



Town Council Meeting
April 5, 2018



A quorum being duly present, Council President Eric Steinhilber called the April 5, 2018, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

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

PRESENT: Britt Beedenbender, James Crocker, Jr., Jennifer Cullum, Debra Dagwan, John Flores, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

The Pledge of Allegiance was led by President Steinhilber followed by a moment of silence.

Building Commissioner, Brian Florence has had discussions regarding the cellular installation. The Building Department cannot require special variances for the installation of a cellular antenna which is housed wholly in the steeple. The FCC regulations states we cannot require special permits for these radio frequency devices. The cell antenna is allowed by right and is not required to have a special permit. The abutters are not sent notices when a building permit is issued, unless they are required to have special permitting.

Councilor questions and comments:

How many towers are in the town, [in the last year about thirty permits were issued for these devices, some collocated, some new]. Is the FCC the governing agent, [Yes] Are there any other steeples in town that have a cell towers [I know that there are, but I do not have that information with me at this time].

Mark Ells, Town Manager, our priority is for the public health; we are here to work with our citizens; if we need to communicate with our Senators and Representatives, we will do that as well. The research out there is concerning; we need to be knowing of it. Your office will co-ordinate? [Yes, my offices will co-ordinate the outreach to the state. We do not know the long term effects; we need to pay attention to this issue.]

PUBLIC COMMENT:

Sarah Burns part of a group organized to bring awareness of the T-Mobile project to the community; has appealed to the Church to terminate the contract with T-Mobile. No notice of this project was given to the neighbors. The group has compiled current studies

regarding the type of equipment being installed (Exhibit A). Reaching out to the Church, frankly we are scared.

Tina Carey spoke about the recent renewal vote of the Business Improvement District (BID). Carey did file an Open Meeting Law violation, because of the 7 properties removed from the tax rolls before meeting with the Town Council; but it was dismissed by the State, because the BID is not a public agency. She is requesting the Council to hold a public town meeting as to why the bid map was changed and to enforce the Massachusetts General Laws regarding the BID.

Carol Marossa International Order of Oddfellows, we are a nonprofit and shouldn't be paying the BID taxes. We were not taxed until 1998; per the Town Assessors, we are the only lodge that pays taxes. We do not pay any federal or state taxes.

Janet Davis will we be able to halt this installation, no single entity should be allowed to expose this radiation to so many people. We have reached out to the Church and its Pastor, his response this is the responsibility of the Trustees of the Church. Profound lack of willingness to compromise; how many children becoming ill will be enough to stop this tower?

Molly Sproul laws have been followed but our permitting guidelines have not been kept abreast of the new technology. We need to cease the powering up of this cell tower. Well defined cellular ordinance should be done as quickly as possible. A moratorium should be put in place to halt the powering up of the cell antenna.

Joanne Uchman stated her feelings of shock anger sadness and fear, regarding the placement of cell towers and antennae's and the effect it would have on property values. Will Centerville Rec have a lower turnout this year due to the cell antenna?

Peter Christian homeless resident, can't get housing, can't survive with my service dog outside. Tired of the harassment I get from the Police.

Nancy Beauchamp we appreciate our fellow residents concern, our leadership has worked diligently to install a cell relay in our steeple. We will continue to ensure the safety of our residents and community. We are working towards another meeting with the T-Mobile representatives. We are open to discussions.

Kathy Geraghty has serious concerns regarding the cell tower. We should be aware of the health risks to our families. Children will be subject to continuous cell tower emissions.

Town Manager, Mark Ells, for clarification, if this were a structure with a tower, versus and antenna; it would require special variances which would prompt public hearings, and notification of the abutters by the ZBA.

COUNCIL RESPONSE TO PUBLIC COMMENT:

- When you live in a historic area you have to notify your abutters to replace windows; however, the addition to the structure within a steeple did not require a hearing. We do have cell towers in the town.
- Perhaps it is time for the town to create ordinances regarding cell towers and antennas. It is a little late for recourse as the building permit has been issued.
- The Church is looking for money, having the installation of a cellular antenna, is

bringing in money.

- Thank you all for coming forward; two issues, first is a communication issue, the Church is the spiritual historical presence within the community; they should have reached out to the community.
- The second issue, technology that we don't fully understand yet, would like to see us follow up to protect ourselves moving forward; maybe some way to perhaps some stopgaps in the meantime. This is a federal issue and where we need to take this issue.
- The bottom line this is a revenue issue, perhaps we could create a moratorium, and have a solid policy in place, to prevent this from happening again.
- Biggest disappointment to me is that the Church didn't inform the residents that this was going to happen. In the end it all boils down to money.
- Incredible that you could put this information together in such a short time, this is a national problem, a world problem. This is affecting the health of our citizens.
- Tonight we received a public comment about the accusations regarding the assessors and tax collection; asked the Town Manager to follow up what is available through relief.

