



Town Council Meeting
June 17, 2021



A quorum being duly present, President Matthew Levesque called the June 17, 2021, Town Council meeting to order at 7:05 PM.

An announcement was made by President Levesque regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: (On Zoom) Nikolas Atsalis, David Bogan, Jennifer Cullum, Debra Dagwan, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **Absent: Kristine Clark**

President Levesque notified everyone today's meeting is in person however as of July 1st we will be back to remote due to the public input that is in favor of public engagement and a change in the legislation.

The Pledge of Allegiance was led by President Levesque and during a moment of silence Councilor Cullum, asked all to keep the family of Ralph Krau in their thoughts and prayers.

PUBLIC COMMENT:

Tina Carey speaking about the barriers (thank you to Mark Ells) for removing them at the west end of Main Street. The businesses on Main Street, Hyannis will be getting petitions together to remove more of the barriers. Still have four handicapped spaces blocked, safety issue opening the side doors. Jaywalkers are now all over the street, children are walking on the barriers. Bump outs should not have anything on them to obstruct view.

Meaghan Mort is very appreciative of the Council going back to zoom meetings.

Matt Ostrowski spoke about the five fire districts in the Town of Barnstable, which has total 2020 budget of 37.7 million dollars. The Town of Plymouth fire department budget was 17 million dollars. Plymouth has more area and a larger population but they spend less money through the fire department because they use a private Emergency Medical Service (EMS). We could put those 20 million dollars to the wastewater program. If we could do a restructuring of the five fire departments, hire an independent group to study the restructuring of the five fire departments to one, use a private EMS, to see where we could save taxpayer money and redirect that to the wastewater.

Elizabeth Wurfbain spoke to how great things are and everyone is working so hard with the businesses so they can be successful, safety has been number one with a family friendly atmosphere. Gourmet Brunch is very happy with the way Main Street is now, it is family friendly, quieter and happier. The Little Toy Shop sees that there is a real long term vision which feels like a team and a family friendly place.

Mary Myrick having a problem with the cars and motorcycles and the noise they are creating on Main Street, South Street, and North Street. are very loud. I know there is a noise ordinance, can we start enforcing this ordinance? There are many complaints about the noise from the businesses as well.

Chief Sonnabend spoke to the concerns of the traffic. Thanked all the members of the Barnstable Police Department for all their efforts. We do get a lot of complaints about traffic at this time of year. The Town does have a noise ordinance bylaw, we very rarely write those citations, because the state has a controlling Massachusetts General Law and Motor Vehicle Law that speaks directly to that as well. A Town ordinance citation does not go to the Registry of Motor Vehicles, and does not go on your driver history, so we never know if this person is a repeat offender. However, the Motor Vehicle Law citation goes directly to their driver record.

(Cullum) Maybe we should have a focus group, these are the same roads same precincts could we get together and have a few more voices in to discuss how to handle this issue.

Response to Public Comment:

(Bogan) When we have the loud cars, I notify the Town Manager and the Chief, and the police do respond. Appreciate your efforts Ms. Carey as the lone voice, your persistence has paid off. Restructuring the fire districts we may not be able to do anything but thank you for bringing it forward. (Rapp Grasseti) Consolidation of the fire districts, I would support spending money to look at privatizing it would be a good thing. I would support an independent study. (Hebert) This topic has come up many times, the five fire districts are legislated and do not fall under the Town of Barnstable at all. The structure limits any action. (Cullum) Fire Districts are not under our jurisdiction at all, but it is a very interesting idea, ground swell of public opinion will sway the fire districts.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of June 3, 2021 as presented.

VOTE: PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber; 1 Abstain (Rapp Grasseti)

**COMMUNICATIONS- from elected officials, boards, committees, and staff
commission reports, correspondence and announcements:**

(Dagwan) Spoke to the memory of Ralph Krau who was a member of the Hyannis Civic Association. She announced the new elected officers of the Hyannis Civic Association; a night with the Harbor Hawks and the Harbor Boat Parade will be coming up. (Atsalis) Recreation Commission has 21 lifeguards short; please contact the Recreation Department (Bogan) Thanks to the Town Manager and President Levesque for attending the Osterville Village Association meeting. Town Manager Ellis also attended the Osterville Business Association meeting.

