ON THE PLAN ARE APPROXIMATE ONLY. THE EXACT EDGE OF SLOTTED SHALL BE DETERMINED BY THE CONTRACTOR IN THE FIELD TO PROPERLY BLEND TO THE SURROUNDING GRADES. PROPOSED ASPHALT SHALL BE PROPERLY BITUMED AND BLENDED TO SURROUNDING ASPHALT WHICH IS TO REMAIN. THE BLENDED TRANSITION BETWEEN PROPOSED AND EXISTING ASPHALT SHALL BE WITH AN APPROXIMATE 1:16 GRADE UNLESS OTHERWISE IDENTIFIED. THE JOINT SHALL NOT BE ABRUPT.
 - DIMENSIONS SHOWN ARE TO OUTSIDE FACE OF FOUNDATION OR TO THE FACE OF CURB/BERM UNLESS OTHERWISE NOTED.
 - THE CONTRACTOR SHALL NOTIFY AND COORDINATE A SITE MEETING WITH THE ENGINEER PRIOR TO PLACING FINAL PAVING COURSE. LAYOUT AND FINAL REQUIRED DIMENSIONS ARE TO BE REVIEWED AT THIS MEETING PRIOR TO PAVING OPERATION. REQUIREMENTS SHALL BE PER MASSDOT STANDARD SPECIFICATIONS.
 - ALL PAVEMENT MARKINGS AND STRIPING SHALL FOLLOW MFCO STANDARDS. TYPICAL LINE WIDTH FOR LANE AND PARKING SHALL STRIPING SHALL BE 4 INCHES UNLESS OTHERWISE NOTED. PARKING STALL COLOR SHALL BE WHITE, TYPICAL, UNLESS OTHERWISE NOTED.
 - BUILDING AND SITE SIGNAGE SHALL MEET REQUIREMENTS OF TOWN ZONING AND/OR SIGN ORDINANCES. SITE SIGN FOR PARKING LOT WILL BE PROVIDED PER TOWN LICENSING REGS.
 - SEE ELECTRICAL DRAWINGS BY OTHERS.

FOR PERMIT ONLY NOT FOR CONSTRUCTION

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM#2021-183
INTRO: 06/17/2021**

**2021-183 APPROVAL OF EXEMPTION OF FINANCIAL INTEREST FROM SECTION 20
OF G.L. c. 268A**

RESOLVED: That the Town Council does hereby approve the exemption of John Doherty’s financial interest in a municipal contract pursuant to G.L. c. 268A, § 20(b), as described in Mr. Doherty’s disclosure form presented to the Town Council at this meeting, thereby authorizing Mr. Doherty to accept a second municipal position as a Seasonal Waterways Enforcement Officer with the Marine and Environmental Affairs Department; and further authorizes the President of the Town Council to sign the approval on the disclosure form on behalf of the Town Council.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM#2021-183
INTRO: 06/17/2021

SUMMARY

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Karen L. Nober, Town Attorney
DATE: June 17, 2021
SUBJECT: Approval of exemption from financial interest from Section 20 of G.L. c. 268A

BACKGROUND: Section 20 of G.L. c. 268A, the state conflict of interest law, generally prohibits municipal employees from having a financial interest in a contract made by a municipal agency of the same city or town that employs them, including a second paid municipal position. There are, however, numerous exemptions to this section of the law.

The Marine and Environmental Affairs Department (“MEA”) would like to employ John Doherty within its Harbormaster Division as the Seasonal Waterways Enforcement Officer. Because Mr. Doherty is also employed as an EMT/Firefighter with the Hyannis Fire District (the “Fire District”), he is seeking an exemption under Section 20(b) of the conflict of interest law, which requires, among other things, that he obtain the approval of the Town Council to accept this second municipal position with MEA. (Although the Fire District is not a department of the Town, it is considered a municipal agency for purposes of the conflict of interest law – see G.L. c. 48, § 90.)

The Section 20(b) exemption is available to Mr. Doherty because the second position (the MEA position) is not with the Fire District; the Fire District does not regulate the activities of MEA (the contracting agency); as a Fire District employee, Mr. Doherty does not participate in or have official responsibility for any of the activities of MEA; and the MEA position was publicly advertised. In addition, because the MEA position is considered a contract for personal services, the following must be true for Mr. Doherty to be able to use this exemption:

- (1) The MEA services must be provided outside of his normal working hours for the Fire District;
- (2) The MEA services are not required as part of his regular duties as a Fire District employee and he is not compensated by MEA for more than 500 hours in a calendar year;
- (3) The head of MEA must make and file with the Town Clerk a written certification that no employee of MEA is available to perform those services as part of their regular duties; and
- (4) The Town Council approves the exemption of his interest from Section 20 of the conflict of interest law.

