



Town of Barnstable Town Council

James H. Crocker Jr Hearing Room
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Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail: council@town.barnstable.ma.us

MEETING AGENDA

April 15, 2021

7:00 PM

The April 15, 2021 meeting of the Barnstable Town Council will be held remotely and shall be physically closed to the public to avoid group congregation.

Remote Participation Instructions

1. Real-time public comment may be addressed to the Barnstable Town Council utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://zoom.us/j/98964951279> Meeting ID: 989 6495 1279
1-888 475 4499 US Toll-free Meeting ID: 989 6495 1279

2. Written Comments may be submitted to:

https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp

3. The meeting will be televised live via Comcast Channel 18 access:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

7. ACT ON MINUTES (Including Executive Session)

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

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: May 6, 2021

Councilors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grasseti
Precinct 7

Debra S. Dagwan
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

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

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

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Approve Minutes: March 18, 2021

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-106

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-107
INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-108

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

03/18/2021 Refer to Public Hearing 04/01/2021

04/01/2021 Continue to Public Hearing 04/15/2021

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-109

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-110

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-111

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-112

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-113

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-114

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-115

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-116

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-117
INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-118

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-119

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-121

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-122

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-123
INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-124

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2021-125

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-126
INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-127

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-128

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-129

INTRO: 03/18/2021, 04/01/2021, 04/15/2021

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/18/2021</u>	<u>Refer to Public Hearing 04/01/2021</u>
<u>04/01/2021</u>	<u>Continue to Public Hearing 04/15/2021</u>

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

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-136
INTRO: 04/15/2021**

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2021-136
INTRO: 04/15/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: April 15, 2021
SUBJECT: 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

BACKGROUND: With the departure of the incumbent in the standalone Information Technology (IT) support position at the Police Department in February, the Department has had to contract with Ockers Company to maintain and troubleshoot our police computer servers and obtain Help Desk Services. During the months of February and March the Department contracted for Managed IT Services and 24-hour remote help desk services at a cost per month of \$5,527. This service is helpful, but was not adequate in addressing complications found in our systems that required more extensive troubleshooting, problem solving and require on-site support. The 24-hour help desk support has been helpful in addressing individual user issues, since the Department operates 24/7 and has a total user count of 170. The cost of this additional on-site service is \$7,200/month. We are currently in the process of recruiting a new Police Technology Director and we estimate this process to be completed by the beginning of June, providing we find a suitable candidate. We are also exploring the use of outside IT services on a more permanent basis, as a precautionary measure in the event that we are not able to secure a hire in the currently open IT position. In the meantime, we anticipate that we will need to maintain Managed IT Support Services and an On-Site Help Desk Technician from the Ockers Company through the end of June 2021. The Police Department has an abundance of technology-based programs, equipment and services that are vital day-to-day police operations.

ANALYSIS: This budget transfer request is comprised of three parts: 1) IT Managed Services/24-hour Help Desk @ \$5, 52 7/month to be invoiced on a monthly basis each month for 3 months for a total cost for 3 months of service of \$16,581; 2) One On-Site Helpdesk Service Technician 40 Hours/Week @ \$7,200/month to be invoiced on a monthly basis each month for 3 months for a total cost for 3 months of service of \$21,600. 3) Additionally, the department requests that \$11,054 be included in this transfer to cover the outlay of funds expended for the months of February and March for IT Managed Services.

FISCAL IMPACT: The available funds in the Police Department personnel budget are due to the turnover in several positions throughout the fiscal year resulting in vacancy savings. The total Fiscal Year 2021 Operating Budget Appropriation for the Police Department is not changing.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this supplemental budget request.

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne E. Spillane, Finance & Support Services Director, Barnstable Police Dept.

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-137
INTRO: 04/15/2021**

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

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2021-137
INTRO: 04/15/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: April 15, 2021
SUBJECT: 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

BACKGROUND: The Department applied for and was awarded a grant in the amount of \$5,000. This funding will provide funding in support of the Barnstable Youth Commission's Substance Abuse Prevention Forum, which is scheduled for October, 2021. The Barnstable Police Department works closely with the Youth Commission on their annual drug awareness programs and the grant funds will assist with covering costs associated with prevention efforts. The Barnstable Police Department responds on a daily basis to situations and calls for service involving opiates and other substance misuse. Our partnership with the Barnstable Youth Commission provides us with a unique opportunity to employ prevention efforts by engaging with both youth and parents before substance abuse begins. The Substance Abuse Prevention Forum provides information for parents on current issues related to drug use facing teens and young adults. The Forum provides an opportunity for parents to hear from police officers, recovery coaches, mental health workers, and guest speakers with recovery stories to help them better understand the multiple pressures facing their children and assist with facilitating productive conversations.