2021-153 APPROPRIATION ORDER IN THE AMOUNT OF \$2,353,579 FOR THE INSPECTIONAL SERVICES DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021, 06/03/2021, 06/17/2021

Commissioner Brian Florence gave the rationale
Open public hearing seeing no one close public hearing

Councilor Comments and Questions:

(Starr) is there now a hotline for rental complaints; (Florence) Yes. (Starr) Who responds to them (Florence) My staff responds to them and based on the complaint, we send it to the right person (Starr) are they anonymous? (Florence) Anything that comes to us is public record. (Cullum) Where is the number for the hotline (Florence) it is on the website; (Schnepp) in fiscal year 2020 there was a huge discrepancy between the budget numbers, is that due to Covid? We have been very, very busy in the building and health departments. Schnepp do you anticipate any additional activities that our health department will be involved in (Florence) We are continuing with the Covid vaccinations and are still on-going, along with the tracking, and eventually wrapping that up. (Levesque) Thank you for the work done and the time and effort to get the paper digitized.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepp, Shaughnessy, Starr, Steinhilber

<p>2021-154 APPROPRIATION ORDER IN THE AMOUNT OF \$10,470,034 FOR THE PUBLIC WORKS DEPARTMENT GENERAL FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021, 06/03/2021, 06/17/2021</p>

Dan Santos, Public Works Director gave the rationale, along with the senior staff.
Open public hearing seeing no one close public hearing

Councilor Comments and Questions:

(Cullum) which schools are getting the field maintenance (Santos) Starting with Hyannis East, phasing the fields in over time (Cullum) How long will the phases take (Santos) we are just starting with these. (Ells) They have been helping us with the costs of maintaining grounds, we are shifting to the DPW, when we look at the Hyannis Youth and Community Center (HYCC) and the Hyannis East there is a significant difference in the quality of the fields. (Atsalis) At what point in time will the new baseball field be used for other organizations to bring in revenue (Ells) At our next Town Council meeting will ask Superintendent Mayo-Brown to answer this question. (Rapp Grasseti) Cyano Bacteria have contracted with Association to Preserve Cape Cod (APCC) (Santos) Yes we have contracted with APCC and that will start (Rapp Grasseti) bid out for 500,000 for the Osterville Field (Santos) 2019 Capital Improvement Project (CIP) for designing that facility and the fields. (Rapp Grasseti) so this bid is just for the construction of the field itself. (Santos) Yes

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-155 APPROPRIATION ORDER IN THE AMOUNT OF \$3,407,469 FOR THE SOLID WASTE ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET
INTRO: 05/20/2021, 06/03/2021, , 06/17/2021

Dan Santos, Public Works Director gave the rationale, introduced Town Engineer Griffin Beaudoin, Highway Supervisor Mike Perry, and Structures and Grounds Supervisor Joe Marshall.

Open public hearing seeing no one close public hearing

Councilor Comments and Questions:

(Starr) Compost sifting is back in the budget (Santos) Yes, (Starr) how about the newspaper compacting did that get fixed (Santos) we have both of those (Starr) How can we help (Santos) reduce the amount of trash. (Starr) How can we get the best price for plastic (Santos) Plastic is just trash it doesn't get recycled. (Levesque) My family has done more recycling and started a compost pile; and started a garden; everyone should try to reduce the trash. (Santos) We are going to do some education on these items

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-156 APPROPRIATION ORDER IN THE AMOUNT OF \$4,299,130 FOR THE WATER POLLUTION CONTROL ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET
INTRO: 05/20/2021, 06/03/2021, 06/17/2021

Dan Santos, Public Works Director gave the rationale, introduced Water Pollution Control Supervisor Andrew Boule

Open public hearing seeing no one close public hearing

Councilor Comments and Questions:

(Neary) How are we progressing with the study/execution of reducing nitrogen at the plant (Santos) Progressing to get that done probably in the fall (Atsalis) What are the chemicals and what are they used for (Boule) In this instance the chemicals are sodium hypochloride (used for odor control and effluent disinfection prior to disposal) hydrogen peroxide (used for odor control). (Hebert) Any thoughts of having a regional biodigester perhaps with Yarmouth, (Santos) Meeting with the Yarmouth Town Administrator next week, will ask that question (Starr) The budget for the sludge did you sign a three year contract; (Starr) Can that facility handle the increases in sludge as others connect (Santos) They have not indicated any issues as yet. (Starr) Is there other technologies, (Santos) Yes, but this is the most cost effective option (Starr) can PFO, PFA be removed before it is sent out (Santos) Universities are looking at these types of things, right now we do not have the technology.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-157 APPROPRIATION ORDER IN THE AMOUNT OF \$7,385,062 FOR THE WATER SUPPLY ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET
INTRO: 05/20/2021, 06/03/2021, 06/17/2021