Attached is Mr. Doherty’s disclosure of his financial interest in a municipal contract, along with the required certification by Derek Lawson, the Director of MEA. Upon approval by the Town Council, the disclosure and the certification will be filed with the Town Clerk as required by G.L. c. 268A § 20(b).

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this item by the Town Council.

STAFF ASSISTANCE: Derek Lawson, Director of Marine and Environmental Affairs

**DISCLOSURE BY MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(b)**

MUNICIPAL EMPLOYEE INFORMATION	
Name of municipal employee:	John P Doherty
Title/ Position	FF/EMT
Fill in this box if it applies to you.	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	Hyannis Fire Dept
Agency Address	95 High School Rd Ext Hyannis MA 02601
Office phone:	508 775-1300
Office e-mail:	Kfoley@hyannis-fire.org
	Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	8-27-2001
BOX # 1	ELECTED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am an elected municipal employee.
Write an X beside your financial interest.	<input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. OR <input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.
	My financial interest in a municipal contract is:
	<input type="checkbox"/> I have a non-elected, compensated municipal employee position. <input type="checkbox"/> A municipal agency has a contract with me. <input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization. <input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.
BOX # 2	NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am a non-elected municipal employee.
	<input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.

<p>Write an X beside your financial interest.</p>	<p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>-- OR --</p> <p><input checked="" type="checkbox"/> STATEMENT # 2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<p>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</p>	
<p>Name and address of municipal agency that made the contract</p>	<p>MARINE and ENVIRONMENTAL AFFAIRS (MEA) 1189 Phineas Lane, Centerville MA 02632</p>
<p>Please put in an X to confirm these facts.</p>	<p>"My Municipal Agency" is the municipal agency that I serve as a municipal employee.</p> <p>The "contracting agency" is the municipal agency that made the contract.</p> <p><input checked="" type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
<p>FILL IN THIS BOX OR THE BOX BELOW</p>	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</p> <p>- Please explain what the contract is for.</p> <p>Waterways Enforcement Officer position? Assisting the Harbor Master Department with various duties.</p>
<p>FILL IN THIS BOX OR THE BOX ABOVE</p>	<p>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</p> <p>- Please identify the person or entity that has the contract with the municipal agency.</p> <p>- What is your relationship to the person or entity?</p> <p>- What is the contract for?</p>

What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it. <i>I will be paid \$19.25 an hour for an estimated total of 400 hours.</i>
Date when you acquired a financial interest	
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it.
Date when your immediate family acquired a financial interest	
Write an X to confirm each statement.	<p>FOR A CONTRACT FOR PERSONAL SERVICES –</p> <p>Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency).</p> <p>I will have a contract with a municipal agency to provide personal services.</p> <p><input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.</p> <p><input checked="" type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.</p> <p><input checked="" type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.</p>
Employee signature:	<i>John P. Roberts</i>
Date:	<i>5-18-2021</i>

Attach additional pages if necessary.

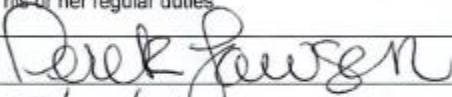
NOT A PERSONAL SERVICES CONTRACT – File disclosure with the city or town clerk.

SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.

FOR CONTRACTS FOR PERSONAL SERVICES ONLY:

If you are disclosing a financial interest in a contract for personal services with a municipal agency, you must file the Certification below signed by the head of the contracting agency, and you must get approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

CERTIFICATION BY HEAD OF CONTRACTING AGENCY

	INFORMATION ABOUT HEAD OF CONTRACTING AGENCY
Name:	DEREK LAWSON
Title/ Position	DIRECTOR, MARINE AND ENVIRONMENTAL AFFAIRS
Municipal Agency:	MARINE AND ENVIRONMENTAL AFFAIRS
Agency Address:	1189 PHINNEYS LANE CENTERVILLE MA 02132
Office Phone:	508.790.6273
	CERTIFICATION
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	5/10/21

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN OR TOWN COUNCIL**

	INFORMATION ABOUT APPROVING BODY
Name:	
Title/ Position	
Agency Address:	
Office Phone:	
	APPROVAL
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Attach additional pages if necessary.
File disclosure, Certification and Approval with the city or town clerk.