TOWN MANAGER COMMUNICATIONS: Update

Budget Action Calendar-Capital Improvement Plan

Continue working with the Mass Dept of Fish and Wildlife regarding the Water Supply

Hiring process of the position of Chief of Police

Letter to the Commissioner of the Mass Dept of Agricultural Resources

Energy Facilities Siting Board public comment

Memorandum of Understanding (MOU) with the Cape Light Compact

Purchase of sand to replenish Sandy Neck

Andy Clyburn, Assistant Town Manager, provided an update on tax possession properties

All but one property received bids

We know where we want to go to move forward with the next set of parcels

Councilor questions and comments:

Thank you for getting the Eversource letter together, we need to protect our public drinking water; is the Sandy Neck Board aware of the sand replenishment. [All efforts go through Nina Coleman and through her to the Sandy Neck Board] Process of hiring the Police Chief, is that an arbitrary decision of who is on the board [It is up to the appointing authority to structure the Board; we have added a patrol officer to the board; following Civil Service guidelines of 6 major categories; we must progress in order] Vineyard Wind project, is that the only active one [Yes] Substation selected [Vineyard Wind has selected a specific substation, we need assurances, that the interconnect cable cannot be added to by others; and that the public water supply will not be affected] Regarding the purchase of the sand for Sandy Neck how much was spent [approximately, \$100,000, I will get back to you with better numbers] Does the money come out of the Enterprise fund [ultimately, yes] with our dredging programs can we stockpile sand [when the sand can be reused, yes] Interview process, when [this month] in the search for new police chief, very happy to see we are using the talent we already have on the force. With all the storms this winter, can we anticipate emergency relief from the State [we are waiting to hear].

Congratulations to Assistant Town Manager, Andy Clyburn, and to David Anthony, Director of Property and Risk Management for the excellent job with the tax possession properties which yielded positive results. The legal team and the support staff did an

excellent job, will support the revolving account. This required a tremendous amount of detail all involved did a first class job.

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the March 15, 2018 meeting.

VOTE: PASSES UNANIMOUS

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

- Annual Chicken Pie supper
- Community forum about climate change
- Hazardous waste disposal at the Transfer Station
- Marstons Mills village project
- Fundraiser for Cape Cod Super Sluggers
- Nuclear decommissioning public hearing;
- Spaghetti supper
- Spring clean up
- Hyannis Open Streets

2018-064 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$4,600,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOL HIGH SCHOOL SPORTS FIELD UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/2018, 04/05/2018

Meg Mayo-Brown, Superintendent, Dave Kanyock, Facilities Director, Gareth Markwell, Deputy Finance Director and Pat Clark, Principal of Barnstable High School. Dave gave an overview of the proposed Barnstable High School sports field's upgrades.

Open public comment:

Scott Swaylik feels the Council needs to support the upgrades to the field, for the children of Barnstable. It will give them a place of pride when playing their sports; we can't afford not to make these renovations.

Close public hearing

Councilor questions and comments:

Thanked the students for coming to the meeting; congratulations on the start of the season; understand the anticipated rental of the field is \$20,000, but what about the operating expenses? Will the facility be used by all residents or strictly for student use; [Mayo-Brown: due to heightened awareness around school security, the fields will be restricted when the students are on the field] [Kanyock: we raise more than \$20,000 using the current field] looking at a project, this is a big ask, in Falmouth there numbers are much lower [we have increased parking, ADA accessibility, dugouts and storage, seating for 350 people; improved traffic flow and lighting] is this a multi-use field, [yes] athletics are as important as our scholastics; pride transfers directly to the students, helps them to achieve; hope it passes unanimously; what is the life span of this turf; are there any other schools that use our facility; [life of turf, is about 10 to 11 years; contractor grooms it twice a year; field will be painted; will be cleaned about every 6 weeks] other schools that use it [no, not this particular field] how did this project become number 1, when last year was number 25; campus wide mechanical upgrades; town field study where did these fields sit with that survey [Mayo-Brown: priority one, always paying attention to the needs of our

students, our decision have to be made with the students in mind] [Kanyock, next year we will be looking for the funding for the coolers, pumps and the roof] will there be more staff for the new field [first year ½ headcount, as we move on we will need more] training for the new fields [Clark responded, we plan to rotate the fields, we will make sure the facilities are used correctly] support this wholeheartedly; what is the term of the repayment, will there be a bond; [Mark Milne, Director of Finance, municipal bond to fund this, we will look at that closely.] Was there an initial ask or is this the first [first ask] is this worth it, our fields are in tough shape, this is long term. Without question this has to be done; many of our fields need work; much bigger picture to address our recreation needs; concern for access to the fields; we need to figure out a way that every generation can use the fields, invite the community to participate.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$4,600,000** be appropriated for the purpose of funding the Barnstable Public School High School Sports Field Upgrade Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 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 **\$4,600,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, provided that this appropriation shall not be encumbered or expended except pursuant to a memorandum for sub-surface effluent discharge.

