



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail: council@town.barnstable.ma.us
www.town.barnstable.ma.us

MEETING AGENDA TOWN HALL HEARING ROOM November 16, 2017 7:00 PM

Original posted on 11/14/17@ 12:15.
Updated on 11/15/17@11:05 am to
add Item 2018-047

Councilors:

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President
Precinct 2

James H. Crocker Jr.
Vice President
Precinct 5

John G. Flores
Precinct 1

Paul Hebert
Precinct 3

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Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. TOWN MANAGER COMMUNICATIONS**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements**
- 9. ORDERS OF THE DAY**
 - A. Old Business**
 - B. New Business**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: December 07, 2017

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Approve Minutes –November 02, 2017

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

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

BARNSTABLE TOWN COUNCIL

ITEM #2018-038
INTRO: 11/02/17, 11/16/17

**2018-038 FISCAL YEAR 2018 AIRPORT ENTERPRISE FUND OPERATING BUDGET
REDUCTION AND TRANSFER FROM RESERVES**

ORDERED: That the Fiscal Year 2018 Airport Enterprise Fund Operating Budget of **\$6,508,537** appropriated under Town Council order **2017-112** be reduced by **\$40,000** to **\$6,468,537**, and to meet such appropriation that the amount raised from current year revenues by the Airport Enterprise Fund as approved under Town Council order **2017-112** for **\$6,141,354** be reduced by **\$208,905** to **\$5,932,449**, and that the amount transferred from the Airport Enterprise Fund reserves as approved under Town Council order **2017-112** for **\$367,183** be increased by **\$168,905** to **\$536,088**.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>11/02/17</u>	<u>Refer to Public Hearing 11/16/17</u>
_____	_____

- _____ Read Item
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM #2018-038

INTRO: 11/02/17, 11/16/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Roland Breault, Airport Manager
DATE: November 02, 2017
SUBJECT: Fiscal Year 2018 Airport Enterprise Fund Operating Budget Reduction

BACKGROUND: During the Fiscal Year 2018 budget development process the estimated revenues to be generated by the airport operations were expected to decline from the previous year level based on the first three quarters of activity for fiscal year 2017. Actual revenue generated in fiscal year 2016 totaled \$6,470,885 and the estimated revenue for fiscal year 2017 was projected to decline to \$6,141,354. This was used as the revenue estimate for the fiscal year 2018 budget. When fiscal year 2017 came to close actual revenue generated at the airport decreased to \$5,762,785.

When setting the tax rate for fiscal year 2018, one of the items that the State Division of Local Services compares is the revenue estimate used for the current year enterprise fund budget verses the actual revenue generated in the previous year. Any increase in the current year revenue estimate must be supported with documentation that indicates activity levels are increasing or fee increases have been adopted to support the higher revenue estimate. Unsupported increases in revenue estimates will delay a community's ability to set its tax rate. The original fiscal year 2018 revenue estimate for the airport is \$378,569 higher than what was generated in fiscal year 2017 and will be difficult to support.

ANALYSIS: Airport management conducted a comprehensive review of its revenue structure to establish a revised revenue estimate for the fiscal year 2018 operating budget. The revised figure for FY18 is \$5,932,449. This amount is \$576,088 less than the approved operating budget and will have to be funded from airport reserves if reductions to the budget of a corresponding amount cannot be identified.

Airport management conducted a comprehensive review of its operating expenses for fiscal year 2018 and identified additional cutbacks of \$40,000 reducing the operating budget to \$6,468,537. This is \$536,088 more than the revised fiscal year 2018 revenue estimate which needs to be funded from its reserves, and is \$168,905 more in reserve funds approved under Town Council order 2017-112.

FISCAL IMPACT: The Airport Enterprise Fund reserves were recently certified by the State at \$2,386,672. Transferring an additional \$168,905 will reduce this figure to \$2,217,767. Airport management recognizes that using a higher level of reserves is not a viable long-term financing strategy for funding the operating budget and it is working on several initiatives to enhance its recurring revenue stream.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation order.

BOARD AND COMMISSION ACTION: The Barnstable Municipal Airport Commission Finance Sub-Committee approved this request on November 1, 2017; and the full Airport Commission is expected to approve this request at a special meeting on November 14, 2017.

STAFF ASSISTANCE: Mark Milne, Finance Director; R. W. (Bud) Breault, Jr., Airport Manager; Katie R. Servis Assistant Airport Manager.

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-039
INTRO: 11/02/17

2018-039 ORDER PURSUANT TO TEMPORARY REPAIRS TO PRIVATE ROADS PROGRAM REGARDING WAQUOIT ROAD IN COTUIT, MA

ORDERED: That for the purpose of making temporary repairs to Waquoit Road in Cotuit, Massachusetts, a private road within the Town of Barnstable, including costs incidental or related thereto, the Town Manager is authorized to contract for and expend a portion of the appropriation and loan in the amount of **\$125,500** made available for Pine Ridge Road, Cotuit under agenda item number **2017-149** and to assess betterments and accept any grants and/or gifts in relation thereto.

SPONSOR: Councilor Jessica Rapp Grassetti, Precinct 7

DATE	ACTION TAKEN
<u>11/02/17</u>	<u>Refer to Public Hearing 11/16/17</u>

-
- _____ Read Item
 - _____ Rationale
 - _____ Public Hearing
 - _____ Close Public Hearing
 - _____ Council Discussion
 - _____ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2018-039
INTRO: 11/02/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E. Director, Department of Public Works
DATE: November 02, 2017
SUBJECT: Order Pursuant to Temporary Repairs to Private Roads Program regarding Waquoit Road in Cotuit, Ma

BACKGROUND: The successful passage of Chapter 174 of the Acts of 1994 and the passage of House Bills 4409 and 4410 by the State Legislature of Home Rule legislation authorized the Town to expend funds to repair private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). The Town Council appropriated \$125,000 (2017-049) for the repair of Pine Ridge Road in Cotuit. The present order provides for the inclusion of Waquoit Road in repair program under the previously approved appropriation. None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Pine Ridge Road and Waquoit Road in Cotuit have expressed an interest in having repairs made to their private road and 63% of the abutters have signed a "Consent and Acknowledgement Agreement for Betterment Assessment." The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