Form revised February, 2012

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-184
INTRO: 06/17/2021**

2021-184 TRANSFER ORDER IN THE AMOUNT OF \$150,000 FROM THE PUBLIC WORKS DEPARTMENT OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING DESIGN AND PERMITTING OF THE SNOW'S CREEK CULVERT REPLACEMENT PROJECT

ORDERED: That the amount of **\$150,000** be transferred from the Fiscal Year 2021 Public Works Department Personnel Budget to the Capital Projects Fund for the purpose of funding the design and permitting of the Snow's Creek Culvert Replacement Project.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2021-184
INTRO: 06/17/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: June 17, 2021
SUBJECT: Transfer Order in the amount of **\$150,000** from the Department of Public Works Operating Expense Budget for the purpose of funding design and permitting of the Snow's Creek Culvert Replacement Project

BACKGROUND: Due to vacancies in salaried positions throughout the fiscal year in the Department of Public Works, the department currently has approximately \$430,000 of unencumbered salary funds. The department proposes to access a portion of the projected savings to fund the completion of permitting and design of the Snow's Creek Culvert Replacement Project. Included in the effort will be the design of a new boardwalk on the east side of the culvert. Also included will be a detailed third party Hydrologic and Hydraulic Assessment of the culvert improvements to further evaluate the benefits and impacts of the proposed project.

FINANCIAL IMPACT: This request, if approved, will reduce the estimated amount of unexpended Fiscal Year 2021 appropriations that would be turned back to the General Fund at the close of the Fiscal Year and become part of the Town's Free Cash.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works; Griffin Beaudoin, P.E., Town Engineer

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM #2021-185
INTRO: 06/17/2021**

**2021-185 TRANSFER ORDER IN THE AMOUNT OF \$337,335 FOR TOWN HALL
RESTROOM RENOVATIONS PROJECT**

ORDERED: That Town Council appropriation order number 2017-069 for the Town Hall Restroom Renovations project be increased by the amount of **\$337,335** from **\$560,000** to **\$897,335** for the purpose of funding the Town Hall Restroom Renovations Project; and that to provide for this increase, that the remaining available funds from the following appropriations be transferred:

Town Council Order 2014-102 Police Facility Improvements	\$113.90
Town Council Order 2015-100 Police Facility Improvements	\$15,300.54
Town Council Order 2017-072 JFK Museum Plaza Replacement	\$12,743.76
Town Council Order 2017-087 Senior Center Standby Generator	\$84,866.89
Town Council Order 2018-094 Marstons Mills Portable Classroom Demolition	\$131,950.59
Town Council Order 2019-126 Main Street Tree Lighting	\$7,579.31
Town Council Order 2020-157 Fiscal Year 2021 DPW Operating Budget	\$84,780.10
Total	\$337,335.00

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2021-185
INTRO: 06/17/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: June 14, 2021
SUBJECT: Transfer Order in the amount of **\$337,335** for the purpose of funding the Town Hall Restroom Renovation Project

BACKGROUND: Construction and bid documents were completed for the Town Hall ADA Restroom Improvement project by Habeeb Architects in the fall of 2020. Initial bids were received and opened in January of 2021. Due to the limited number of bidders the project was re-bid. Although an increased number of bidders responded, the resultant bids were higher. The bid price of the lowest qualified bidder exceeds the budgeted amount of the current appropriation.

ANALYSIS: In order to award the project to the lowest qualified bidder an additional \$337,335 is needed. The Department of Public Works has completed or nearly completed several capital projects and has identified remaining available funds that could be redirected to this project totaling \$252,554.90. The remaining funds needed of \$84,780.10 can be provided from the Fiscal Year 2021 Department of Public Works operating budget. A turnover in staffing has resulted in the operating budget accruing savings that can be redirected to this project without affecting service levels for the remainder of the fiscal year.

FISCAL IMPACT: Upon the completion of a project any remaining funds in capital appropriations are available to be redirected to other capital projects. Additionally, any operating budget savings identified can be transferred to fund another project or operating budget need; otherwise, they will be closed to the General Fund reserves at the end of the fiscal year.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of the Transfer Order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works, Mark A. Milne, Finance Director