GRANT DETAIL: \$5,000 of this grant award is allocated entirely to funding for the Substance Abuse Prevention Forum and will be specifically used to support the costs of speakers, advertising and other essential costs related to the event. The Barnstable Youth Commissioners take the lead on planning, organizing, scheduling and executing this event. A Barnstable Youth Commission adult advisor from the Barnstable Police Department oversees the use of these funds on behalf of the Barnstable Youth Commission and will manage the grant.

ANALYSIS: Acceptance of this grant will assist the Barnstable Youth Commission in providing funding to support the annual Substance Abuse Prevention Forum in October, 2021. This funding will help to engage reputable and specialized speakers on the subject of youth substance abuse.

FISCAL IMPACT: Funds from this grant are received outright at the time of grant award and there is no required match.

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

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Jean Challies, Deputy Chief

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-138
INTRO: 04/15/2021**

2021-138 EXTENSION OF \$843,612.66 IN UNENCUMBERED CAPITAL APPROPRIATION

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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2021-138
INTRO: 04/15/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: April 15, 2021
SUBJECT: Extension of **\$843,612.66** in Unencumbered Capital Appropriation

RATIONALE: The Town's General Ordinances under §86-3 states that "Unless otherwise provided in a vote of the Town Council making a specific appropriation, or unless a specific appropriation has been encumbered by contractual obligations, specific appropriations shall have a normal life of three years from the commencement of the fiscal year for which it was approved. At the end of the third fiscal year, any funds remaining in the appropriation shall revert to the general fund." Section 86-4 provides that "The Town may, at any time by appropriate action by the Town Council, extend the date on which a specific appropriation would otherwise revert to the general fund."

Town Council order 2015-101 has a remaining unencumbered balance of \$843,613. Asbestos ceilings in the building increased the costs of the project to the point where all the work could not be done at once. Since it is the heating system swap over from steam to hot water all the work needs to be done at one time. Current Town Hall projects including the restroom renovations, security and corridor improvements, will dissipate some of the asbestos issues that affect the heat system change over. We anticipated combining the remaining funds in this appropriation with the anticipated Fiscal Year 2022 Town Hall mechanical improvements requested under item 2021-114 to address both systems under one project.

FISCAL IMPACT: The funding for Town Council appropriation 2015-101 was from a bond issue so the balance cannot be closed to the General Fund. The Town Council can authorize an extension of time to use these remaining funds for their original purpose, or they can be appropriated for another purpose for which the Town could borrow funds for a similar time period (20 years) per Massachusetts General Finance Laws. These funds reside in the Town's Treasury and are available for expenditure upon Town Council authorization.

STAFF ASSISTANCE: Mark A. Milne, CPA, Finance Director

B. NEW BUSINESS (Refer to Public Hearing 05/20/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-139
INTRO: 04/15/2021**

**2021-139 ORDER AMENDING CHAPTER 184 SEWERS AND WATER OF THE
GENERAL ORDINANCES**

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 sewered 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 sewered 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.”

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-139
INTRO: 04/15/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Karen L. Nober, Town Attorney, Mark A. Milne, CPA, Director of Finance
DATE: April 15, 2021
SUBJECT: Order Amending Chapter 184 Sewers and Water of the General Ordinances

BACKGROUND: The Comprehensive Wastewater Management Plan (CWMP) is a 30-year construction plan to extend sewer service to 11,800 properties across Town. It is a science-based plan for meeting the Total Maximum Daily Loads (TMDLs) in our estuaries that will protect the health of our waters. By collecting and treating wastewater, the sewers will safeguard the health of our coastal waters, ponds and drinking water for generations to come. The program also provides ancillary benefits to the community in the form of increased opportunities for housing, economic development and the redevelopment of underutilized property.