VOTE: PASSES 13 YES

<p>2018-065 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOL DISTRICT WIDE COMMUNICATION, VIDEO SURVEILLANCE AND ENTRY IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18</p>

Meg Mayo-Brown, Superintendent, Dave Kanyock, Facilities Director, gave the rationale open public hearing, seeing no one close public hearing

Councilor questions and comments:

Will this surveillance extend to the fields, [No]; who will be monitoring [we have staff] this whole upgrade will cost 1.7 million; [yes], why the phone before the surveillance upgrade; [lot of our phones don't work]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the Barnstable Public School District Wide Communication, Video Surveillance and Entry Improvement Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 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 **\$250,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or

notes thereunder, 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, and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2018-066 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$100,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOL HIGH SCHOOL & INTERMEDIATE SCHOOL ROOF TOP UNIT VENTILATOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Meg Mayo-Brown, Superintendent, Dave Kanyock, Facilities Director, gave the rationale open public hearing, seeing no one close public hearing

Councilor questions and comments:

Are these state bid items; [yes]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$100,000** be appropriated for the purpose of funding the Barnstable Public School High School & Intermediate School Roof Top Unit Ventilator Replacement Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$100,000** be transferred from available funds within the Capital Trust Fund, and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2018-067 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOL ELEMENTARY SCHOOL UNIT VENTILATOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Meg Mayo-Brown, Superintendent, Dave Kanyock, Facilities Director, gave the rationale open public hearing, seeing no one close public hearing

Councilor questions and comments:

How are the modular units holding up [they are working well] are the all energy star [no just the rooftop units]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the Barnstable Public School Elementary School Unit Ventilator Replacement Project as outlined in the Fiscal Year 2019 Fiscal Year 2023 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 **\$250,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2018-068 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$100,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOL EMERGENCY GENERATOR REPLACEMENT AT WEST VILLAGES ELEMENTARY SCHOOL AS OUTLINED IN THE FISCAL YEAR 2019 FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Meg Mayo-Brown, Superintendent, Dave Kanyock, Facilities Director, gave the rationale open public hearing, seeing no one close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$100,000** be appropriated for the purpose of funding the Barnstable Public School Emergency Generator Replacement at West Villages Elementary School as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$100,000** be transferred from available funds within the Capital Trust Fund, and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2018-069 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$300,000 FOR THE PURPOSE OF FUNDING THE COMPREHENSIVE AIRPORT LAYOUT PLAN AND MASTER PLAN PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Airport Manager, Bud Breault, Assistant Airport Manager, Katie Servis gave the rationale, and introduced John Griffin from the Airport Commission
Open public hearing seeing no one close public hearing

Councilor questions and comments:

When will the completion of this project [18 month process] why is the air carrier numbers declining, how will you mitigate [nationwide the numbers are dwindling, small commuter type aircraft, significant pilot shortage, once they are established, pilots go to major airlines for higher pay; recently we are seeing more traffic] overtures for aviation development, is there a market for private plane hangars [we have a marketing plan, to general aviation aircraft, the detriment is our poor access road, and lack of utilities/sanitary facilities, which would bring in more aircraft] high speed Ferry has impacted the airport, in this overall plan, can the vacant properties be cleaned up [have a few people interested in the property, would really like to lease it out] we missed the opportunity with the aviation school, are you looking for other opportunities [key piece is the access road, major goal is to promote aviation] how is Cape Cod Coffee doing [we need to get the word out, asking for a liquor license] need to be aware of the reserves, not to go below a mandatory level; struggling to keep you afloat [we don't want to be in that position, looking at other opportunities that might need land leases] this is the year to resolve that for us.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$300,000** be appropriated for the purpose of funding the

Comprehensive Airport Layout Plan and Master Plan Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 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 **\$300,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Barnstable Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2018-070 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$975,000 FOR THE PURPOSE OF FUNDING THE AIRPORT'S REPLACEMENT OF SNOW REMOVAL EQUIPMENT AS OUTLINED IN THE FISCAL YEAR 2019 FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Airport Manager, Bud Breault, Assistant Airport Manager, Katie Servis gave the rationale, Open public hearing seeing no one close public hearing