Dan Santos, Public Works Director gave the rationale, introduced Hans Keijser Supervisor Open public hearing seeing no one close public hearing

Councilor Comments and Questions:

(Bogan) could you explain the credit card fees, (Santos) What we have to pay for customers to use their credit cards, (Milne) Built into the rate structure (Starr) New sources of well water report is it available (Santos) Have just received the report, the next phase would be to do in depth testing, you should see that shortly (Starr) Thank Hans and Mark Milne, the Hyannis water rates are not as high this year at 5 percent versus 7 percent.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-158 APPROPRIATION ORDER IN THE AMOUNT OF \$1,202,939 FOR THE COMPREHENSIVE WASTEWATER MANAGEMENT PLAN FISCAL YEAR 2022 OPERATING BUDGET
INTRO: 05/20/2021, 06/03/2021, 06/17/2021

Dan Santos, Public Works Director gave the rationale, Open public hearing seeing no one close public hearing

Councilor questions and comments:

(Hebert) About the private way maintenance we are getting many calls about the private roads, we are hearing that people are being told to get legal help to fight using the private road (Santos) If people put up signs to restrict access or a gate, the DPW cannot do anything for them (Ells) Private property, private dispute between neighbors we cannot do anything. (Hebert) Since there are about eleven hundred private roads, wonder if there is some kind of statute to show that they have access to the road. Can the town be helpful? (Ells) Not a function of the Town would be happy to listen to them; you would have to accept a line item to make a private road a public road. This item is a funding source.

(Santos) This is projects we have in hand. (Rapp Grasseti) Mark Milne can you give us a fund balance and how much have we spent on private way (Milne) fund balance is about 17.7 million, that is available, did not spend any on private roads this year (Schnepp) Was this in our book as a new fund? Will all of these positions fall under the administrative branch; this is a well needed increase.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepp, Shaughnessy, Starr, Steinhilber

Jump to 2021-178

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 INTRO: 06/03/2021, 06/17/2021
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Dan Santos, Director of Public Works gave the rationale
Open public hearing seeing no one close public hearing

Councilor questions and comments:

(Hebert) This is phase one, when do you think the first connections will take place
(Santos) In the middle of 2023. (Schnepp) Could you explain where the 4 million 775 dollars came from? It looks like we already appropriated 9.5 million dollars (Santos) It's the difference between what was appropriated and the state revolving fund (Ells) Good opportunity to use the American Rescue Plan Act (ARPA) funds, may be eligible, we will keep a close eye on it.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepp, Shaughnessy, Starr, Steinhilber

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 INTRO: 06/03/2021. 06/17/2021

Dan Santos, Director of Public Works gave the rationale
Open public hearing seeing no one close public hearing

Councilor comments and questions:

(Starr) What is the rate of borrowing the money (Milne) we have the capability of borrowing anywhere from zero percent to two percent due to the available funding (Hebert) Way overdo thank you for taking it on.

Upon a motion duly made and seconded it was

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 therefore; 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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

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

Dan Santos, Director of Public Works gave the rationale
Open public hearing seeing no one close public hearing

Councilor comments and questions:

(Starr) Is the sewer pipe going up the middle of the road (Santos) No the side of the road

Upon a motion duly made and seconded it was

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 therefore; 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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

Jump to 2021-184

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 INTRO: 06/17/2021

Dan Santos, Director of Public Works gave the rationale
Open public hearing seeing no one close public hearing

Councilor comments and questions:

(Cullum) Ocean Street residents are very involved in this project, and fully support this item (Bogan) Thank you for getting this done so we are ready for the federal funds.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-185 TRANSFER ORDER IN THE AMOUNT OF \$337,335 FOR TOWN HALL RESTROOM RENOVATIONS PROJECT INTRO: 06/17/2021

Dan Santos, Director of Public Works gave the rationale and introduced Mark Marinaccio, Town Architect.

Open public hearing seeing no one close public hearing

Councilor comments and questions:

(Rapp Grassetti) Will the restroom be touch less, flush and water, and motion paper dispenser (Santos) Yes. (Starr) What is the budget for the whole project? (Marinaccio) the budget for the project is \$897,334.80 (Santos) we have seen the Covid bump in our bidding.