The current estimated cost for planning purposes of the 30-year plan is approximately \$1.4 billion, including construction, borrowing costs and inflation. This will be reviewed at regular intervals and updated based on new information. The Town has already made significant progress in identifying resources to address this plan. Through legislative action at both the state and local levels the Town has created over 50% of the estimated funding sources needed for this program. An existing dedicated revenue stream consisting of proceeds from the local room occupancy tax on traditional lodging, short-term rental occupancy tax, local meals tax and a new excise tax of 2.75% that applies to all types of lodging on Cape Cod is estimated to provide over one-half of the funding needed for this program. As additional properties are brought on-line with the public sewer system additional revenue will be provided from sewer user charges. Options for financing the remaining costs of the plan are being developed to equitably allocate the costs to property owners in accordance with the benefits they will receive from the sewer construction. One of these options is a sewer assessment that is charged to property owners who will have the ability to tie into the public sewer system as it is built out.

RATIONALE: There are two methods that can be used to calculate sewer assessments. 1) A fixed uniform rate or uniform unit. The fixed uniform rate is based upon the estimated average cost of all the sewers therein, according to the frontage of such land on any way in which a sewer is constructed, or according to the area of such land within a fixed depth from such way, or according to both such frontage and area. 2) A uniform unit method is based upon sewerage construction costs divided among the total number of existing and potential sewer units to be served. Each sewer unit shall be equal to a single family residence.

Under either method, the size of a structure on the property, the number of people that could potentially live in a structure or the assessed value of a property cannot be used to determine the sewer assessment. The Town is proposing to equalize the sewer assessment to all affected property owners by capping it at \$17,000. This would apply to either method chosen so the uniform unit method is recommended as sewer units are more easily determined. If the Town wants to execute a strategy that would determine sewer assessments based upon a group of property owner's perceived ability to pay; therefore charging different sewer assessments amounts to different groups of property owners, a strategy would have to be implemented whereby the assessment would be determined on a project by project basis as the system is built out.

All property owners in Town benefit from the quality of life and economic advantages provided by pristine beaches, ponds and drinking water. However, the properties that are to be connected to the public sewer system will gain added advantages of state-of-the-art wastewater treatment service resulting in enhanced property values. A property tied into a public sewer system has the potential to command a higher market value and increased marketability compared to a similar home with a private on-site system due to the eventual failure of the on-site system and potential significant cost of its replacement. A recent study involving active brokers/agents and developers found universal agreement that the introduction of sewers will result in increased market values and greater marketability. The study's market analysis showed that sewers resulted in an increase in single family residential property values estimated at 6-13% with an average of 8%, and an increase in property values on vacant acreage estimated at 15-25%. In another recent study prepared for the Sound View Sewer Coalition, LLC of South Lyme, CT, appraisers concluded that the estimated benefit of public sewer to residential property was 7% and 10% for restaurant/mixed use property. Furthermore, a property tied into the public sewer system will never have to incur the cost of replacing an on-site system and will benefit from reliable sewer service operated and maintained by the Town, and receive an improved roadway in front of their property. Accordingly, one of the options proposed to close the funding gap for the CWMP is that property owners that will have the ability to connect to sewer service pay an additional charge in the form of a sewer assessment for receiving these public benefits.

The Sewer Assessment Ordinance would create a sewer assessment that would apply only to properties that will be receiving new sewer service. The sewer assessment will not apply to a property that is already tied into the public sewer system or properties that currently have the ability to tie into the public sewer system. A cap on the sewer assessment of \$17,000 per sewer unit is recommended at the start of the program. This amount reflects only a portion of the actual cost of sewerage of the property. It is also less than the potential increase in property value an owner can realize from by being connected to public sewer service. For example, an assessment of \$17,000 represents approximately 4% of the median residential assessed value in town (\$388,500) when the connection to sewer service could increase a residential property's value by as much as 6% to 13% based on the studies referenced above. The \$17,000 also approximates what it could cost to replace an on-site system. In addition, the roadway in front of the properties to be sewerage will be improved.

It is proposed that the sewer assessment be adjusted annually in accordance with a construction cost index to recognize inflation and provide equity in assessments for those paying the assessment in today's dollars versus those who will be assessed in the future. This is the maximum assessment for a residential property and some actual assessments could in fact be a lower amount. The exact costs for each affected property owner are not known until construction contracts are awarded and a project is completed.