Councilor questions and comments:

Do we typically buy new or used [with our own funds we can do used, with state funding we have to purchase new] could you explain what would happen if you lose your certification [we have an annual inspection, from a safety standpoint we could lose the airlines that currently use the airport] besides Jet Blue, what other airlines are you enticing [we are constantly looking]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$975,000** be appropriated for the purpose of funding the Airport's Replacement of Snow Removal Equipment as outlined in the Fiscal Year 2019 – Fiscal Year 2023 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 **\$975,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Barnstable Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2018-071 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$145,000 FOR THE PURPOSE OF FUNDING THE AIRPORT'S REPLACEMENT OF AIRCRAFT AND FIRE FIGHTING EQUIPMENT RESPONSE VEHICLE AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Airport Manager, Bud Breault, Assistant Airport Manager, Katie Servis gave the rationale, Open public hearing seeing no one close public hearing

Councilor questions and comments:

Transfer order, how much is in your reserves [Mark Milne, Finance Director,

\$2,217,617.00 dollars is currently in reserves, ideal reserve is \$2 million or more] What types of corrective action taken if reserves dip [budget reductions, other revenues] no monetary connection between the fire department and the Airport Rescue [no monetary] do you ever have to use this equipment [yes it is used on a daily basis] we get advance notification, each request comes with a sponsor, we trust the finance team and the town management.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$145,000** be appropriated for the purpose of funding the Airport's Replacement of Aircraft and Fire Fighting Equipment Response Vehicle as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$145,000** be transferred from the Airport Enterprise Fund reserves, and that the Barnstable Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-072 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$58,511 FOR THE PURPOSE OF FUNDING THE HYANNIS GOLF COURSE MAINTENANCE BUILDING IMPROVEMENTS AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Dan Santos, Director of Public Works, along with Bruce McIntyre, Director Golf Operations gave the rationale

Open public hearing seeing no one, close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$58,511** be appropriated for the purpose of funding the Hyannis Golf Course Maintenance Building Improvements as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$7,147** be transferred from the available funds remaining under Town Council Order 2016-108 and the **\$51,364** be transferred from the Golf Course Enterprise Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-073 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$57,774 FOR THE PURPOSE OF FUNDING THE OLDE BARNSTABLE FAIRGROUNDS REPLACEMENT OF CLUBHOUSE CARPETING, FURNITURE, FIXTURES AND MERCHANDISE DISPLAYS AS OUTLINED IN FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Dan Santos, Director of Public Works, along with Bruce MacIntyre, Director Golf Operations gave the rationale

Open public hearing seeing no one, close public hearing

Councilor questions and comments:

The people go to use the course, this is just for the interior of the clubhouse [Bruce McIntyre –yes we are looking at the irrigation, and upgrades to the facility] [Mark Ells, Town Manager, we really need to sit down and look at the master plan, we made the

decision to hold for another year] Potential funding, is it possible for a private entity to adopt a hole? [Bruce, no we haven't looked at adopt a hole] [Finance Director, Mark Milne, anything is possible] two different and distinct courses, when you look at infrastructure dollars, we have to look hard. Does the town own the furniture in the restaurant [yes]. How is the condition of the restaurant coolers, [lessee just completed its first year, the equipment was replaced last year] how are the memberships selling [membership is fine, right now slightly ahead of last year] the cut in price, for the youth, has it made a difference [they don't usually get active until the end of the school year]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$57,774** be appropriated for the purpose of funding the Olde Barnstable Fairgrounds Replacement of Clubhouse Carpeting, Furniture, Fixtures and Merchandise Displays as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$52,607** be transferred from the available funds remaining under Town Council Order 2016-107 and the **\$5,167** be transferred from the Golf Course Enterprise Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-074 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF FUNDING THE COTUIT BAY ENTRANCE CHANNEL DREDGING PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Opened and continued

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,000,000** be appropriated for the purpose of funding the Cotuit Bay Entrance Channel Dredging Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 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 **\$1,000,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Continued to a public hearing on April 26-Unanimous

2018-075 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT \$315,116 FOR THE PURPOSE OF FUNDING THE CRAIGVILLE BATHHOUSE AND SITE WORK IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Dan Santos, Director of Public Works gave the rationale and introduced Rob Steen, Assistant Director of Public Works, Paul Graves, Town Engineer, Mark Marinaccio, Town Architect, and Division Supervisors Andy Boule and Hans Keijser.