Upon a motion duly made and seconded it was

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

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-159 APPROPRIATION ORDER IN THE AMOUNT OF \$282,975 FOR THE TOWN COUNCIL DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021, 06/03/2021, 06/17/2021

Rationale given by Finance Director, Mark Milne
Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-160 AMENDMENTS TO THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, AND CHAPTER 241, ARTICLE IV, MUNICIPAL ORGANIZATION INTRO: 05/20/2021, 06/03/2021, 06/17/2021

Rationale given by Finance Director, Mark Milne

Councilor comments and questions:

(Rapp Grassetti) Licensing falls under the Town Manager (Ells) A position was created in our department and filled by Liz Hartsgrove.

Upon a motion duly made and seconded it was

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.”

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnep, Shaughnessy, Starr, Steinhilber

2021-161 APPROPRIATION ORDER IN THE AMOUNT OF \$1,192,789 FOR THE TOWN MANAGER DEPARTMENT GENERAL FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021, 06/03/2021, 06/17/2021

Rationale given by Finance Director, Mark Milne
Open public hearing seeing no one close public hearing

Councilor comments and questions:

(Hebert) Will this include beach stickers (Ells) no; beach stickers will stay with recreation.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnep, Shaughnessy, Starr, Steinhilber

Schnep left the meeting

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

Rationale given by Finance Director, Mark Milne
Open public hearing seeing no one close public hearing

Councilor comments and questions:

(Bogan) the personnel that I have come in to contact with from that department, they are outstanding (Cullum) are we contemplating a more hybrid model to have public comment by zoom to help the increase in public comment (Ells) we are looking at how to do that well and remain compliant with the Open Meeting Law (OML) right now we are either remote or in person.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Shaughnessy, Starr, Steinhilber

2021-163 APPROPRIATION ORDER IN THE AMOUNT OF \$6,456,364 FOR THE ADMINISTRATIVE SERVICES DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021, 06/03/2021, 06/17/2021

Rationale given by Finance Director, Mark Milne
Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was
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.

VOTE: PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Shaughnessy, Starr, Steinhilber

2021-164 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE FISCAL YEAR 2022 TOWN COUNCIL RESERVE FUND INTRO: 05/20/2021, 06/03/2021, 06/17/2021

Rationale given by Finance Director, Mark Milne
Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was
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.

VOTE: PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Shaughnessy, Starr, Steinhilber

2021-165 APPROPRIATION ORDER IN THE AMOUNT OF \$51,369,023 FOR THE OTHER REQUIREMENTS FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021, 06/03/2021, 06/17/2021

Rationale given by Finance Director, Mark Milne
Open public hearing seeing no one close public hearing

Councilor comments and questions:

(Bogan) What is Registry of Motor Vehicles(RMV) non renewal surcharge (Milne) A surcharge we receive from the Registry of Motor Vehicles for renewing expired registration charged to license holder and passed onto us (Starr) What is the difference between mosquito control and the green head fly control (Milne) Two separate groups (Cullum) is the tech enrollment dropping (Milne) slight drop of 20 students, next years assessment, the students will be in the new building (Hebert) New school building is phenomenal, good mix of students and the attendance; the projection next year more Barnstable students are expected to attend (Ells) point of interest, that Len Gobeil and Councilor Hebert are the Barnstable representatives at Cape Cod Regional Technical High School, and keep him informed (Neary) Debt service could you give us background on that service (Milne) Principal and interest payments on our outstanding bonds associated with all of our general funds capital improvements (Neary) Will we see the Comprehensive Wastewater

Management Plan (CWMP) on the Debt Service line item or a separate line item (Milne) It will be a separate line item (Neary) Where are we on that currently with that debt service, (Milne) Currently, the Debt Service is about \$580,000.00 which includes a couple of loans, the biggest one being Stewarts Creek.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Shaughnessy, Starr, Steinhilber

2021-166 APPROPRIATION ORDER IN THE AMOUNT OF 3,641,181 FOR THE COMMUNITY PRESERVATION COMMITTEE (CPC) FISCAL YEAR 2022 ADMINISTRATIVE EXPENSE BUDGET AND MINIMUM PROGRAM SET-ASIDES INTRO: 05/20/2021, 06/03/2021, 06/17/2021
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Rationale given by Finance Director, Mark Milne
Open public hearing seeing no one close public hearing

Councilor comments and questions:

(Hebert) Can you give examples of how the community housing budget is used? (Milne) a 2.5 million dollar transfer to the Affordable Housing Trust Fund, some of that money used for the 850 residences, some to the Housing Assistance Corporation to provide assistance to renters. (Starr) How much longer are we paying for the land bank (Milne) that is coming up in the next appropriation.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Shaughnessy, Starr, Steinhilber