FISCAL IMPACT: The Sewer Assessment Ordinance described above would not cover the entire remaining funding needed to implement the CWMP. The strategy for meeting this additional need will be developed once the Sewer Assessment Ordinance is finalized.

STAFF ASSISTANCE: Karen L. Nober, Town Attorney, Charles S. McLaughlin, Jr., Sr. Town Attorney, Kathleen Connolly, Assistant Town Attorney, Mark A. Milne, CPA, Director of Finance

B. NEW BUSINESS (First Read) (Refer to Second Reading 05/06/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-140
INTRO: 04/15/2021**

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

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.

SPONSORS: Town Council Tax Incentive Committee: Nikolas Atsalis, Precinct 4 Councilor; Jennifer Cullum, Precinct 13 Councilor; and Eric Steinhilber, Precinct 2 Councilor

DATE: ACTION:

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

BARNSTABLE TOWN COUNCIL

ITEM# 2020-141
INTRO: 04/15/2021

SUMMARY

TO: Town Council
FROM: Elizabeth S. Jenkins, Planning & Development Director
THROUGH: Tax Increment Exemption/Tax Increment Financing Committee
DATE: April 15, 2021
SUBJECT: Housing Development Incentive Program Tax Increment Exemption for 850 Falmouth Road, Hyannis

RATIONALE: The Tax Incentive Committee of the Town Council recommends approval of the Housing Development Incentive Program (HDIP) Tax Increment Exemption request from developer Standard Holdings LLC for property located at 850 Falmouth Road, Hyannis known as Residences @850. The proposed development will consist of 43 new market rate rental units on an undeveloped parcel.

In January 2018, the Barnstable Town Council approved the Downtown Hyannis HD Zone and Plan and in March 2018 the Department of Housing and Community Development approved the Zone. Approval of the revised Zone and Plan was voted by Town Council on January 26, 2021 and approved by DHCD on March 2, 2021. Approval of this Zone allows the Town to enter into Tax Increment Exemption Agreements with property owners within the Zone. The goals of the Housing Development Incentive Program, which authorizes Tax Increment Exemption Agreements, are to increase residential growth, expand diversity of housing supply, support economic development and promote neighborhood stabilization.

The Housing Development Program (HDIP) Staff Review Committee and the Town Council Tax Incentive Committee reviewed the application from Standard Holdings, LLC and found it to be complete and agreed the development meets the objectives of the HDIP Plan including increasing residential stock and diversity of housing choice. The Operating Pro Forma is reasonable and in line with industry standards. The proposed rents, at \$1,500 per month for one bedroom and \$1,900 for 2 bedroom plus utilities, are priced consistently with prevailing rents. The development will have a positive impact on housing supply and in turn support economic development. The TIE Agreement is a contract between the property owner and the municipality which sets forth the amount of the tax exemption and the duration of the benefits. The Sponsor has requested, and the Tax Incentive Committee recommends, an 85% Tax Exemption for years 1-5, a 60% Tax Exemption for years 6-10, and a 50% Tax Exemption for years 11-20 on the increased value.

If approved by the Town, this project and TIE Agreement must also be approved by the State Department of Housing and Economic Development.

FISCAL IMPACT: The estimated value of the new residential portion of this parcel when developed as proposed is \$10,697,389 resulting in an increase of \$10,217,889 in assessed value. As proposed, the total value of the TIE is estimated at \$1,525,728.83. By approving the TIE Agreement, the Town agrees to forgo an estimated \$1,525,728.83 in tax revenue over 20 years in turn for an investment of \$15,360,600 in Hyannis.

STAFF ASSISTANCE: Mark Milne, CPA, Finance Director; Ed O’Neil Assessor; Karen Nober, Town Attorney; Arden Cadrin, Housing Coordinator

HOUSING DEVELOPMENT INCENTIVE PROGRAM

TAX INCREMENT EXEMPTION (TIE) AGREEMENT

Between

Town of Barnstable

And

Standard Holdings, LLC

This AGREEMENT is made this _____ day of _____, 2021 by and between the Town of Barnstable (“Municipality”) and Standard Holdings, LLC, a Massachusetts Limited Liability Corporation (“Sponsor”) with an address at 540 Main Street, Suite 18, Hyannis, MA 02601.

Section 1 – Agreement

The Municipality and the Sponsor, for good and valuable consideration and in consideration of the covenants and agreements herein contained, hereby make this agreement regarding a tax increment exemption pursuant to the Housing Development (HD) Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 (HD TIE), with respect to the Property as herein defined.