Open public hearing seeing no one close public hearing

Councilor questions and comments:

Patching versus paving? [It will need to be repaved in the future, we put the parking lot paving on hold] ADA access walks is there any funding [no ADA funding for this, but for other areas around town] can we do away with the black top in the beach areas to let water go through the soil; [other issues, ADA compliance, shells require more maintenance] the bath house looks great.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$315,116** be appropriated for the purpose of funding the Craigville Bathhouse and Site Work Improvements Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$315,116** be transferred from the available funds remaining under Town Council Order 2016-110; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-076 APPROPRIATION TRANSFER AND LOAN ORDER IN THE AMOUNT OF \$727,247 FOR THE PURPOSE OF FUNDING THE SENIOR CENTER RENOVATIONS PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Dan Santos, Director of Public Works gave the rationale for repairs at the Senior Center Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$727,247** be appropriated for the purpose of funding the Senior Center Renovations Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$68,247** be transferred from the available funds remaining under Town Council Order 2014-106; and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$659,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2018-077 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$195,668 FOR THE PURPOSE OF FUNDING THE HYANNIS YOUTH & COMMUNITY CENTER ROOF REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

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

Councilor questions and comments:

Were there design flaws [number of issues, design and materials, some very complicated connections, it is leaking] we have three different styles of roofing [on the membrane we

are getting water leaks] what are we doing to make sure it is corrected [planning assessment phase, and emergency repairs] Debt service on the building, how much do we have left to pay off and when [Mark Milne, Finance Director, last payment on the loan is 2028, balance is about 8 million] for repairs can we use in house forces [if we do, we have to pay contractor prices] ten years is a short amount of time.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$195,668** be appropriated for the purpose of funding the Hyannis Youth & Community Center Roof Replacement Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$195,668** be transferred from available funds within the Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-078 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$195,000 FOR THE PURPOSE OF FUNDING THE EFFLUENT DISPOSAL CAPACITY STUDY AND EVALUATION FOR THE WATER POLLUTION CONTROL FACILITY AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

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

Councilor questions and comments:

Are we currently discharging any water from the plant outside the facility [no] the fund reserves, Water Pollution Control 295,000 is that a typo [yes, it should be 195,000], [Mark Milne, the actual reserve is 8.7 million] could this technology or approach be altered to do more absorption [we are looking at that] are there new technologies [on this location there are various ways to maximize] are you looking at the quality of the affluent [at some point in the future, not on the table right now, the cost of making it a better treated affluent would cost too much] once saturation is met, is the plant suitable, will any of that study be done with this money [that is the next project]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$195,000** be appropriated for the purpose of funding the Effluent Disposal Capacity Study and Evaluation for the Water Pollution Control Facility as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$195,000** be transferred 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 and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-079 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$150,000 FOR THE PURPOSE OF FUNDING THE EFFLUENT DISCHARGE LOCATION EVALUATION FOR THE WATER POLLUTION CONTROL FACILITY AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Dan Santos, Director of Public Works gave the rationale
Open public hearing seeing no one, close public hearing
A motion was made and duly seconded to go beyond 11 PM
VOTE: 12 Yes, (Schnepp stepped off the dais)

Upon a motion duly made and seconded it was
ORDERED: That the sum of **\$150 ,000** be appropriated for the purpose of funding the Effluent Discharge Location Evaluation for the Water Pollution Control Facility as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$150,000** be transferred 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 and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-080 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$701,000 FOR THE PURPOSE OF FUNDING THE PLEASANT STREET SEWER LINE UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

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

Councilor questions and comments:

While roads being dug up are we talking advantage of that opportunity by putting in other underground utilities, and adding bike lanes [in all cases, we look to the utilities to make any changes once the road is open, on a case by case basis] within the GIZ the infrastructure is not complete. Sidewalk and streetscape will be improved [yes, they are doing those improvements] can we put this aside to split the fund. Suspend discussion and move on to the next item. Move to 2018-081.