2021-167 APPROPRIATION ORDER IN THE AMOUNT OF \$1,664,958 FOR THE COMMUNITY PRESERVATION FUND FISCAL YEAR 2022 DEBT SERVICE BUDGET INTRO: 5/20/2021, 06/03/2021, 06/17/2021

Rationale given by Finance Director, Mark Milne
Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grassetto, Hebert, Levesque, Neary, Shaughnessy, Starr, Steinhilber

2021-168 FISCAL YEAR 2022 REVOLVING FUND SPENDING LIMITATIONS INTRO: 05/20/2021, 06/03/2021, 06/17/2021
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Rationale given by Finance Director, Mark Milne
Open public hearing seeing no one close public hearing

Council comments and questions:

(Hebert) On the Asset Management fund how is that money used? (Milne) can be used for any expenditure related to the comprehensive management of town assets (Atsalis) how is that typically used for Recreation (Milne) Biggest program is the summer leisure program used for staffing and supplies.

Upon a motion duly made and seconded it was

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**

VOTE: PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grassetto, Hebert, Levesque, Neary, Shaughnessy, Starr, Steinhilber

2021-169 ACCEPTANCE OF PROVISION OF GENERAL LAWS CH. 40, § 3 RELATING TO TOWN REVENUE INTRO: 05/20/2021, 06/03/2021, 06/17/2021
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Rationale given by Finance Director, Mark Milne
Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grassetto, Hebert, Levesque, Neary, Shaughnessy, Starr, Steinhilber

**2021-130 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
06/17/2021**

Upon a motion duly made and seconded it was

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;

VOTE: TO A 2ND READING 07/15/2021-PASSED 10 YES,

Roll Call: Atsalis, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Shaughnessy, Starr, Steinhilber, 1 NO (BOGAN)

**2021-130A APPOINTMENT TO A BOARD/COMMITTEE/COMMISSION INTRO:
06/17/2021**

President Levesque recused himself from this item and left the dais. Councilor Starr called for the vote.

Upon a motion duly made and seconded it was

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

VOTE: TO A 2ND READING 07/15/2021-PASSED 10 YES

Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Shaughnessy, Starr, Steinhilber

**2021-130B APPOINTMENT TO A BOARD/COMMITTEE/COMMISSION INTRO:
06/17/2021**

Councilor Steinhilber recused himself from this item and left the dais

Upon a motion duly made and seconded it was

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

VOTE: TO A 2ND READING 07/15/2021-PASSES 10 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Shaughnessy, Starr

**2021-181 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION: INTRO:
06/17/2021**

Upon a motion duly made and seconded it was

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 Garreffo, 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 Garreffo, 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; 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

VOTE: TO A 2ND READING 07/15/2021-PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grassetto, Hebert, Levesque, Neary, Shaughnessy, Starr, Steinhilber

2021-181A REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/17/2021

President Levesque recused himself from this item and left the dais; Councilor Starr called for the vote

Upon a motion duly made and seconded it was

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;

VOTE: TO A 2ND READING 07/15/2021-PASSES 10 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grassetto, Hebert, Neary, Shaughnessy, Starr, Steinhilber

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 INTRO: 06/17/2021

Upon a motion duly made and seconded it was

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

VOTE: TO A PUBLIC HEARING ON 7/15/21-PASSES 11 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Shaughnessy,

Starr, Steinhilber

2021-183 APPROVAL OF EXEMPTION OF FINANCIAL INTEREST FROM SECTION 20 OF G.L. c. 268A INTRO: 06/17/2021

Town Attorney, Karen Nober gave the rationale

Councilor questions and comments:

(Starr) Mr. Doherty cannot work more than 500 hours in a year, are all of his hours in July and August? (Nober) I believe he stated that in his disclosure (Starr) How many hours a week is he working? (Nober) I do not know; (Starr) How many weeks is he going to work? (Nober) I believe it is in his disclosure he expects to work 400 hours.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 10 YES, Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Shaughnessy, I NO (Starr)

Mark Ellis Town Manager relayed a message from Councilor Clark, regarding the train trash, have received a response, they are paying attention to the issues and are addressing the issues that have been presented to them.

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 10:20 PM

Respectfully submitted,

Ann M Quirk
Town Clerk/Town of Barnstable

NEXT MEETING: July 1, 2021