Section 2 – Definitions

Each reference in this Agreement to the following terms shall be deemed to have the following meanings:

Act: M.G.L. c. 40V as may be amended from time to time.

Completion: Certificates of occupancy have been issued for the entire Project.

DHCD: Department of Housing and Community Development

Event of Default: An “Event of Default” as defined in Section 5 below.

Final Certification: Determination by DHCD that the Sponsor has completed the new construction or substantial rehabilitation of the Property, consistent with the New Construction or Rehabilitation Plans, including the creation of MRRUs, as set forth in the Act and the Regulations.

Fiscal Year: An annual period of July 1 through June 30.

HD Project: A Certified Housing Development Project as defined in the Act and the Regulations.

HD Zone: The Housing Development Zone adopted by the Town of Barnstable on January 18, 2018 and approved by DHCD as evidenced by a Certificate of Approval dated on March 9, 2018 and recorded with Barnstable County Registry of Deeds Book 32703 Page 1. Amended on January 21, 2021 by the Town of Barnstable and approved by DHCD as evidenced by a Certificate of Approval dated March 2, 2021 and recorded with Barnstable County Registry of Deeds Book Page will be recorded asap

Lead Municipality: N/A

MRRU: Market Rate Residential Unit(s) as defined at Section 3.B.1.

Property: 850 Falmouth Road and 3 Whitehall Way as shown in Exhibit 1, “Map of Property” and further described in Exhibit 2, “Legal Description of Property”.

Regulations: 760 CMR 66.00.

New Construction or

Rehabilitation Plans: The material submitted for Conditional Certification pursuant to 760 CMR 66.05(3) (a) and approved by DHCD.

Sponsor: Standard Holdings, LLC, a Massachusetts Limited Liability Corporation, with an address at 540 Main Street, Suite 18, Hyannis, MA 02601, its successors and assigns.

Section 3 – Sponsor’s Covenants

- A. New Construction or Substantial Rehabilitation of the Property. Sponsor will undertake the new construction or substantial rehabilitation of the Property in accordance with the work and schedule set forth in the New Construction or Rehabilitation Plans.
- B. Market Rate Residential Units.
 - 1) There shall be a total of 53 residential rental units created in the Project of which 43 shall be MRRUs comprised of 36 2 bedroom - 2 bathroom units, and 7 1 bedroom - 1 bathroom units. The monthly rent for such units shall be priced consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the Department, as set forth in Exhibit 3, “Market Rate Residential Units – Pricing Plan”.
 - 2) Sponsor shall use good faith efforts to maintain the units as MRRUs for a minimum of 20 years.
- C. Marketing. Sponsor shall cause the MRRU to be marketed in a manner that is consistent with the strategies, implementation plan and affirmative fair housing efforts set out in the New Construction or Rehabilitation Plans.
- D. HD Project Certification. Sponsor shall take all actions reasonably necessary to obtain Final Certification of the Property as an HD Project including but not limited to submitting applications to DHCD for Conditional Certification and Final Certification consistent with the requirements of the Act and the Regulations.

Section 4 – Tax Increment Exemption

Municipality agrees to grant Sponsor an exemption to the real property taxes due on the Property pursuant to G.L. c.59 according to the following terms.

- A. Base Value. \$479,500.
- B. MRRU Percentage. 82%. The MRRU Percentage shall be confirmed as required in paragraph F, below.
- C. Exemption Percentage. Commencing on the Effective Date which shall be Fiscal Year 1: 85% Years 1-5; 60% Years 6-10; 50% Years 11-20
- D. The Increment. As defined at 760 CMR 66.06(1) (b) (1).
- E. Calculation. For each Fiscal Year during the term of this Agreement, the HD TIE shall be determined by applying the Exemption Percentage to the property tax on the Increment.
- F. Confirmation or Amendment of Calculation. Upon Completion, and prior to applying for Final Certification of the Project, the Sponsor and Municipality shall file a “Tax Increment Exemption – Confirmation of Calculation” in the form attached as Exhibit 4 (“TIE Confirmation”). To the extent that the dates or figures in the TIE Confirmation differ from those set forth in this Agreement, the contents of the TIE Confirmation shall control and shall be deemed to have amended this Agreement.