2018-081 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,050,000 FOR THE PURPOSE OF FUNDING THE PIPE REPLACEMENT AND UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

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

Upon a motion duly made and seconded it was
ORDERED: That the sum of **\$1,050,000** be appropriated for the purpose of funding the Pipe Replacement and Upgrade Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 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**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

**2018-082 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE WELLS, PUMP STATIONS AND TREATMENT PLANT REPAIR AND UPGRADE PROGRAM AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN
INTRO: 03/15/18, 04/05/18**

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

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$200,000** be appropriated for the purpose of funding the Wells, Pump Stations and Treatment Plant Repair and Upgrade Program as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be transferred 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 and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-083 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$555,000 FOR THE PURPOSE OF FUNDING THE NEW WELL EXPLORATION PROGRAM PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

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

Councilor questions and comments:

This year the cost went up 89,000 more than last year [just revisiting the scope]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$555,000** be appropriated for the purpose of funding the New Well Exploration Program Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 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 **\$555,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 12 YES, (Flores off dais)

**2018-084 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$165,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF A PERMANENT INTERCONNECTION WITH THE CENTERILLE, OSTERVILLE, MARSTONS MILLS (COMM) PUBLIC WATER SUPPLY SYSTEM AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN
INTRO: 03/15/18, 04/05/18**

Dan Santos, Director of Public Works gave the rationale

Open public hearing seeing no one, close public hearing

Councilor questions and comments:

Centerville Osterville Marstons Mills Water Department (COMM) was very kind to us; exciting opportunity to work as a group; this is an eyesore [we will be building a building around it

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$165,000** be appropriated for the purpose of funding the Construction of a Permanent Interconnection with the COMM Public Water Supply System as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$165,000** be transferred 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 and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-085 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$100,000 FOR THE PURPOSE OF FUNDING THE ATTUCKS LANE PUMP STATION SEWER EXPANSION DESIGN PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

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

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$100,000** be appropriated for the purpose of funding the Attucks Lane Pump Station Sewer Expansion Design Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$100,000** be transferred from the Sewer Construction and Private Way Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-086 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$402,000 FOR THE PURPOSE OF FUNDING THE LONG POND AREA SEWER EXPANSION PRELIMINARY DESIGN AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

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

Councilor questions and comments:

Clarify the wastewater system we have in place can take care of these additional projects [we will either have the capacity or work concurrently to find other alternatives]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$402,000** be appropriated for the purpose of funding the

Long Pond Area Sewer Expansion Preliminary Design as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$402,000** be transferred from the Sewer Construction and Private Way Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-087 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$315,000 FOR THE PURPOSE OF FUNDING THE PHINNEY'S SEWER EXPANSION PRELIMINARY DESIGN AS OUTLINED IN THE FISCAL YEAR 2019 FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

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

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$315,000** be appropriated for the purpose of funding the Phinney's Sewer Expansion Preliminary Design as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$315,000** be transferred from the Sewer Construction and Private Way Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-088 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$154,000 FOR THE PURPOSE OF FUNDING THE OLD KING'S ROAD IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

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

Councilor questions and comments:

This was a long time coming, happy to see this how much of a grant did the town get for this improvement project [Our cost share is 62.5] Very happy to see this, provide some relief for the residents in that area.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$154,000** be appropriated for the purpose of funding the Old King's Road Improvement Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$154,000** be transferred from the Sewer Construction and Private Way Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

Go Back to 2018-080

2018-080 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$701,000 FOR THE PURPOSE OF FUNDING THE PLEASANT STREET SEWER LINE UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

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

Upon a motion duly made and seconded to amend as follows:

After the word appropriation that \$351,000 be transferred from the Sewer Construction and Private Way Improvement Fund and by striking the sum of \$701,000 as the amount to be borrowed and substituting in its place the amount of \$350,000.

VOTE: Passes Unanimous

Councilor questions and comments:

How much is in the fund [Mark Milne, Finance Director, balance of almost 16 million dollars]. Why not fund the whole thing, rather than borrow; [half of the improvement, needs to keep a good balance, we have several projects coming up]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$701,000** be appropriated for the purpose of funding the Pleasant Street Sewer Line Upgrade Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$351,000 be transferred from the Sewer Construction and Private Way Improvement Fund that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$350,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: As amended Passes 13 YES

Jump to 2018-106

2018-106 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$110,000 FOR HANDICAP ACCESSIBILITY UPGRADES AT THE BARNSTABLE COMMUNITY HORACE MANN CHARTER PUBLIC SCHOOL INTRO: 04/05/2018

Mark Ells, Town Manager, gave the rationale

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of \$110,000 be appropriated for the purpose of constructing handicap accessibility upgrades at the Barnstable Community Horace Mann Charter Public School (BCHMCPS), and to meet this appropriation, that \$110,000 be transferred from Town Council Order **2016-081**, and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

Jump to 2018-089

2018-089 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$3,412,500 FOR THE PURPOSE OF FUNDING THE PUBLIC ROADS IMPROVEMENT PROGRAM AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Open and continue to April 26

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,412,500** be appropriated for the purpose of funding the Public Roads Improvement Program as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$3,412,500** be transferred from available funds within the Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Continue to April 26th-Unanimous

2018-090 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$103,500 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OF PHASE III OF THE DEPARTMENT OF PUBLIC WORKS OFFICES AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Open and continue to April 26th

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$103,500** be appropriated for the purpose of funding the Design and Permitting of Phase III of the Department of Public Works Offices as outlined in the Fiscal Year 2019 Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$103,500** be transferred from available funds within the Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Continue to April 26th-Unanimous

2018-092 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$285,000 FOR THE PURPOSE OF FUNDING THE SCHOOL ADMINISTRATION BUILDING MECHANICAL COOLING UPGRADES PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Open and continue to April 26th

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$285,000** be appropriated for the purpose of funding the School Administration Building Mechanical Cooling Upgrades Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 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 **\$285,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Town Manager is authorized to contract for

and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Continue to April 26th-Unanimous

2018-093 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$100,000 FOR THE PURPOSE OF FUNDING THE DESIGN OF THE BUMPS RIVER BRIDGE REPAIRS AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Open and continue to April 26th

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$100,000** be appropriated for the purpose of funding the Design of the Bumps River Bridge Repairs as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$100,000** be transferred from available funds within the Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Continue to April 26th-Unanimous

2018-094 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$253,740 FOR THE PURPOSE OF FUNDING THE DEMOLITION OF THE PORTABLE STRUCTURES AT THE FORMER MARSTONS MILLS ELEMENTARY SCHOOL AND THE HAZARDOUS MATERIAL EVALUATION STUDY OF THE MAIN FACILITY AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Open and continue to April 26th

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$253,740** be appropriated for the purpose of funding the Demolition of the Portable Structures at the Former Marstons Mills Elementary School and the Hazardous Material Evaluation Study of the Main Facility as outlined in the Fiscal Year 2019 – Fiscal Year 2023 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 **\$253,740**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Continue to April 26th-Unanimous

2018-095 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$45,000 FOR THE PURPOSE OF FUNDING THE DESIGN OF THE SIDEWALK ON OCEAN ST. AS OUTLINED IN FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Open and continue to April 26th

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$45,000** be appropriated for the purpose of funding the Design of the Sidewalk on Ocean St. as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related

thereto; and that to meet this appropriation, that **\$45,000** be transferred from available funds within the Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Continue to April 26th-Unanimous

2018-096 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$667,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND HAZMAT REMOVAL PROJECT AT THE ARMORY BUILDING AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18

Open and continue to April 26th

Upon a motion duly made and seconded

ORDERED: That the sum of **\$667,000** be appropriated for the purpose of funding the Design and Hazmat Removal Project at the Armory Building as outlined in the Fiscal Year 2019 – Fiscal Year 2023 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 **\$667,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, 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, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Continue to April 26th-Unanimous

2018-097 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$4,000,000 BE TRANSFERRED FROM GENERAL RESERVES TO THE CAPITAL TRUST FUND INTRO: 03/15/18, 04/05/18

Open and continue to public hearing on April 26th

Upon a motion that was duly made and seconded it was

ORDERED: That the Town Council hereby appropriates and transfers from available funds the sum of **\$4,000,000** (four million dollars) from the General Fund to the Capital Trust Fund

VOTE: Continue to April 26th-Unanimous

2018-103 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 04/05/18

Upon a motion that was duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Disability Commission:** Marc Brunco, 21 Highpoint Road, Marstons Mills as a regular member to a term expiring 6/30/19; **Public Works Commission:** Ed Eichner, 141 Pine Tree Drive, Centerville, as a regular member to a term expiring 06/30/18; **Shellfish Committee:** Christopher Freeman, 247 High Street, West Barnstable, as regular member to a term expiring 06/30/19; **Water Quality Advisory Committee:** Fred Dempsey, 48 Field Stone Road, West Barnstable, as a regular member to a term expiring 06/30/18; **Zoning Board of Appeals:** Mark Hansen, 51 Joyce Anne Road, Centerville, as an associate member to a term expiring 06/30/20

VOTE: to a second reading on April 26th-unanimous

2018-104 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$ 449,900 FOR THE FISCAL YEAR 2018 AIRPORT CAPITAL BUDGET FOR THE PURPOSE OF FUNDING VARIOUS AIRPORT CAPITAL IMPROVEMENT PROJECTS INTRO: 04/05/2018

Open and continue to a public hearing on April 26th

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of **\$449,900** be appropriated for the purpose of funding various Airport capital improvement projects as follows:

\$241,900 for Hanger II Drainage Improvements
\$50,000 for Café Patio & Door Addition
\$22,000 for Forestry Mulcher
\$136,000 for ARFF/SRE Door Replacement

and that to meet this appropriation, that \$58,380 be transferred from the Airport Enterprise Fund operating capital budget and that \$391,520 be transferred from the Airport Enterprise Fund reserves; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Continue to April 26th-Unanimous

2018-105 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$167,600 FOR THE FISCAL YEAR 2018 AIRPORT OPERATING BUDGET INTRO: 04/05/2018

Open public hearing and refer to April 26th

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of \$167,600 be appropriated for the Fiscal Year 2018 Airport Operating Expense Budget, and that to meet this appropriation \$167,600 be transferred from the Airport Enterprise Fund Reserves.