FISCAL IMPACT: There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The Town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

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

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

A. OLDBUSINESS (Public Hearing) (Roll Call) (2/3 vote)

BARNSTABLE TOWN COUNCIL

ITEM # 2018-040
INTRO: 11/02/17, 11/16/17

2018-040 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND CAPEBUILT PLEASANT STREET, LLC

ORDERED: That the Town Manager is authorized 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 CapeBuilt Pleasant Street, LLC for the properties at 24, 28, 43, 44, 53, 56, 64 and 66 Pleasant Street and 86 South Street, Hyannis, Massachusetts and shown on Assessor’s Map 327 as Parcels 131, 245, 122, 133, 121, 143, 268, 135 and 137, consisting of 103,688± square feet (2.38± acres), and which are more particularly described in the deeds recorded with the Barnstable County Registry of Deeds in Book 25831 Page 318, Book 21784 Page 410, Book 21784 Page 138, Book 21784 Page 143, Book 21784 Page 144, Book 29558 Page 294, Book 21784 Page 143 (Parcel A and Parcel B in Plan Book 69 Page 19) and Book 21784 Page 134 (hereafter, the “Property”); and permitting the redevelopment of the Property and granting 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
CAPEBUILT PLEASANT STREET, LLC

24, 28, 43, 44, 53, 56, 64 AND 66 PLEASANT STREET AND 86 SOUTH STREET, HYANNIS
This regulatory agreement (“Agreement”) is entered by and between the developer, CapeBuilt Pleasant Street, LLC, (“Developer”) and the Town of Barnstable (“Town”), a municipal corporation, on this ___ day of _____, 2017 pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code;

WITNESS:

WHEREAS, this Agreement shall establish the permitted uses, densities, and traffic within the Development (as hereinafter defined), for the duration of the agreement, and any other terms or conditions mutually agreed upon between Developer and the Town;

WHEREAS, this Agreement shall vest land use development rights in the property for the duration of the 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 Town is authorized to enter into this Agreement pursuant to Chapters 168 and 240 of the Barnstable Code;

WHEREAS, Developer is the prospective owner of the properties at 24, 28, 43, 44, 53, 56, 64 and 66 Pleasant Street and 86 South Street, Hyannis, Massachusetts and shown on Assessor’s Map 327 as Parcels 131, 245, 122, 133, 121, 143, 268, 135 and 137, consisting of 103,688± square feet (2.38± acres). Collectively, the nine parcels are referred to herein as “the Property”;

WHEREAS, Developer is willing to commit itself to the development of the project substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the Development and therefore considers this Agreement to be in its best interests;

WHEREAS, the Town and Developer desire to set forth in this Agreement their respective understandings and agreements with regard to development of the Property;

WHEREAS, the Development will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA) or the Cape Cod Commission Act;

WHEREAS, Developer has made application to the Planning Board pursuant to Chapter 168 of the Barnstable Code;

WHEREAS, the Development is located in the Hyannis Growth Incentive Zone (GIZ) as approved by the Cape Cod Commission by decision dated April 6, 2006, as authorized by Barnstable County Ordinance 2005-13, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application as extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2017 between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015 and as further extended by a second Agreement to Extend to April 4, 2018 between the Cape Cod Commission and the Town of Barnstable executed on October 6, 2017;

WHEREAS, the Development is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ as extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2017 between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015 and as further extended by a second Agreement to Extend to April 4, 2018 between the Cape Cod Commission and the Town of Barnstable executed on October 6, 2017, under which this development may proceed and Developer has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same;

WHEREAS, prior to applying for approval of this Agreement, the Development was reviewed by the Town of Barnstable Site Plan Review Committee on July 20, 2017 (SPR 045-17). The Site Plan Review Committee voted to find the development proposal approvable subject to the grant of a Regulatory Agreement and other conditions;

WHEREAS, the Development was considered by the Planning Board at a public hearing on September 11, 2017, continued to September 25, 2017, and further continued to October 23, 2017, at which time the Board affirmatively voted recommend execution of the Regulatory Agreement.

WHEREAS, the Property is currently developed with six single-family dwelling units, one vacant residential-style commercial building and one accessory garage totaling 14,684 square feet. None of the buildings are currently inhabited. The primary use of the Property prior to the Developer's purchase was for seasonal commercial parking serving ferry customers. At the date of this agreement, the property at 53 Pleasant Street had a commercial parking lot license for 67 spaces;

WHEREAS, Developer proposes to redevelop the Property with eight (8) new multi-family residential structures that will contain a total of fifty-eight (58) units, and to renovate one existing structure that will contain two units, for a total of nine buildings covering 22,252 square feet on the Property, and sixty (60) total units with a combined total floor area of 86,218 square feet. The Developer proposes to

construct seven (7) three-story multi-family housing buildings, one three-story building with two townhouses, and one building to be renovated into a community gathering space with two studio apartments above and an outdoor patio area. Six existing dilapidated dwellings and one accessory garage will be demolished. Paved parking areas with new stormwater management systems, lighting and landscaping will be installed;

WHEREAS, Developer proposes to develop forty-six (46) units as rental apartments in buildings labeled “Building PP”, “Building C”, “Building D”, “Building E”, “Building F” and “Building G” on the Site Construction Plans referenced below;

WHEREAS, Developer proposes to develop fourteen (14) units as either rental apartments or condominium units in buildings labeled “Building A”, “Building B” and “Building H” on the Site Construction Plans referenced below;

WHEREAS, the Developer is required to provide 90 parking spaces by the Town of Barnstable Zoning Ordinance and the Developer is proposing 88 total parking spaces, which includes 70 standard spaces, 7 compact spaces and 11 on-street spaces.

WHEREAS, the Developer originally proposed to construct the waterline main through the project property itself and not within the Pleasant St. road layout (the “Original Infrastructure Proposal”)

WHEREAS, after consultation by the Developer with the Department of Public Works (DPW), Barnstable Water Department and Town Manager, it was mutually agreed to be of benefit to both the Town and the Developer to conserve resources and coordinate Developer’s infrastructure with the Town’s infrastructure plans for Pleasant Street, Developer now proposes to contribute \$168,087. This is comprised of \$85,600 in construction costs plus \$82,487 in Hyannis Water System Development Service Fees representing the reasonably estimated cost that would have been otherwise borne by Developer in constructing the Original Infrastructure Proposal. It is understood:

- a. upon payment of the \$168,087 there will be no other Hyannis Water System Development Service Fees due or required for completion of this project;
- b. The Town of Barnstable DPW will be responsible for designing and constructing the waterline improvements within Pleasant St.
- c. Timing of the new waterline construction will be dependent on Barnstable DPW (Spring of 2018 contemplated by DPW). If the new waterline is not constructed when the Developer is ready to tie in new water service for the Project, the Developer will be allowed to tie into the existing water main in Pleasant St. Then at such time when Barnstable DPW is ready to construct the new water main in Pleasant Street, DPW will install the new main and tie the new main into the services previously extended for the Project by the Developer.

WHEREAS, the Developer proposes to reconstruct Pleasant Street to include eleven (11) parking spaces wholly or partially within the public right-of-way proposed for exclusive use by the development. The Developer is requesting a revocable license from the Town Manager for use of the parking spaces. Licenses for use of the public right-of-way are granted by the Town Manager pursuant to Part IV of the Town Charter, subject to terms and conditions.

WHEREAS, the Developer will replace the existing sidewalks along each side of Pleasant Street with sidewalks which comply with the Americans With Disabilities Act and Town of Barnstable requirements for public sidewalks;

WHEREAS, the Developer will grant to the Town of Barnstable an easement to allow the public to use the sidewalks to be constructed along Pleasant Street;

WHEREAS, the Developer is required by Chapter 9, Article I to provide six (6) affordable rental units to individuals or households with a total annual income that does not exceed 65 percent of the median income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development. In furtherance of the goals of enhancing the cultural character of the Downtown Hyannis Main Street and preserving the historic narrative of Pleasant Street as Sea Captains Row (the “Cultural Objectives”), Developer proposes to provide two on-site studio apartment rental units, and associated workshop space, in the former Patriot Press Building (labeled as “Building PP” on the Site Construction Plans referenced below) that will be deed restricted for occupants earning no more than 50% of Area Median Income (the “Cultural Units”). The Cultural Units will be designated for residence by artists, consistent with open and fair marketing requirements. The Developer shall consult with the Town’s Planning and Development Department in developing criteria for the selection of artists to occupy the live-work space (the “Criteria”). Tenancy in each of the Cultural Units shall be for fixed periods of two (2) consecutive years in furtherance of the Cultural Objectives. If at the termination of any tenancy the Developer is without an applicant for a Cultural Unit meeting the corresponding Criteria, the Developer shall enter into an agreement for two year tenancy with any prospective resident earning no more than 50% of Area Median Income;

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

- a. Revitalization of long standing vacant property; revitalization is anticipated to eliminate or substantially reduce issues associated with blighted property including but not limited to homeless occupation and illicit activity.
- b. Redevelopments will significantly improve aesthetics along Pleasant Street.
- c. The Project will provide market rate housing, the need for which was identified in the 2014 Housing Production Plan, in an area of Hyannis in need of redevelopment.
- d. Elimination of ferry parking which has caused traffic and aesthetic problems for many years.
- e. Substantially improved traffic flow pattern allowing smoother ingress and egress on the property.
- f. Exterior site lighting improvements, including use of LED lights and motion detector lights.
- g. Construction of sidewalks.
- h. Improved stormwater management on-site with low impact design features.
- i. Addition of two affordable housing units at a reduced rate of 50% of Area Median Income, said units dedicated to live-work space for artists in furtherance of the Town’s Cultural Objectives.

WHEREAS, the Developer would require relief from the requirement for Hyannis Main Street Waterfront Historic District Commission Certificate of Demolition for the six existing structures on the property and Certificate of Appropriateness for all new exterior improvements;

WHEREAS, Developer would require zoning relief to allow for multi-family residential development totaling more than seven units per acre as well as relief from setbacks, maximum building height – number of stories, maximum lot coverage, landscape setbacks, off-street parking requirements, all as further defined in paragraphs numbers 2 and 24 below;

WHEREAS, Developer has undergone at least two public hearings on the Agreement application and received a majority vote from the Planning Board approving the application on October 23, 2017;

WHEREAS, Developer has undergone a public hearing on the Agreement application before the Town Council and received a 2/3rds vote approving the application on _____;

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

1. The Developer shall redevelop the property as follows:
 - a. The Developer shall redevelop the Property with eight (8) new multi-family residential structures that will contain a total of fifty-eight (58) units, and to renovate one existing structure that will contain two units, for a total of nine buildings covering 22,252 square feet on the Property, and sixty (60) total units with a combined total floor area of 86,218 square feet.. The Developer will construct seven three-story multi-family housing buildings and one three-story building with two townhouses. The development will provide 2 studio units; 26 one-bedroom units; 26 two-bedroom units; and 6 three-bedroom units.
 - b. Forty-six (46) units shall be developed as rental apartments in buildings labeled “Building PP”, “Building C”, “Building D”, “Building E”, “Building F” and “Building G” on the Site Construction Plans referenced below.
 - c. Fourteen (14) units shall be developed as either rental apartments or condominium units in buildings labeled “Building A”, “Building B” and “Building H” on the Site Construction Plans referenced below.
 - d. The “Patriot Press” building at 24 Pleasant Street shall be retained and renovated into a community gathering space with two studio apartments above and associated workshop space. The rear addition to the building, post-dating its original construction, will be removed.
 - e. Outdoor patio areas providing resident amenities shall be provided.
 - f. Six existing dilapidated structures and one accessory garage will be demolished.
 - g. Paved parking areas with new stormwater management systems, lighting and landscaping shall be installed;
2. The Developer agrees to construct the project in accordance with the plans and specifications submitted to and approved by the Town (hereinafter Redevelopment Plans), listed as follows and made a part of this Regulatory Agreement by reference:
 - a. Site Construction Plans: Sea Captains Row, Pleasant Street, Hyannis, Massachusetts, dated June 23, 2017, drawn and stamped by Baxter Nye Engineering and Surveying, sheets C0.0 to C5.1, ten sheets.
 - b. Landscape Plan: Sea Captains Row, Pleasant Street, Hyannis, Massachusetts, dated October 19, 2017, drawn and stamped by DeMelo Brothers, Inc. sheet L1.0
 - c. Architectural Renderings and Floor Plans: Sea Captains Row Schematic Design, Hyannis, MA dated June 26, 2017, drawn and stamped by Union Studio Architects, 26 sheets;
3. Developer shall contribute \$168,087 in connection with the waterline main infrastructure construction to serve the project; specifically, \$85,600 in construction costs plus \$82,487 in Hyannis Water System Development Service Fees.

4. The development rights granted hereunder shall be exercised and development permits may be obtained hereunder for a period of 10 years from the effective date of the Agreement, provided, however, that prior to the expiration of said 10 year period Developer may request a twelve month extension to obtain development permits, which shall include all necessary building permits. Upon receipt of necessary development permits, construction shall proceed continuously and expeditiously, but Developer to use reasonable efforts to complete construction within 4 years from receipt of necessary development permits. The development rights granted under this agreement shall not transfer to another owner without the prior written permission of the Town Manager under Section 168-5 of the Barnstable Town Code.
5. The Developer shall grant the Town an easement to allow the public to use the sidewalks along Pleasant Street where located on the Property. The Developer and all successors shall maintain the sidewalks.
6. Cultural Units:
 - a. Developer shall provide two on-site studio apartment rental units, and associated workshop space, in the former Patriot Press Building (labeled as “Building PP” on the Site Construction Plans referenced below)
 - b. Consistent with open and fair marketing requirements The Cultural Units shall be designated for residence by artists, with an income of not more than 50% of area median income, subject to the requirements in paragraph 6(d) below. The Developer shall consult with the Town’s Planning and Development Department in developing criteria for the selection of artists to occupy the live-work space (the “Criteria”). Tenancy in each of the Cultural Units shall be for fixed periods of two (2) consecutive years in furtherance of the Cultural Objectives.
 - c. If at the termination of any tenancy the Developer is without an applicant for a Cultural Unit meeting the corresponding Criteria, the Developer shall enter into an agreement for two year tenancy with any prospective resident earning no more than 50% of Area Median Income.
 - d. As per Chapter 9, Article I, Section 9-6 of the Barnstable Inclusionary Housing Ordinance, the two (2) aforementioned housing units located in the proposed new development shall be dedicated as affordable housing units in perpetuity and in compliance with the Ordinance.
 - i. The two units shall only be rented to qualified households with an income of not more than 50% of area median income (as determined by HUD) and priced so as to be affordable and not exceed a monthly housing cost of 30% of 50% of the area median income, including rent and utilities and associated artist workspace.
 - ii. In order to protect the perpetuity of the affordable units, a Local Initiative Program Regulatory Agreement shall be reviewed and approved by the Town Attorney’s office and recorded prior to the issuance of building permits.
 - iii. Design of the two affordable units shall be appropriate for artist “live-work” space, including designated workshop space on the first floor of the building.
 - iv. The owner shall enter into a Monitoring Services Agreement to annually verify compliance with terms of this permit, as approved by the Town Attorney’s Office. The owner shall bear cost of annual marketing.
 - v. The owner shall prepare an Affirmative Fair Housing Marketing and Tenant Selection plan which shall be approved by the Town.

7. Lighting for the Development shall be contained on-site, shall be down cast, shall not contribute to light pollution of the area, and shall be constructed consistent with the lighting plan identified in paragraph 1, above.
8. The site shall be landscaped consistent with the landscaping plan identified in paragraph 2, above. All landscaping within the development shall be low water use and shall minimize the use of fertilizers and pesticides.
9. The developer shall provide bike racks and or bike storage on the Property.
10. The Developer, where reasonably feasible shall make available features or materials of interest to the Hyannis Historic Society or Cape Cod Maritime Museum available to the same for salvage upon prior written request. Provided, however, that salvage of features or materials shall not materially delay Developer's construction schedule, and further provided that Developer may require a waiver and release of liability by any persons or entity entering upon the Property for such purposes and/or removing or accepting features or materials from the Property.
11. Rental restrictions. Developer's minimum lease term of rental units shall be twelve (12) months. Sublease of rental units, if permitted by the Developer, shall be for a minimum term of ninety (90) days. The lease documents and/or condominium Master Deed and Homeowners Association documents shall be reviewed by the Town Attorney for consistency with the conditions of this Agreement prior to issuance of the first Certificate of Occupancy in each phase, as applicable.
12. Letter of Credit. Prior to the issuance of any foundation building permit, Developer will provide a Letter of Credit or cash in an amount to be approved by the Planning Board or its designee, said Letter of Credit or cash to be expended on the replacement of landscape materials if such replacement becomes necessary. Any unexpended portion of said Letter of Credit or cash shall be released by the Planning Board to Developer or his successor(s) after three years from the date of the initial landscape plantings, such date to be determined by the Building Commissioner, upon the request of Developer. The terms of the Letter of Credit are subject to review and approval by the Town of Barnstable Town Attorney;
13. Letter of Credit. To ensure completion of work within public ways and roadway restoration, Developer will provide a Letter of Credit or cash in an amount to be approved by the Planning Board or its designee, with advice from the Town Engineer, said Letter of Credit or cash to be expended on completion of work within the public ways and roadway restoration if completion of such work becomes necessary. Any unexpended portion of said Letter of Credit or cash shall be released by the Planning Board to Developer or his successor(s) after thirty (30) days from the date of the final acceptance of all work within the public ways, such date to be determined by the Town Engineer, upon the request of Developer. The terms of the Letter of Credit are subject to review and approval by the Town of Barnstable Town Attorney.
14. All plumbing fixtures in the new units shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project;
15. Developer is responsible for obtaining all applicable permits and licenses, including but not limited to the following: foundation permit, building permit, street excavation permit (necessary for work in all public spaces), sewer permits and water permits. Only Town of Barnstable approved contractors are allowed to work on Town owned property. Contractors are required to have the insurance stipulated in the Street Excavation Rules and Regulations (SERR) and all work on town property must comply with all provisions of SERR. All work within the public way and public

utility services shall be to Town Standards. All plans shall be reviewed and approved by the Department of Public Works prior to initiating any work within the public way.

16. Developer will make best efforts to complete construction work in accordance with a construction schedule and sequencing plan submitted and approved in writing by the Town of Barnstable Building Commissioner and Hyannis Fire Department prior to the issuance of any foundation or building permits. Developer reserves the right to construct the project in two (2) phases. Developer shall have four (4) years from the date of commencement of work on Phase 1 of the project to complete Phase 2. To the extent construction impacts public property or public rites of passage, changes in the schedule, if needed as work progresses, are subject to the written approval of the Town. The construction schedule shall, to the maximum extent feasible, avoid interference with traffic on Pleasant Street. The developer shall notify in writing and receive the written approval from the Town of Barnstable Planning & Development Department and the Department of Public Works at least 48 hours in advance of working on Town property. The Developer will be responsible for all construction signage, directional signs, and police officers necessary for the performance of the work as determined by Town;
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 demolition, rehabilitation and new construction, all vehicles, equipment and materials associated with the development shall be required to be located off the right of ways of Pleasant Street and South 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. To the extent that the referenced plans do not depict all of the findings and conditions as set forth in this Agreement, revised plans and/or notations shall be provided. In addition to permits, plans and approvals listed above, any and all permits and licenses required shall be obtained;
20. The total number of parking spaces proposed for the Development is 77 on the Developer's property. The Developer is also seeking a revocable license from the Town Manager for an additional eleven (11) spaces wholly or partially located on Pleasant Street for a total of 88 spaces serving the development.
21. 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.
22. Construction and demolition debris shall be removed from the Property and shall be reused or recycled to the maximum extent possible.
23. The construction of the multi-family apartment development will result in the following benefits to the Town:
 - a. Revitalization of long standing vacant property; revitalization is anticipated to eliminate or substantially reduce issues associated with blighted property including but not limited to illicit activity.

- b. Redevelopment will significantly improve aesthetics along Pleasant Street.
- c. The Project will provide market rate housing, the need for which was identified in the 2014 Housing Production Plan, in an area of Hyannis in need of redevelopment.
- d. Elimination of ferry parking which has caused traffic and aesthetic problems for many years.
- e. Substantially improved traffic flow pattern allowing smoother ingress and egress on the property.
- f. Exterior site lighting improvements, including use of LED lights and motion detector lights.
- g. Construction of a sidewalk.
- h. Improved storm-water drainage management on-site with low impact design measures.
- i. addition of two affordable housing units at a reduced rate of 50% of said units dedicated to live-work space for artist in furtherance of the Town's Cultural Objectives.

24. The Town hereby grants waivers from the following Zoning Ordinance sections:

Section 240-24.1.3 HVB Hyannis Village Business District: mixed use density relief, setback relief, parking relief, landscape setbacks, maximum floor area to allow preexisting nonconforming conditions and the redevelopment of the "Patriot Press" building as provided herein.

Section 240-24.1.7 HD Harbor District – (B)(2) Special Permits, density of greater than 7 units/acre with a Special Permit; (C) Dimensional, bulk and other requirements, front yard building and landscape setbacks; maximum building height number of stories; maximum lot coverage;

Section 240-1.11 Site Development Standards (A)(4) – Off-Street parking requirements for 77 on the Developer's property. The Developer is also seeking a revocable license from the Town Manager for an additional eleven (11) spaces wholly or partially located on Pleasant Street for a total of 88 spaces serving the development. 90 spaces are required by Code.

25. The Town hereby grants waivers from the following Town Code sections:

Chapter 9, Article I Inclusionary Affordable Housing Requirements – Section 9-4-D requiring at least 10% of the residential units constructed shall be dedicated by deed restriction to affordable housing units is waived.

Chapter 112, Article III – Hyannis Main Street Waterfront Historic District Commission requirement for a Certificate of Appropriateness is waived for the demolition of the existing structures and construction of the buildings and all associated site work as shown on the approved development plans. This shall also include any relief necessary from compliance with the procedures or requirements of Chapter 112, Article I – Preservation of Historic Structures.

Chapter 353, Article I (Storage of Garbage and Refuse), Section 4 - Minimum setback to abutting property line. (No person shall store any rubbish or garbage less than 10 feet away from an abutter's property line. Where compliance with this provision is not possible due to existing physical constraints of the property, the refuse container(s) shall be set back away from the property line to the maximum separation distance feasible.) This requirement shall be waived.

26. 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;

27. 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 _____, 2017.

Town of Barnstable Developer, CapeBuilt Pleasant Street, LLC

By:By:

SPONSOR: Councilor Paul Hebert, Precinct 3

DATE	ACTION TAKEN
<u>11/02/17</u>	<u>Continued the Public Hearing until 11/16/17 at the request of the Developer</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-040

INTRO: 11/02/17

SUMMARY

TO: Town Council
FROM: CapeBuilt Pleasant Street, LLC
THROUGH: Elizabeth Jenkins, Planning & Development Director
DATE: October 31, 2017
SUBJECT: Regulatory Agreement with CapeBuilt Pleasant Street, LLC for Sea Captains Row, Hyannis

BACKGROUND: The proposed Regulatory Agreement with CapeBuilt Pleasant Street, LLC would allow the redevelopment of 24, 28, 43, 44, 53, 56, 64 and 66 Pleasant Street and 86 South Street, Hyannis (the “Property”), into 60 units of residential housing. After a public hearing, the Planning Board voted 5-1 on October 23, 2017 to recommend adoption of the proposed Agreement. The proposed plans received approval from the Site Plan Review Committee on July 20, 2017.

The Property is currently developed with six single-family dwelling units, one vacant residential-style commercial building and one accessory garage totaling 14,684 square feet. None of the buildings are currently inhabited. The primary use of the Property prior to the Developer’s purchase was for seasonal commercial parking serving ferry customers. At present, 53 Pleasant Street has a commercial parking lot license for 67 spaces.

The Developer proposes to redevelop the Property with eight (8) new multi-family residential structures that will contain a total of fifty-eight (58) units, and to renovate one existing structure that will contain two units, for a total of nine buildings covering 22,252 square feet on the Property, and sixty (60) total units with a combined total floor area of 86,218 square feet. The Developer proposes to construct seven (7) three-story multi-family housing buildings, one three-story building with two townhouses, and one building to be renovated into a community gathering space with two studio apartments above and an outdoor patio area. Six existing dwellings and one accessory garage will be demolished. Paved parking areas with new stormwater management systems, lighting and landscaping will be installed. These improvements collectively represent the “Development.”

Development plans include designated public art installations, including the intended reuse of granite foundation blocks (on which one of the existing structures is currently located) to frame a portion of the public open space on the eastern side of Pleasant Street. The Developer has also consulted with the Hyannis Main Street Waterfront Historic District Commission, and has solicited design input from other local stakeholders, including the Hyannis Civic Association and the Main Street Business Improvement District, with the intention of mirroring architectural features from existing structures and designing the new structures in harmony with the surrounding neighborhood.

The Developer’s engineers originally proposed water service connections for the Development accessing the existing water main on South Street and running a service line internally through the Property. After consultation by the Developer with the Department of Public Works, Barnstable Water Department and Town Manager, it was mutually agreed to be of benefit to both the Town and the Developer to conserve resources and coordinate Developer’s infrastructure with the Town’s infrastructure plans for Pleasant Street, and for the Developer to contribute \$168,087 toward replacement of the Pleasant Street main in lieu of the Developer constructing the original infrastructure proposal. The amount of \$168,087 represents the reasonably estimated cost that would have been otherwise borne by Developer in constructing the original proposal.

In furtherance of the goals of enhancing the cultural character of the Downtown Hyannis Main Street and preserving the historic narrative of Pleasant Street as Sea Captains Row, the Developer proposes to provide two on-site studio apartment rental units, and associated workshop space, in the former Patriot Press Building that will be deed restricted for occupants earning no more than 50% of Area Median Income. These units will be designated for residence by artist live-work space.

RATIONALE: Grant of a Regulatory Agreement to CapeBuilt Pleasant Street allowing the specified zoning relief, and upon the terms and conditions, all as approved by the Planning Board, will facilitate redevelopment of the Property and yield the following benefits to the Town:

- a. Revitalization of long standing vacant property. Revitalization is anticipated to eliminate or substantially reduce issues associated with currently blighted property.
- b. Redevelopment will significantly improve aesthetics along Pleasant Street, and invite pedestrian traffic connecting Main Street and the Regional Transportation Center at one end, and the Steamship Authority and Hyannis Harbor at the other end. This represents a significant “corridor” for Hyannis.
- c. The Project will provide market rate housing, the need for which was identified in the 2014 Housing Production Plan, in an area of Hyannis toward which Town planning and grant resources have already been expended to encourage private redevelopment.
- d. Elimination of ferry parking at the Property, which has caused traffic congestion and aesthetic problems for many years.
- e. Substantially improve traffic flow patterns allowing smoother ingress and egress on the property.
- f. Exterior site lighting improvements, including use of LED lights and motion detector lights, to deter illicit activity and encourage pedestrian use.
- g. Construction of sidewalks adjacent to the Property along Pleasant Street to facilitate pedestrian activity along an important corridor connecting Main Street and Hyannis Harbor.
- h. Improved on-site stormwater management, including low impact design features, will enhance environmental protection and wellness.
- i. Addition of two affordable housing units at a reduced rate of 50% of Area Median Income, said units dedicated to the in furtherance of the Town’s Cultural Objectives, will both add to the Town’s Affordable housing stock, and install resident artists in support of the Town’s cultural objectives.
- j. The Project’s design features, including historically-inspired architectural elements, public art installation sites, community open space, neighborhood gathering space, artist “live-work” space, and front porches/balconies fronting onto Pleasant Street, collectively and respectfully support the continued revitalization of the greater East Main Street neighborhood as a “live, work, play, and create” environment.

STAFF ASSISTANCE: Ruth Weil, Town Attorney; Elizabeth Jenkins, Director Planning & Development

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-041
INTRO: 11/16/17

**2018-041 ACCEPTANCE OF FEDERAL FISCAL YEAR 2017 EMERGENCY
MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF \$14,460
FROM THE MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY**

RESOLVED: That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2017 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency in the amount of **\$14,460** for the purpose of funding handheld radios used in emergency management operations and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-041
INTRO: 11/16/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: November 16, 2017
SUBJECT: Acceptance of Federal Fiscal Year 2017 Emergency Management Performance Grant in the amount of **\$14,460** from the Massachusetts Emergency Management Agency

BACKGROUND: Barnstable Police Department applied for and was awarded the Federal Fiscal Year 2017 Emergency Management Grant from the Massachusetts Emergency Management Agency (MEMA) in the amount of \$14,460. The Barnstable Police Department coordinates the emergency management operations for the Town of Barnstable and the Chief of Police serves as the Emergency Management Director. It has been a multiyear goal to replace all of the department's portable radios used by Emergency Management personnel utilizing this Emergency Management grant. Many of the radios are obsolete in terms of parts availability and in meeting optimum levels of interoperable communications standards. In the event of an emergency, it is imperative that emergency management personnel have the ability to communicate regionally with all Cape Cod police and fire departments, the Barnstable County Sheriff's Department and the Massachusetts State Police. The grant will be utilized for the replacement of five (5) portable radios and high capacity radio batteries.

ANALYSIS: The acceptance of this grant will allow the Department to update and purchase equipment that will be a vital tool in emergency operations. All equipment must be purchased by 6/30/18.

FISCAL IMPACT: This grant requires a 100% match, which is met via the annual maintenance contract for the Reverse 911 public notification system purchased through PCMG, Inc., and exceeds the match requirement of \$14,460.

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

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police; Anne E. Spillane, Barnstable Police Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM #2018-042

INTRO: 11/17/17

2018-042 ACCEPTANCE OF FISCAL YEAR 2018 911 DEPARTMENT SUPPORT AND INCENTIVE GRANT IN THE AMOUNT OF \$177,282 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY

RESOLVED: That the Barnstable Town Council does hereby accept the Fiscal Year 2018 911 Department Support & Incentive Grant, in the amount of \$177,282 from the Commonwealth of Massachusetts Executive Office of Public Safety, for the purpose of funding personnel costs associated with shift shortages and also to fund the base salary of a portion of civilian telecommunicators and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2018-042
INTRO: 11/17/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: November 17, 2017
SUBJECT: Acceptance of a Fiscal Year 2018 911 Department Support & Incentive Grant in the amount of **\$177,282** from the Commonwealth of Massachusetts, Executive Office of Public Safety

BACKGROUND: The Police Department applied for and was awarded a 911 Support and Incentive Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, State 911 Department in the amount of **\$177,282**. The Barnstable Police Department serves as a primary Public Safety Answering Point (PSAP) in that it receives all categories of 911 calls (Fire, Police & Medical Emergency) and then dispatches to the appropriate service according to the type of need of the call. Additionally, Emergency Medical Dispatch continues to be administered by the Barnstable Police Department throughout the duration of the call, in keeping with State 911 regulations. Eligible entities for this grant are primary, regional and regional secondary PSAPS and Regional Emergency Communications Centers (RECC). Additional monies are available under the grant guidelines pertinent to this grant, because the Barnstable Police Department serves as a Primary PSAP. The Barnstable Police Department proposes that this funding be used to fund personnel costs incurred in the operation of the department's 911 Telecommunications Center.

ANALYSIS: The acceptance of this grant will allow the Department to place qualified personnel in the communications center in order to provide adequate staffing to that area without incurring undue personnel expenses. As approved in the FY18 personnel budget this grant will also fund a prorated portion of base pay for three new civilian dispatchers from March through June, 2018.

FISCAL IMPACT: This is a reimbursement grant for personnel costs. The town must expend the funds upfront and subsequently submit for reimbursement.

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

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police; Anne Spillane, Support Services

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2018-043
INTRO: 11/17/17

2018-043 ACCEPTANCE OF FISCAL YEAR 2018 STATE 911 DEPARTMENT TRAINING AND EMERGENCY MEDICAL DISPATCH GRANT IN THE AMOUNT OF \$169,907.40 FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

RESOLVED: That the Town Council hereby accepts a Fiscal Year 2018 State 911 Department Training and Emergency Medical Dispatch Grant in the amount of **\$169,907.40** from the Commonwealth of Massachusetts Executive Office of Public Safety and Security, for the purpose of funding costs associated with the mandatory training of all 911 telecommunicators who perform emergency dispatch operations and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-043
INTRO: 11/17/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: October 30, 2017
SUBJECT: Acceptance of a Fiscal Year 2018 State 911 Department Training and Emergency Medical Dispatch (EMD) Grant in the amount of **\$169,907.40** from the Commonwealth of Massachusetts Executive Office of Public Safety and Security

BACKGROUND: The Department has been awarded a grant in the amount of **\$169,907.40** relative to our role as a primary Public Safety Answering Point (PSAP) to fund the training and certification of enhanced 911 telecommunicators, including emergency medical dispatch (EMD).

This grant will fund 16 hours each of continuing education courses as required by law in such areas as CPR, EMD Recertification and specialized dispatch training on other topics such a active shooter, domestic violence and suicide for 67 telecommunicators. Only telecommunicators who are trained/certified in basic telecommunications and EMD can work in the dispatch area and must complete 16 hours of continuing education annually. The grant will also fund the training costs associated with the initial training of nine newly hired civilian dispatchers.

ANALYSIS: Acceptance of this grant will enable the department to fulfill their training obligations as a primary PSAP as mandated by State 911.

GRANT DETAIL: **\$169,907.40** will be directed to pay for class fees and personnel costs associated with the training.

FISCAL IMPACT: This is a reimbursement grant for all training costs, materials and overtime. The town must expend the funds upfront and subsequently submit for reimbursement. This has no impact on the Police Department's operating budget. There is no match required. All costs associated with this grant contract must be completed by June 30, 2018.

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

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police; Anne Spillane, Support Services

B. NEW BUSINESS (Refer to Public Hearing 12/07/17)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-044
INTRO: 11/16/17**

2018-044 ALLOCATION OF TAX LEVY FISCAL YEAR 2018 – TAX FACTOR

RESOLVED, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the Fiscal Year 2018.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-044
INTRO: 11/16/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: November 16, 2017
SUBJECT: Allocation of Tax Levy Fiscal Year 2018 – Tax Factor

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the tax levy between classes of property. The residential factor commonly referred to as the “Split Tax Rate” allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property owners, (CIP owners). Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 175%. Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”.

STAFF ASSISTANCE: Mark Milne, Finance Director; Edward O’Neil, Director of Assessing

B. NEW BUSINESS (Refer to Public Hearing 12/07/17)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-045
INTRO: 11/16/17**

2018-045 ALLOCATION OF TAX LEVY FY18 – RESIDENTIAL EXEMPTION

RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption of 20 percent for Fiscal Year 2018.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-045
INTRO: 11/16/17

SUMMARY

TO: Town Council
FROM: Town Manager
THROUGH: Mark Milne, Director of Finance; Edward O'Neil, Director of Assessing
DATE: November 16, 2017
SUBJECT: Allocation of Tax Levy FY18– Residential Exemption

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council may adopt a Residential Exemption as part of determining the allocation of the tax levy between residential property owners. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the residential property tax levy between property owners based on statutory criteria. The maximum exemption allowed is 35 percent of the average assessed value of all Class One (or Residential) parcels. This exemption would be applied to residential parcels which are qualified as the principal residence of the taxpayer. Principal residence is a taxpayer's domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the Commercial, Industrial and Personal Property class of taxpayers. The Town Council has voted to adopt a 20% residential exemption for the past 12 fiscal years. If a 20% exemption amount is repeated for the FY18 tax levy, residential taxpayers whose principal residence is in the Town of Barnstable will receive a tax reduction as long as their property assessment is approximately less than \$998,000 and the residential tax rate for all taxpayers will rise to cover the exempted portion of value of the qualified properties. The tax savings these property owners realize will be shifted to all non-resident property owners and residential property owners whose assessments are greater than approximately \$998,000. Under this option, property tax savings are greater as the assessed value of the property declines and the percentage exemption adopted increases.

STAFF ASSISTANCE: Mark Milne, Director of Finance, Edward O'Neil, Director of Assessing

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-046
INTRO: 11/16/17**

**2018-046 ORDER TO APPROVE TERM OF CONTRACT CHANGE FOR OLDE
BARNSTABLE FAIRGROUNDS GOLF COURSE GOLF CARS**

ORDERED, that the Town Council, under the provisions of M.G. L c, 30B, §12 (b), does hereby authorize the Town Manager to enter into a five (5) year contract to lease golf cars and utility vehicles for use at the Olde Barnstable Fairgrounds Golf Course.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-046
INTRO: 11/16/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: November 16, 2017
SUBJECT: Order to Approve Term of Contract Change under the MGL 30B, Uniform Procurement Act, Section 12, paragraph(b), which would allow the Olde Barnstable Fairgrounds Golf Course Golf Car contract to be extended from three (3) years to five (5) years with the approval of the Town Council

RATIONALE: The Town of Barnstable's current golf car contract for Olde Barnstable Fairgrounds Golf Course is with Country Club Enterprise will end on March 31, 2018. A request for quotation was issued by the procurement office under the State Contract FAC88 for golf cars and utility vehicles for the Olde Barnstable Fairgrounds Golf Course (OBF) (66 cars plus nine (9) utility vehicles) on October 11, 2017 from three state contract vendors as required by the state contract. Quotes were due on November 2, 2017. Request for Quotes (RFQ) were sent to:

1. Country Club Enterprise
2. New England Golf Cars
3. Five Star Golf Cars

The state contract allows the municipalities to award their procurement to the "best value" to them. The request for quote stated that the award would be made based all factors of the equipment, options, pricing and product and vendor performance/references will be considered in determining the best value for the Barnstable Golf Division.

Quotes received from the three firms were as follows:

36 month lease 60 month lease

1. Country Club(Club Car) \$188,216\$253,278
2. New England Golf (Yamaha) \$200,296\$260,583
3. Five Star Golf Cars (E-Z Go) \$253,044\$344,190

The evaluation of the golf cars and utility vehicles offered by County Club Enterprises (CCE), New England Golf Cars (NEGC), and Five Star Golf Carts (FSGC) was done by the following: Bruce McIntyre, Director of Golf Operations; Christopher White, Director of Golf Maintenance; Golf Maintenance Staff; Merry Holway, Olde Barnstable Head Golf Professional; and Golf Operational Staff. Their recommendation is based on feedback from customers using demo golf cars, staff using demo utility vehicles, vehicle course performance, cart comfort, service plan offerings, reference checks, comparisons with current golf cars, history with the three vendors that submitted bids, current price paid and bid prices proposed.

The Town Council previously approved the current cart contract from a three (3) to five (5) year term.

FISCAL IMPACT: New competitive state contract quote process resulted in a reduction of yearly lease cost at OBF over the current lease from Country Club Enterprises of \$4,503.97 for a total of \$22,519.85 cost savings over the five (5) year lease. This also includes an all-inclusive service/maintenance plan. There is an estimated 30% increase in fuel efficiency with fuel injected motors which will result in higher profits on a lower expense with this new fleet.

STAFF ASSISTANCE: Johanna Boucher, Chief Procurement Officer; Bruce McIntyre, Director of Golf Operations

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-047
INTRO: 11/16/17

2018-047 ACCEPTANCE OF A FEDERAL FISCAL YEAR 2017 BULLETPROOF VEST PARTNERSHIP GRANT IN THE AMOUNT OF \$19,167.25 FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS

RESOLVED: that the Barnstable Town Council does hereby accept a Federal Fiscal Year 2017 Bulletproof Vest Partnership Grant from the United States Department of Justice, Office of Justice Programs in the amount of **\$19,167** for the purpose of replacing vests of police officers that are in excess of five years and are no longer considered protective and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-047

INTRO: 11/16/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: November 16, 2017
SUBJECT: Acceptance of Federal Fiscal Year 2017 Bulletproof Vest Partnership grant in the amount of **\$19,167.25** from the U.S. Department of Justice, Office of Justice Programs

BACKGROUND: The Barnstable Police Department applied for and was awarded a Bulletproof Vest Partnership Grant from the United States Department of Justice, Office of Justice Programs for Federal Fiscal Year 2017 in the amount of **\$19,167.25**.

This grant funds up to 100% of the cost of bulletproof vests purchased or replaced by the police department in the form of a 50/50 partnership between the Federal Office of Justice Programs and the Massachusetts Executive Office of Public Safety. Replacement of vests is recommended every 5 years, as the reliability of the vest deteriorates over time and use. State reimbursement is only made upon receipt of 50% payment from the Federal program.

ANALYSIS: The acceptance of this grant will allow the Department to replace bulletproof vests and maintain safety standards for replacement of these vests on behalf of each police officer.

FISCAL IMPACT: This is a reimbursement grant. The town must expend the funds upfront and subsequently submit for reimbursement. This has no impact on the Police Department's operating budget.

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

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police; Anne Spillane, Barnstable Police Department