Section 5 – Default

A. Event of Default. An “Event of Default” shall arise under this Agreement upon the occurrence of any one or more of the following events:

1) Breach of Covenant Prior to Final Certification. Subject to the limitations set forth in the Regulations at section 66.05(4)(b), Sponsor defaults in the observance or performance of any material covenant, condition or agreement to be observed or performed by Sponsor pursuant to the terms of this Agreement, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

2) Breach of Covenant Subsequent to Final Certification. Sponsor’s conduct is materially at variance with the representations made in its New Construction or Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

3) Misrepresentation. Any representation made herein or in any report, certificate, financial statement or other instrument furnished in connection with this Agreement shall prove to be false in any material respect.

B. Rights on Default.

1) Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final Certification, then this Agreement shall become null and void.

2) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:

a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that DHCD revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which DHCD determines that a material variance commenced.

b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.

c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.

3) Other Remedies. The Municipality’s rights upon the occurrence of an Event of Default are in addition to those granted to DHCD and the Massachusetts Commissioner of Revenue under the terms of the Act.

Section 6 – Miscellaneous

A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following DHCD’s Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations, which date is

anticipated to be June 30, 2023. The Effective Date shall be confirmed as required under Section 4.F above.

B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.

C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:

- 1) Until Completion, the status of construction in relation to the schedule contained in the New Construction or Rehabilitation Plan;
- 2) Until Completion, the status of marketing in relation to the New Construction or Rehabilitation Plans; and
- 3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.

D. Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.

E. Notices. In conjunction with concurrent electronic submission as provided for below or, if reasonable efforts can determine that such information is no longer current, otherwise reasonably obtainable and verifiable electronic contact information, any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and, unless general measures for electronic receipt as a substitute are in place at such time or can otherwise be reasonably assumed due to publicized or immediately foreseeable remote working conditions, shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

1) Municipality: Town Manager
Town of Barnstable
367 Main Street
Hyannis, MA 02601

2) Sponsor:Standard Holdings LLC
540 Main Street
Hyannis, MA 02601
Email: ttelman@comcast.net
rcarleton@comcast.net

3) Copy to DHCD: All such notices shall be copied to DHCD at:

HDIP Program Coordinator
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
dhcdhdip@mass.gov

4) Change of Address. Either party may change the address to which notices are to be sent to it by giving written notice of such change of address to the other party in the manner herein provided for giving notice.

F. Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose for which given. No failure or delay on the part of Municipality in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege.

IN WITNESS WHEREOF, the Sponsor has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, and the Municipality has caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Town Manager and Town Council as of the day and year first above written.

[SIGNATURES ON NEXT PAGE]

MUNICIPALITY SPONSOR

By: Mark S. Ells, Town Manager Timothy T. Telman, Manager

Robert T. Carleton, Manager

EXHIBIT 1
MAP OF PROPERTY

EXHIBIT 2

DESCRIPTION OF PROPERTY

EXHIBIT 3

MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Proposed Initial
Monthly Rent(s)*: \$1900 (2-BR);
 \$1500 (1-BR)

*units shall be priced in compliance with DHCD’s HDIP Guidelines and 760 CMR 66.04(2) (f)

EXHIBIT 4

TAX INCREMENT EXEMPTION – CONFIRMATION OF CALCULATION

[FORM TO REMAIN BLANK UNTIL PROJECT COMPLETED AND ELIGIBLE FOR FINAL CERTIFICATION]

In connection with the Tax Increment Exemption Agreement dated _____, 2021 by and between the Town of Barnstable, and Standard Holdings, LLC, a Massachusetts Limited Liability Corporation (“Sponsor”) with an address at 540 Main Street, Suite 18, Hyannis, MA 02601, with respect to the property at 850 Falmouth Road, Hyannis, MA 02601 (the “Agreement”), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

1. The effective date of the Agreement is:

2. The MRRU Percentage is:

3. The assessed value of the of the residential portion of the Property upon Completion is:

To the extent that the dates or figures in this “Tax Increment Exemption – Confirmation of Calculation” differ from those set forth in the Agreement, the contents of this document shall control and shall be deemed to have amended the Agreement.

MUNICIPALITYSPONSOR

By: Mark S. Ells, Town Manager

By: Timothy T. Telman, Manager

By: Robert T. Carleton, Manager

Dated: