



Town Council Meeting  
April 15, 2021



The April 15, 2021 meeting of the Barnstable Town Council was physically closed to the public to avoid group congregation.

A quorum being duly present, President Matthew Levesque called the April 15, 2021, Town Council meeting to order at 7:02 PM from a remote location.

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, Kristine Clark, Jennifer Cullum, Debra Dagwan (7:10), Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber

The Pledge of Allegiance was led by President Levesque followed by a moment of silence to keep the families of Marcia Morin and Ned Semprini in your thoughts and prayers.

**PUBLIC COMMENT:**

Karen Maguire urges the Councilors to save the 35 Scudder Avenue for open space; she has spoken to the attorney involved in the sale of the Twin Brooks property with her concerns for maintaining green space. Will be asking the permit and planning agencies not to allow a development of this density to go forward; and have spoken to other groups about perhaps purchasing the property for open space.

Elizabeth Lewis is concerned about item number 2021-140 regarding the housing on 850 Falmouth Road changing to market rate housing versus affordable housing, what defines market rate versus affordable housing? How do we guarantee the rents will be affordable for the workers on Cape Cod?

Martin MacNeely regarding Accessory Dwelling Units (ADU's) we need to get that moving forward, this is essential. On the sewer project, this is also essential to the Town of Barnstable and tourism, hopefully the DPW will come up with some more affordable alternatives. The town has been very responsive to my questions.

Tina Carey the Barnstable Sewer plant is currently over it's maximum flow per day and there is no place to put the effluent dump site, why are you spending our money if you have no place to put the effluent? She is still waiting for a response to the Nitrex system to be installed on our own property instead of hooking up to the sewer?

Maryann Barboza wants to speak about the ADU's right now. (Levesque) you can speak on any topic. Isn't the affordable housing on the agenda tonight, regarding the petition that was signed, the committee that wants to be voted in? Where are those people from that signed that petition? (Levesque) There is nothing on tonight's agenda for the ADU's. (Atsalis) I think she is combining the ADU's with the group petition requesting a residential zoning task force; (Levesque) it is not on the agenda tonight, this may be on an agenda going forward. (Barboza) For a committee to be recognized as having merit, we should be a part of it. We need affordable housing right here, the high rents have pushed us out. No one should have to go through any changes due to being a minority or a lack of money. We are not going backwards, we believe in helping each other.

Alan Feltham from neighborhood group that has been working with the town to improve the tourist and pedestrian safety along Ocean Street, to slow down the traffic, enhance the beach entrances and the appearances. We have the support of the neighborhood, DPW has been very helpful and the police have been excellent.

Tara Vargas Wallace does not support the extra zoning task force, she does support new and affordable housing.

Dr Steven Patalano a resident of Hyannis is aware of the problems that we face daily and nightly on Ocean Street. Our number one concern is safety of our pedestrians, we need sidewalks with lighting. Ocean Street at night is a speedway, which poses a real risk to residents. Any measures to help the homeless would be appreciated and to clear up the unsavory activity at night.

Deb Krau of the Greater Hyannis Civic Association worked with the town to improve the situation to deal with the area from Gosnold Street to Kalmus Beach. The first two item numbers 2021-116 and 2021-117 is to make the area attractive and safe for residents and tourists. She asked the Councilors for support of 2021-116 and 2021-117, thank you for your time.

Whitney McNamara a Hyannis resident, speaking on the ADU's and the bylaw changes, there are no houses available. Having an ADU will allow us to help pay for our home and it would allow for more rental units. She asked the committee to have a public hearing to speak on behalf of housing in the Town of Barnstable. She is against creating the task force.

Marinetti Matos as a Hyannis resident said the need for changes to the ADU's is a good thing for Barnstable, it is very hard to find a place to live that is affordable. Many young people cannot find affordable housing.

Gary Lopez spoke about the lawsuit of the Conservation Law Foundation (CLF) against the Town of Barnstable's sewer plant. He hopes that the decision will be to shut down all pollution sources which he believes is the sewer plant. Each day the plant discharges untreated sewerage, you can see that in the nitrates in Lewis Bay. I am sure the Council will deem it wiser to await the CLF decision.

Jitka Borowick asked the Council to work on affordable housing; as an employer my employees cannot afford houses and places to live. The housing shortage is a business and a sustainable issue, we need the employees, asked to consider and act on the ADU bylaw changes quickly.

Michelle Sgarlet a member of the Climate Action Network, in March a climate bill passed the next generation of 50% reduction of green house gasses by 2030. The second development is a report released about the economic impact to continued sea level rise. We need power supplied by electricity and renewable energy. When changing and replacing air system and water system is the town staff looking for systems powered by electricity. Change the Town vehicles to electric. Thank you for your work.

Adam Burnett called to support the ADU's bylaw changes and is still waiting to hear what we can do with the changes. We need financially affordable units for people to rent.

Meaghan Mort very supportive of the ADU bylaws; is concerned when a group is for civic engagement, the information should be available to the public via the internet or a website.

Kati Regina DaCunha supports affordable housing; people are overcrowded as there is not enough affordable housing. Please make this a priority.

Deb Bosseitti a Hyannis resident, from Gosnold Street down to the beaches it is very dark and unsafe, big rental area and the cars are screeching down the streets at night.

Bob Schulte called in to address some of the comments made tonight regarding the zoning task force petition. He said the purpose of the petition was to have a resident zoning task force to provide the town with resident input on zoning issues. The composition of the task force is yet to be determined. We have stated publicly that we do support ADU's, some changes need to be made, make sure we don't have an outside investor, we want owner occupied.

Jeanne Morrison spoke about the homeless; due to the inventory shortage it is nearly impossible to find housing security. This impacts the workers, the young and the elderly, the problem is more significant during the summer months. Another significant impact of the lack of affordable housing is the effect on the poor, people of color, and immigrants who have added burdens. No to another task force, we already have a zoning and planning committees. Make ADU's easier and change the bylaws as soon as possible.

John Julius stated he is hearing a lot about affordability around the town and a sewer freight train is headed right for us. In Stewarts Creek in 2011 the total daily nitrate was under the nitrate threshold, in 2016 the nutrient load went up. The sewer treatment is a problem, it is not working it is at the end of its life. We have a serious problem here. In Yarmouth, the towns' people were allowed to vote on the sewer plan, again soon in Mashpee they will be voting on the sewer plan. I hope we don't have to go to federal court. Chapter 83 Section 1A of the Mass General Laws (MGL) states the vote is taken by the municipality. You need to start working on a solution; you need a better affordable plan.

Natalia Frois supports affordable housing. Today, no one can find a one bedroom apartment for fewer than \$1,300.00 dollars per month. It is very hard to find affordable housing. The rentals for a two bedroom apartment is 80% of my salary, affordable housing is needed.

Director Santos and Town Manager Ells were invited to answer some of the questions, Dan Santos to do an update on the Comprehensive Wastewater Management Plan

(CWMP)

(Ells) The CLF lawsuit, they have filed but have not served us with a lawsuit they are in discussions with us. The Maui case that they have referred to is about a wastewater treatment plant that has an injection well was required to have a permit for an ocean outfall pipe, there is a seven step process that is involved. We have sand filter in our treatment plant. The DEP said we have all permits that are required; we will proceed if we need more permits.

Town Attorney Nober replied to comment citing MGL Chapter 83 Section 1A, the town has not adopted that section, we are proceeding with Section 1 of Chapter 83, and typically a vote of the municipality is a vote of the legislative body which would be our Town Council.

Elizabeth Jenkins, Director of Planning and Development, affordability versus market rate of the project. It is a mixed income rate for this project at 850 Falmouth Road, to permit 18% of the units to be affordable. The remainder is at an established market rate.

(Ells) Regarding the Ocean Street issues, the Town Council has approved a portion of design from the entrance to Veterans down to Kalmus Beach we have two requests before the Council tonight, to take the design, modify the entrance, we are trying to be shovel ready, thank you for working with us. Hope to move forward with all these projects and work with our residents and our community.

(Levesque) Stated he and Vice President Schnepf have been in discussions regarding the ADU's and it will be coming forward the first meeting in May and the proposed task force request will also be on the May 6<sup>th</sup> meeting agenda.

**Councilor Response to Public Comment:**

(Bogan) Thanked everyone for coming out tonight; regarding the ADU's, there appears to be some confusion or bad information. My understanding of the proposal is that ADU's are available for long term rentals, not investors. (Hebert) Total agreement with Councilor Bogan, the housing crisis is throughout the country. Affordable housing is going to take a collaboration of everyone to solve this problem; part of this is the sewer system. Our population has grown; we have to move forward on this waste water system. (Cullum) We have worked together for the issues in Hyannis, safety is essential as is the reconfiguration of that property as it is a crown jewel in Hyannis. (Atsalis) The installation of a Nitrex system has not been answered? (Ells) The DEP was clear, the town is held accountable to meet the requirements, whether it is a sewer system or a private system. The bottom line is we are held accountable. (Santos) Can I install a Nitrex system instead of hooking into the sewer system? The answer is no, Nitrex has provisional approval with the DEP, it may not pan out and it does not bring nitrogen down to zero. All those homes have to be sewerred and that wastewater has to go through the treatment plant to meet the water quality standards. (Rapp Grasseti) Pedestrian safety and speeding is a problem throughout the town, I would like the Council to adopt MGL Chapter 90 Section 17C to establish a speed limit on any town roadway, and we would have to identify those roads village by village to see the speed limit reduced to 25 miles an hour.

(Bogan) I endorse Councilor Rapp Grasseti, speeding is the most common complaint from our citizens. (Dagwan) The acronym ADU needs to be identified, confusing "accessory" and "affordability." She supports community engagement, we do want people to come out, and we had quite a few minority residents that spoke out about important issue. Urges everyone to listen in on public comment and continue to speak at public

comment. Sewer treatment, we need to protect our fragile environment and be proactive. Climate change we need to reduce the green house gasses and we need to create much needed jobs around all of these initiatives. Affordable housing has different levels, we need housing for young singles, young families, to hear someone say the rent is 80% of their paycheck creates stress on individuals and families.

(Schnepp) we don't have sidewalks in many of our neighborhoods, limiting the speed on the roads will help. We need to slow the traffic, provide safe crossings, she appreciates the passion and the participation of our citizens on a variety of issues, concerns about our environment; we are here to support our citizens to come to public comment.

#### **TOWN MANAGER COMMUNICATIONS:**

Town Manager Ells is forgoing his Town Managers communications.

Public Works Director Dan Santos gave an update on the CWMP regarding the status of all the projects.

#### **Councilor questions and comments:**

(Rapp Grasseti) Could you explain the stages versus the phases? In Cotuit we do not have the number of years associated with the stages. (Santos) originally we were in discussions with Mashpee, for some of our shared spaces, but that has changed. We plugged in a sewer plan in Cotuit, which is where the stages came to be, I would like to fill you after this meeting. (Hebert) congratulations on the shovel ready projects we are receiving the low rate loans, and getting approvals from the DEP. When we connect to sewer the homes will grow in value, we can't survive on Cape Cod without these measures. (Cullum) Thank you for the clarifications. A group of concerned citizens are taking a tour of the Wastewater Treatment facility on Friday. Thank you for getting everyone on the same page; this is a necessary and unavoidable project. (Clark) Thank you for the comprehensive presentation, appreciate the details, and thank you for making this available to the public. (Cullum) If Stewarts Creek wasn't rebounding there would not be any otters in the creek. (Hebert) He went on a tour of the wastewater facility, it is a great tour.

#### **ACT ON MINUTES:**

Upon a motion duly made and seconded it was to accept the minutes of April 1, 2021

**VOTE: PASSES 13 YES**

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

(Shaughnessy) Superpowers stroll this Saturday on Hyannis Main Street, 12 to 3 PM.

(Clark) She is looking for volunteers for the West Barnstable Village Clean up day, on Saturday 8:30 to noon; congratulations to the Towns Solid Waste Division for hazardous waste collection day and the glass recycling. She and Councilor Starr sent a letter to Senator Cyr and the Representatives, regarding the trash along the railroad tracks, she also informed Town Manager Ells and he communicated with the Town of Yarmouth, officials in Yarmouth have asked Mass Coastal to repair and replace equipment necessary for the hauling of the waste. (Starr) He had a conversation with Mark Forest, Selectman in Yarmouth regarding the debris by the train tracks. (Bogan) In Osterville there will be a sidewalk sale and food drive on Saturday May 1 from 10 am to 4 pm

(Rapp Grasseti) She is asking for more members on the Mid Cape Cultural Council.

(Hebert) Human Services Committee on Saturday will be at BHS 10 AM to 12 Noon, boxes of food available, no one checks your income, bring a box to your neighbor.

(Levesque) He encourages everyone to register on line, Mass Military Support

Foundation; Isaac Reyas saved his mom's life, called 911, they instructed the child to do CPR and keep talking to his Mom until the EMT's arrived. President Levesque gave Isaac a key to the city.

Five minute break (9:15 PM)

**Jump to 2021-136**

**2021-136 TRANSFER REQUEST IN THE AMOUNT OF \$49,235 FROM THE POLICE DEPARTMENT FISCAL YEAR 2021 PERSONNEL BUDGET TO THE POLICE DEPARTMENT FISCAL YEAR 2021 OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING CONTRACTED INFORMATION TECHNOLOGY SERVICES INTRO: 04/15/2021**

Barnstable Police Chief Sonnabend gave the rationale.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$49,235** be transferred from the Fiscal Year 2021 Police Department Personnel Budget to the Fiscal Year 2021 Police Department Operating Expense Budget for the purpose of funding the expenses related to the outsourcing of Information Technology-related services.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-137 AUTHORIZATION TO EXPEND A FISCAL YEAR 2021 PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA (PhRMA) GRANT IN THE AMOUNT OF \$5,000, WHICH WILL BE USED TO ASSIST IN FUNDING EXPENSES ASSOCIATED WITH THE BARNSTABLE YOUTH COMMISSION'S SUBSTANCE ABUSE PREVENTION FORUM IN OCTOBER 2021 INTRO: 04/15/2021**

Barnstable Police Chief Sonnabend gave the rationale.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council hereby authorizes the Town Manager to expend a Fiscal Year 2021 Pharmaceutical Research and Manufacturers of America (PhRMA) Grant in the amount of **\$5,000** from the Pharmaceutical Research and Manufacturers of America for the purpose of funding expenses associated with the Barnstable Youth Commission's Substance Abuse Prevention Forum in October 2021

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-138 EXTENSION OF \$843,612.66 IN UNENCUMBERED CAPITAL APPROPRIATION INTRO: 04/15/2021**

Finance Director, Mark Milne gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** That, in accordance with Chapter 86, Section 4 of the Town's General Ordinances, the Town Council hereby extends the expiration date to June

30, 2024 of Town Council Appropriation Order 2015-101, which has an unexpended balance of **\$843,612.66**, to allow for the completion of the Town Hall Interior Renovations as originally approved.

**VOTE: PASSES 12 YES, (Steinhilber off zoom)**

<b>2021-139 ORDER AMENDING CHAPTER 184 SEWERS AND WATER OF THE GENERAL ORDINANCES INTRO: 04/15/2021</b>
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Upon a motion duly made and seconded it was

**ORDERED:** That Chapter 184 General Ordinances of the Code of the Town of Barnstable be amended by inserting the following new Article II, Sewer Assessments, and renumbering the current Articles II and III as Articles III and IV:

**ARTICLE II  
SEWER ASSESSMENTS**

**Section 1: Purpose and Authorization**

The purpose of this Article II is to assess all properties receiving benefit or advantage from public sewerage construction within a limited and determinable area, including, but not limited to, as set forth in the Comprehensive Wastewater Management Plan approved by vote of the Town Council on November 7, 2019, and in accordance with Section 1 of Chapter 83 of the General Laws, any other applicable section of said Chapter 83 and any other applicable general or special law.

**Section 2: Definitions**

For the purpose of this Article II, the following words shall be considered to have the following meanings:

(1) Commercial Use: Occupancy of premises for financial gain including profit such as business and industrial uses.

(2) Commercial Sewer Unit: Shall be equivalent to 330 gallons of actual or reasonably anticipated daily sewage volume, as determined by the Director of the Department of Public Works based on Title 5 of the State Environmental Code, 310 CMR 15.203, System Sewage Flow Design Criteria. For purposes of determining the number of Commercial Sewer Units to be assessed, volume in an amount up to and including 330 gallons shall be deemed one Commercial Sewer Unit. An additional Commercial Sewer Unit shall be assessed for each additional 330 gallons of volume.

(3) Compensatory Sewer Privilege Fee: A fee that is assessed in lieu of a sewer assessment to reflect the increased use of a property in situations where: (a) a sewer assessment has been assessed to an undeveloped property based on the number of potential Sewer Units and said property is ultimately developed to accommodate a greater number of Sewer Units than that originally assessed; or

(b) a sewer assessment has been assessed to a developed parcel and subsequently the use of that parcel has changed or intensified to accommodate a greater number of Sewer Units than that originally assessed; or (c) no sewer assessment was assessed to an Unbuildable Lot and that lot subsequently is issued a building permit.

(4) Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including room or rooms for living, sleeping, and eating; provided that, solely for the purposes of this Article II, such complete living facilities that contain one bedroom or fewer shall be a Half Dwelling Unit.

(5) Force Main: A line without access from individual properties providing access from pumping station to pumping station or to trunk and sewer main.

(6) General Benefit Facilities: Improvements, such as pumping stations, trunk and force mains, acquisition of land or interests in land, which will provide benefit or advantage to an area exceeding that served by the Special Benefit Facilities. Ordinarily, General Benefit Facilities will serve a major part of a Pumping District.

(7) Lateral Line: Sewer conduit from a house to a street.

(8) Multifamily Use: Occupancy of premises with two or more dwelling units.

(9) Pumping District: An area, as identified by the Department of Public Works, which consists of a collection of sewer mains that connect to generally used infrastructure, such as pump stations, trunk mains and force mains that moves sewage from said collection of sewer mains to a treatment facility.

(10) Residential Sewer Units: Shall be equivalent to the number of existing Dwelling Units, including Accessory Dwelling Units as defined by the Zoning Ordinance, and the number of potential Dwelling Units on the property, as permitted under the Zoning Ordinance of the Town of Barnstable for the district in which the property is located; provided, that any Accessory Dwelling Unit that did not exist at the time of assessment shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section 4F hereof; provided further, that a Half Dwelling Unit shall be assessed as one half of one Sewer Unit.

(11) Semi-public Use: Occupancy of premises by private non-profit organizations, including without limitation private schools, hospitals, and religious institutions.

(12) Sewer Main: The line serving as a conduit for sanitary sewerage from the lateral lines from each individual property.

(13) Special Benefit Facilities: The sewer main to which a lateral line from an individual abutting property can be connected, acquisition of land or interests in



land, pumping stations that are required to service a specific project area and any other costs of improvements required to service a specific project area.

(14) Trunk Main: The line serving as a conduit for sanitary sewerage from a number of sewer mains and lateral lines. Trunk mains shall be considered as those lines ten (10) inches and over in diameter.

(15) Unbuildable Lot: At the time at which a sewer assessment would have been imposed, a lot, as determined by the assessors of the Town, on which there is no apparent legal way to build a legal residence or commercial building because the lot does not conform to the Town's building regulations or Zoning Ordinance.

(16) Uniform Unit Method: A means by which sewerage construction costs shall be equally divided between the total number of existing and potential Sewer Units to be served after having proportioned the costs resulting from the construction of Special and General Benefit Facilities.

(17) Zoning Ordinance: The Zoning Ordinance in effect in the Town of Barnstable at the time the sewerage assessment is levied.

### **Section 3: Basic Requirements**

The Town Manager shall assess sewerage construction costs to all properties receiving benefit or advantage on the basis of the Uniform Unit Method. The Town Manager shall separate the costs of the General Benefit Facilities from those of the Special Benefit Facilities. The proportional cost of the Special and General Benefit Facilities shall be assessed in accordance with Section 5 hereof.

### **Section 4: Determination of Sewer Units**

**Section 4A:** Each parcel of land in a Pumping District shall be converted into permanent Residential or Commercial Sewer Units, as defined herein, by the DPW for the purpose of proportionally dividing the construction costs equitably among such parcels of land.

### **Section 4B: Developed Residential Lots**

A residential lot that contains one Dwelling Unit shall be assessed as one Sewer Unit. If such residential lot contains more than one Dwelling Unit, the number of assessed Residential Sewer Units shall equal the number of Dwelling Units. Single family dwellings shall comprise one Residential Sewer Unit; single family dwellings which have an Accessory Dwelling Unit as defined by the Zoning Ordinance within the single family residence or in a detached building on the same lot shall comprise two Residential Sewer Units; duplex dwellings shall comprise two Residential Sewer Units; three-family dwellings shall comprise three Residential Sewer Units; four-family dwellings shall comprise four Residential Sewer Units; and multiple family dwellings (in excess of four dwelling units) shall comprise one Residential Sewer Unit for each apartment in a rental property and one Residential Sewer Unit

for each dwelling unit in a condominium complex; provided that the number of Residential Sewer Units in the foregoing list shall be adjusted accordingly for Half Dwelling Units. A Dwelling Unit that occupies two residential lots in such a way that only one Dwelling Unit is allowed shall be assessed as one Residential Sewer Unit.

#### **Section 4C: Lots Capable of Division or Sub-Division**

##### **1. Residential Lots Capable of Division or Sub-Division**

Residentially zoned land which is capable of being divided or sub-divided according to the Zoning Ordinance shall be assessed as currently used plus one additional Sewer Unit for each lot which could be created in accordance with the Zoning Ordinance. At the property owner's request, the time for payment of such additional assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon.

##### **2. Commercial, Industrial, Business and Semi-public Lots Capable of Division or Sub-Division**

Commercial, industrial, business, and semi-public lots which could be divided or sub-divided according to the Zoning Ordinance shall be assessed as currently used plus one additional Commercial Sewer Unit for each additional 330 gallons of reasonably anticipated daily sewage volume which could be generated from the use in accordance with the Zoning Ordinance. At the property owner's request, the time for payment of such additional assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon.

#### **Section 4D: Improved Commercial, Industrial, Business, and Semi-public Lots and Uses**

Improved commercial, industrial, business, and semi-public lots and uses shall be assessed according to the reasonably anticipated sewage volume to be generated from the use. 330 gallons of actual or anticipated daily sewage volume shall equal one Commercial Sewer Unit.

#### **Section 4E: Unbuildable Lots**

An Unbuildable Lot shall not be assessed any Sewer Units, provided that upon the issuance of a building permit, said lot shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section 4F below.

#### **Section 4F: Changes in Use or Intensity of Use**

In the event that existing uses on a parcel of land are changed or intensified under any circumstance, including without limitation issuance of a building permit for what

had been classified as an Unbuildable Lot at the time a sewer assessment otherwise would have been imposed, changes in zoning, variance from the Zoning Ordinance, new construction and changes in use or reconfiguration, resulting in greater actual or potential sewage output than that established at the time of the original assessment or at the time the decision was made not to assess, the Town Manager or his or her designee shall assess a Compensatory Sewer Privilege Fee to reflect the new or increased use. The Compensatory Sewer Privilege Fee shall be computed based on the number of Sewer Units attributable to the new or increased use; provided that the amount of the fee for each such Sewer Unit shall be no greater than the initial maximum amount, as adjusted and most recently in effect, in accordance with Section 5A hereof. The Compensatory Sewer Privilege Fee shall be levied either at the time of connection of new or additional flow to the public sewer or upon Town of Barnstable approval of the change in use. Payment of the Compensatory Sewer Privilege Fee shall be made in accordance with the process for payment of assessments set forth in Section 8 hereof; provided that if the property owner chooses to apportion the payments, the Town will apply the same interest rate as that which would have been imposed for a sewer assessment on the property. Compensatory Sewer Privilege Fees collected by the Town shall be placed into a Sewer Privilege Fee Fund to be established by the Town and such monies shall be used to pay costs associated with the operation and maintenance costs of the Town's sewer system and wastewater treatment facility.

## **Section 5: Cost Determination and Apportionment Using the Uniform Unit Method**

### **Section 5A: Sewer Cost Determination and Apportionment for Residential Land and Uses**

Sewer assessments shall be based on one hundred percent (100%) of the cost of Special and General Benefit Facilities, as determined in accordance with the formulas set forth below. The actual assessment per Residential or Commercial Sewer Unit shall be the allocated cost or Seventeen Thousand Dollars (\$17,000.00) (the "initial maximum amount"), whichever is lower. This initial maximum amount will remain in effect until June 30 of the year following the calendar year in which the first sewer assessments are made. Thereafter, the initial maximum amount may be adjusted annually as of July 1 of each year by the percentage change in the construction cost index as calculated by the Gordian Company for the immediately preceding year ending June 30, as determined by the Town Manager. In the event that Gordian ceases to publish such index, the Department of Public Works will select an index which most closely resembles the Gordian index and the substitute index shall then be used for so long as the Director of the Department of Public Works determines that the substitute index accurately reflects market conditions.

### **Section 5B: Cost and Assessment of General Benefit Facilities**

1. The cost of General Benefit Facilities and of Special Benefit Facilities shall be determined separately from each other.
2. The cost of General Benefit Facilities for a Pumping District shall be divided by the number of Sewer Units in such Pumping District. The result of such calculation shall be the General Benefit Facility Unit Cost.
  - a. The General Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets and have the capability to connect to the sewer system so that the property will receive a direct benefit and advantage upon connection to the sewer system.
  - b. The General Benefit Facility Unit Cost shall not be assessed to Sewer Units that do not currently abut existing streets to be sewerred but shall be assessed at such later time as such Sewer Units shall have the capability to connect to the sewer system and directly benefit from the General Benefit Facilities.

### **Section 5C: Cost and Assessment of Special Benefit Facilities**

1. The cost of Special Benefit Facilities for a Pumping District shall be divided by the number of Sewer Units in such Pumping District. The result of such calculation shall be the Special Benefit Facility Unit Cost.
  - a. The Special Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets and have the capability to connect to the sewer system so that the property will receive a direct benefit and advantage upon connection to the sewer system.
  - b. The Special Benefit Facility Unit Cost shall not be assessed to Sewer Units that do not currently abut existing streets to be sewerred but shall be assessed at such later time as such Sewer Units shall have the capability to connect to the sewer system and directly benefit from the Special Benefit Facilities.

### **Section 6: Estimated Assessments**

The Town may assess and collect estimated sewer assessments in connection with the construction of water pollution collection, pumping, treatment and disposal facilities. The total amount of such estimated sewer assessments shall not exceed the lesser of: (i) one-half of the Town's liability under all contracts it has entered into for the construction of such facilities or (ii) the amount of any cap on sewer assessments as determined under Section 5 multiplied by the total number of Residential and Commercial Sewer Units. The total of such estimated assessments shall be determined by the same method to be used for the determination of the actual assessments upon the completion of the work. When the final costs of construction of the facilities have been determined, the Town may assess and collect actual sewer assessments for the balance owed. The interest rate on estimated sewer assessments will be the rate as determined under Section 8.

### **Section 7: Sewer Connection Costs**

The cost of connecting the abutter to the completed section of sewer will be assessed back to the property abutter at one hundred percent (100%) of the cost. Property abutters may elect to pay the entire cost of connection upon completion or may choose to have it added to their sewer assessment. Alternatively, property abutters may elect to privately arrange and pay for the connection to the completed section of sewer.

**Section 8: Interest Rate on Apportioned Sewer Assessments (NOTE: Ability to make payments over 30 years is subject to acceptance by the Town of G.L. c. 83, sec. 15D)**

At the time of assessment, the property owner will have the option to pay the full amount of the assessment within thirty (30) days, or to make a partial payment on the assessment and apportion the unpaid balance over future tax bills for a period of their choosing, up to 30 years, or to apportion the full assessment over future tax bills for a period of their choosing, up to 30 years. The Town will apply an interest rate to the sewer assessment at an annual fixed rate of two percent (2.0%) above the borrowing costs the Town incurs on the loan. If multiple loans are issued, a blended rate will be used to calculate the Town's borrowing cost. The property owner may pay the total remaining principal amount due at any time without a prepayment penalty.

**Section 9: Deferral of Charges (NOTE: Section c. 83, sec 16G needs to be accepted by the Town)**

In accordance with and subject to the provisions of Section 16G of Chapter 83 of the General Laws, the Department of Public Works shall, upon application of the owner of real property served by the common sewers, if such owner is receiving an exemption from property taxes under clause Forty-first A of Section 5 of Chapter 59 of the General Laws with respect to such property, defer charges for said use of the common sewers. An application for deferral may be filed with the Department of Public Works within the time limit established for the filing of an application for exemption under said clause Forty-first A.

### **Section 10: Abatements**

A property owner aggrieved by a sewer assessment imposed under this Article II may apply for abatement thereof by filing a request for abatement with the Town Manager on a form provided by the Department of Public Works within six months of the date of notice of such Assessment. The Town Manager shall make a final ruling on the application within 45 days from the date of filing. The filing of the application does not stay the payment of the sewer assessment, which must be paid as assessed. If the abatement request is allowed, the appropriate refund will be made by the Town. A property owner who is aggrieved by the refusal of the Town Manager to abate an assessment in whole or in part may within thirty days after notice of the decision of the Town Manager appeal therefrom by filing a

petition for the abatement of such assessment in the superior court in accordance with Section 7 of Chapter 80 of the General Laws.”

**VOTE: To a public hearing on 5/20/21-unanimous**

**2021-140 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND STANDARD HOLDINGS, LLC FOR 43 NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 850 FALMOUTH ROAD, HYANNIS INTRO: 04/15/2021**

Upon a motion duly made and seconded it was

**ORDERED:** The Town Council hereby votes to authorize the Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Standard Holdings, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for forty-three (43) new market rate residential units located at 850 Falmouth Road, Hyannis (Assessor’s Map 250, Block 036 and Map 250, Block 160) substantially in the form as presented to the Town Council at this meeting, and to authorize the Town Manager to execute the TIE Agreement and submit it to Department of Housing and Community Development for approval.

**VOTE: To a second reading on 5/6/21-unanimous**

**2021-106 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,644,600 FOR THE PURPOSE OF FUNDING THE HYANNIS YOUTH & COMMUNITY CENTER FACILITY IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale utilizing a Power Point presentation.

Open to public comment seeing no one close public hearing

**Councilor questions and comments:**

(Atsalis) How old is that piece of equipment? (Santos) This system was installed in 2008.

(Atsalis) is that the average lifespan of the system? Why are we here replacing it?

(Santos) The DPW picked this up in 2015 we have discovered that some of the things were not maintained correctly, going forward we are going to make sure we understand and take care of these properly. (Atsalis) Who was responsible before you? (Santos) I think this should be referred to the Town Manager, (Atsalis) was the roof just replaced as well after 13 years? (Santos) Yes, parts of the roof were replaced (Ells) Once I became Town Manager, we shifted the oversight of that building to the DPW, they are our professionals, and all systems are properly maintained. We are hoping to maintain this system for closer to 20 years. (Schnepp) next fiscal year we are going to replace the RTU controls, is this the part of the same system and does this keep the ice frozen (Santos) This is the central core of the building for heating. (Schnepp) will this be updated energy efficient systems? (Santos) Yes (Schnepp) as this is an enterprise account, at the HYCC do capital improvements come out of the General Fund? (Milne)Yes, we transfer these funds from the General Fund for improvements.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$1,644,600** be appropriated for the purpose of funding the Hyannis Youth & Community Center Facility Improvements Project as outlined in the Fiscal Year 2022 – Fiscal Year 2026 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 \$1,644,600 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 (Steinhilber off zoom)**

<p><b>2021-107      APPROPRIATION ORDER IN THE AMOUNT OF \$155,000 FOR THE PURPOSE OF FUNDING THE TOWN RECREATION FIELD IMPROVEMENTS BAY LANE BALLFIELDS PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021</b></p>
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Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Atsalis) Who will maintain the field after they are improved? (Santos) ultimately the DPW will pick up what the Little League can't do. Truly hope it will be a better plan than what happened at the High School field (Ells) as the Town Manager, we have taken over all municipal fields, if we can augment with other groups, that would be great. (Marinaccio) Engineering has worked on this project, in most cases there is a shared project, not sure if they were approached, will have to get back to you on that. (Dagwan) thanked the Little League for maintaining these fields, for many years. While on the Recreation Commission we toured all the fields and courts in Town, nice to see this project coming to fruition, our community deserves it. Thank you to the volunteers. (Levesque) thanked the DPW for the time and effort to maintain the fields. (Ells) the intent is to ask the Community Preservation Committee (CPC) for the appropriate portion of the funds. (Levesque) Is there a timeline for when these improvements would start? (Santos) in the fall

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$155,000** be appropriated for the purpose of funding the Town Recreation Field Improvements Bay Lane Ballfields Project as outlined in the Fiscal Year 2022 – Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$155,000 be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-108 APPROPRIATION ORDER IN THE AMOUNT OF \$3,650,000 FOR THE PURPOSE OF FUNDING THE PUBLIC ROADS MAINTENANCE PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Rapp Grassetti) On the list I see Ocean View Ave but I don't see Poponessett St. (Griffin Beaudoin) scheduled for mill and overlay, will give you the figures tomorrow.

(Shaughnessy) Happy to see Winter St on the list, lots of curb cut issues, heavily trafficked road (Beaudoin) retained a consultant for design includes some of the curb cut issues, will be happy to review the plans with you (Neary) Point of information, what is the general request dollar amount for the repair of public roads, and maintenance (Santos) was about 3.2 million but it has been bumped up an additional 100,000. (Dagwan) Often we hear after a major storm about road repairs, but I thought our public roads are on a schedule (Santos) with the help of a consultant we try to do a third of the roads every year. We do crack sealing and other maintenance yearly to help us to keep the roads functioning. (Ells) We have almost 500 miles of roads in Barnstable; 60% are public, 40% are private roads. Many residents don't understand the difference between a public and a private road. (Atsalis) we do plow private roads as needed (Ells) yes, we do.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$3,650,000** be appropriated for the purpose of funding the Public Roads Maintenance Project as outlined in the Fiscal Year 2022 – Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$3,650,000 be provided from the Capital Trust Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-109 APPROPRIATION ORDER IN THE AMOUNT OF \$165,000 FOR THE PURPOSE OF FUNDING THE MONITORING AND MANAGEMENT PLAN REPORT FRESHWATER PONDS PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing

Amy Mesirow of Friends of Long Pond, have been educating the people on the pond regarding cyano bacteria, 100 percent of the feedback we have received is very positive and supportive for the DPW helping us out with this issue.

Close public hearing

**Councilor questions and comments:**

(Schnepp) commend the town and staff for thinking ahead of the care of our ponds. This step while small is addressing a serious problem.



Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$165,000** be appropriated for the purpose of funding the Monitoring and Management Plan Report Freshwater Ponds Project as outlined in the Fiscal Year 2022 – Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$165,000 be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-110 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$325,000 FOR THE PURPOSE OF FUNDING THE STORMWATER IMPROVEMENTS AT PONDS PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Clark) are there state or federal funds for storm water run off (Santos) yes there are grants and we pursue them every year.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$325,000** be appropriated for the purpose of funding the Stormwater Improvements at Ponds Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 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 \$325,000 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.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-111 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF FUNDING THE PUBLIC BRIDGE MAINTENANCE AND REPAIRS PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$500,000** be appropriated for the purpose of funding the Public Bridge Maintenance and Repairs Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 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 \$500,000 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.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-112 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$615,250 FOR THE PURPOSE OF FUNDING THE EMERGENCY GENERATOR IMPLEMENTATION PLAN PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$615,250** be appropriated for the purpose of funding the Emergency Generator Implementation Plan Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 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 \$615,250 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, (Steinhilber off zoom)**

**2021-113 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$995,096 FOR THE PURPOSE OF FUNDING THE MARSTONS MILLS SCHOOL DEMOLITION PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Hebert) Thought at one point we were going to try to save the gym and the kitchen to be of service to the village (Santos) it is beyond that point (Rapp Grasseti) happy to see this done, how much did we appropriate and what was the cost to remove the portables (Mark Marinaccio) Close to three hundred thousand, due to the asbestos (Rapp Grasseti) On the asbestos survey what was the cost (Marinaccio) had a hazmat assessment of the building and the estimate of cost of the removal of the asbestos. (Neary) This project is well overdo, a drain on the assets of the town, time and effort spent to rank projects, process of taking things out of order, systems that become non operational how does the priority of rank change? (Santos) As part of our ranking process, each department ranks

the project, they present them to the senior managers, we use a number of criteria, and then they are presented to the Town Manager and senior staff to rank each of the items. (Neary) we are getting into some items that are necessary, a matter of explaining how something comes in advance or another. The process is to rank projects, Ocean Street improvements had to come up sooner due to safety issues. (Ells) Public Works Department will have their ranking that helps the Town Manager, the Assistant Town Manager and Finance to understand the ranking. We look at the ranking and try to see how they stack up to each other, there was no value to the Marstons Mills School, and it was time to move it. We also share this with the Comprehensive Financial Advisory Committee (CFAC), for their input, before we come to the Town Council.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$995,096** be appropriated for the purpose of funding the Marstons Mills School Demolition Project as outlined in the Fiscal Year 2022 – Fiscal Year 2026 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 \$995,096 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, (Steinhilber off zoom)**

**A motion was made and duly seconded to go beyond 11 PM**

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

<b>2021-114 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,908,596 FOR THE PURPOSE OF FUNDING THE TOWN HALL MECHANICAL IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 - FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021</b>
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Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$1,908,596** be appropriated for the purpose of funding the Town Hall Mechanical Improvements Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 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 \$1,908,596 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 (Steinhilber off zoom)**

**2021-115 APPROPRIATION ORDER IN THE AMOUNT OF \$245,000 FOR THE PURPOSE OF FUNDING THE CULVERT IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 - FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$245,000** be appropriated for the purpose of funding the Culvert Improvements Project as outlined in the Fiscal Year 2022 – Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$245,000 be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-116 APPROPRIATION ORDER IN THE AMOUNT OF \$50,000 FOR THE PURPOSE OF FUNDING THE SIDEWALKS ON OCEAN STREET FROM SNOW'S CREEK TO GOSNOLD STREET PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Rapp Grassetti) requests that you make provisions for access to Snow's Creek to do some crabbing or get around that bridge. (Santos) We will make sure we look at that (Atsalis) where is the crosswalk going to be from the east side or the existing sidewalk to the west side? (Beaudoin) just before the culvert, once the culvert is replaced it will be part of that project (Cullum) The community worked very hard on this project, lots of support from the town, looking forward to seeing this come to fruition. (Bogan) endorses this initiative; appreciate the need for this project.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$50,000** be appropriated for the purpose of funding the Sidewalks on Ocean Street from Snow's Creek to Gosnold Street Project as outlined in the Fiscal Year 2022 – Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$50,000 be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-117 APPROPRIATION ORDER IN THE AMOUNT OF \$50,000 FOR THE PURPOSE OF FUNDING THE KALMUS BEACH PARKING LOT ENTRANCE DESIGN PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Cullum) There have been issues with that parking lot for years, it is a safety issue for the people in the area, well worth the money, a permanent presence would be nice, to keep the neighborhood safe. (Atsalis) What is the game plan for extending the sidewalk down to Kalmus? (Santos) the work is underway; we need construction money to complete.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$50,000** be appropriated for the purpose of funding the Kalmus Beach Parking Lot Entrance Design Project as outlined in the Fiscal Year 2022 – Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$50,000 be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

3 Minute Break

**2021-118 APPROPRIATION ORDER IN THE AMOUNT OF \$210,000 FOR THE PURPOSE OF FUNDING THE ROLL OFF TRUCK REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Hebert) Congratulations for keeping this truck working for 30 years

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$210,000** be appropriated for the purpose of funding the Roll Off Truck Replacement Project as outlined in the Fiscal Year 2022 – Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$210,000 be provided from the Solid Waste Enterprise Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-119 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,050,000 FOR THE PURPOSE OF FUNDING THE WATER PIPE REPLACEMENT AND UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Clark) Glad to see the improvements to this old system, how does this fit into the cost to the rate payers (Santos) completely covered by the rate payers.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$1,050,000** be appropriated for the purpose of funding the Water Pipe Replacement and Upgrade Project as outlined in the Fiscal Year 2022 – Fiscal Year 2026 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 \$1,050,000 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.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-121 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE WELLS, PUMP STATIONS, TREATMENT PLANT REPAIR & UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 - FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Rapp-Grassetti) How much is in the reserves for this enterprise fund (Milne) Reserve balance is about 650,000 for this fund.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$200,000** be appropriated for the purpose of funding the Wells, Pump Stations, Treatment Plant Repair & Upgrade Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$200,000 be provided from the Water Supply Enterprise Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-122 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF FUNDING THE MAHER FILTRATION PLANT SOLAR PANELS DESIGN & CONSTRUCTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2021 - FISCAL YEAR 2025 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Mark Ells, Town Manager requests to withdraw this item, we can participate with no cost to the town, and therefore there is no need to proceed

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$500,000** be appropriated for the purpose of funding the Maher Filtration Plant Solar Panels Design & 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 \$500,000 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.

**VOTE: TO WITHDRAW PASSES 12 YES**

**2021-123 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE WATER POLLUTION CONTROL FACILITY STUDY PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 - FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Atsalis) Is there any requirement for odor control at the plant (Santos) Yes, we have that requirement and we have the equipment and it is working.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$250,000** be appropriated for the purpose of funding the Water Pollution Control Facility Study Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$250,000 be provided from the Water Pollution Control Enterprise Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-124 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,100,000 FOR THE PURPOSE OF FUNDING THE PUMP STATION REHABILITATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 - FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Starr) Is there a generator capability at this pump station (Santos) Yes (Clark) this is good news for the water quality in Barnstable Harbor.

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$2,100,000** be appropriated for the purpose of funding the Pump station Rehabilitation Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 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 **\$2,100,000** 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.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-125      APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$365,000 FOR THE PURPOSE OF FUNDING THE 720 MAIN STREET PUMP STATION REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 - FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Atsalis) Will the new pump station be of similar design or a different design as to what you see above ground (Boule) The design is not completed yet, may be similar to the Old Colony Pump Station, or the surrounding area (Beaudoin) this will be for the preliminary design, we will have public input on the project (Rapp Grasseti) What is the enterprise fund reserve on this account (Milne) 9,942,000

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$365,000** be appropriated for the purpose of funding the 720 Main Street Pump Station Replacement Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 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 \$365,000 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.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-126      APPROPRIATION ORDER IN THE AMOUNT OF \$600,000 FOR THE PURPOSE OF FUNDING THE VACUUM TRUCK REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 - FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**



Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$600,000** be appropriated for the purpose of funding the Vacuum Truck Replacement Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$600,000 be provided from the Water Pollution Control Enterprise Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-127 APPROPRIATION ORDER IN THE AMOUNT OF \$75,000 FOR THE PURPOSE OF FUNDING THE WATER POLLUTION CONTROL FACILITY SECURITY SYSTEM UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 - FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Schnepp) does the facility require 24/7 (Santos) No

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$75,000** be appropriated for the purpose of funding the Water Pollution Control Facility Security System Upgrade Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$75,000 be provided from the Water Pollution Control Enterprise Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-128 APPROPRIATION ORDER IN THE AMOUNT OF \$65,000 FOR THE PURPOSE OF FUNDING THE VEHICLE REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 – FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$65,000** be appropriated for the purpose of funding the Vehicle Replacement Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$65,000 be provided from the Water Pollution

Control Enterprise Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**2021-129 APPROPRIATION ORDER IN THE AMOUNT OF \$85,000 FOR THE PURPOSE OF FUNDING THE WATER POLLUTION CONTROL FACILITY HVAC IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 - FISCAL YEAR 2026 CAPITAL IMPROVEMENT PLAN INTRO: 03/18/2021, 04/01/2021**

Dan Santos, Director of Public Works gave the rationale, utilizing a Power Point presentation.

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$85,000** be appropriated for the purpose of funding the Water Pollution Control Facility Heating Ventilation and Cooling (HVAC) Improvements Project as outlined in the Fiscal Year 2022 - Fiscal Year 2026 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$85,000 be provided from the Water Pollution Control Enterprise Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: PASSES 12 YES (Steinhilber off zoom)**

**VOTE: ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED TO ADJOURN:**

**Adjourned at 11:51 PM**

Respectfully submitted,

Ann M Quirk  
Town Clerk/Town of Barnstable

NEXT MEETING: April 29, 2021