VOTE: Continue to April 26th-Unanimous

2018-107 APPROPRIATION AND TRANSFER ORDER OF \$60,000 FOR THE FISCAL YEAR 2018 DEPARTMENT OF PUBLIC WORKS OPERATING CAPITAL BUDGET INTRO: 04/05/2018

Open and refer to a public hearing

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of **\$60,000** be appropriated from the Town's General Fund Reserves for the Fiscal Year 2018 Department of Public Works Operating Capital Budget.

VOTE: Continue to April 26th-Unanimous

2018-108 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND HOUSING ASSISTANCE CORPORATION INTRO: 04/05/18

Open and refer to a public hearing on May 3, 2018

Upon a motion that was duly made and seconded it was

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 Housing Assistance

Corporation, for the property 57 Ridgewood Avenue, Hyannis, 0.72± acres, shown on Town of Barnstable Assessor's Map 328 as Parcel 091, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 31049, Page 245("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

Housing Assistance Corporation
57 Ridgewood Avenue, Hyannis

This regulatory agreement ("Agreement") is entered into by and between the developer, Housing Assistance Corp. ("Developer") with a usual address of 460 West Main Street, Hyannis, MA 02601 and the Town of Barnstable ("Town"), a municipal corporation with a usual address of 367 Main Street, Hyannis, MA 02601, on this ___ day of _____, 2018 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 parking within the Development (as hereinafter defined), 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 owner of the property at 57 Ridgewood Ave., Hyannis, Massachusetts consisting of 31,363± square feet (0.72± acres), shown on Town of Barnstable Assessor's Map 328 as Parcel 091, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 31049, Page 245("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, as amended by Barnstable County Ordinance 10-19 and 14-05, 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 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 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 December 21, 2017 (SPR 076-17) and the Site Plan Review Committee voted to find the development proposal approvable subject to the grant of a Regulatory Agreement and other conditions as stated in its letter dated December 27, 2017 (the "Site Plan Approval Letter");

WHEREAS, the Property currently contains an abandoned foundation but is otherwise a vacant lot;

WHEREAS, Developer proposes to redevelop the Property with three (3) new multi-family residential structures that will contain a total of eight (8) units with a combined total floor area of 6,564 square feet (plus basement area totaling 4,240 sq. ft. which will provide storage for all units); and the Developer proposes to construct one (1) two-family structure and two (2) three-unit townhouses; and there will be two (2) two-bedroom units and six (6) one-bedroom units; and two (2) of the one-bedroom units will be affordable units for households with income at or below 80% of AMI and the remaining six (6) units will be market rate units; and the existing dilapidated foundation will be demolished and paved

parking areas with new stormwater management systems, lighting and landscaping will be installed;

WHEREAS, the project will provide thirteen (13) on-site surface parking spaces;

WHEREAS, after consultation by the Developer with the Department of Public Works and Hyannis Water Division, it has been determined that there is sufficient capacity for the project to be connected to and served by the municipal sewer system and the municipal water system and that doing so will be to the mutual benefit of the Developer and the Town;

WHEREAS, the Developer has voluntarily agreed that two (2) of the one-bedroom units will be affordable units for households with income at or below 80% of the Area Median Income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development;

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

- a. Revitalization of long standing vacant property with a dilapidated foundation; revitalization is anticipated to eliminate or substantially reduce issues associated with blighted property including but not limited to an unkempt and unsightly appearance, eliminating a potential hazard and nuisance in the area;
- b. The new buildings will significantly improve aesthetics along Ridgewood Ave.;
- c. The project will provide market rate housing (the need for which was identified in the 2014 Housing Needs Assessment) in an area of Hyannis in need of redevelopment;
- d. Sufficient on-site parking for the residents and guests;
- e. Exterior site lighting improvements;
- f. Improved storm-water drainage management on-site;
- g. Addition of two affordable housing rental units; and
- h. Adhering to smart growth standards and goals by providing attractive new housing opportunities in an area with close accessibility to public transit facilities, shopping, and other amenities.

WHEREAS, the project is consistent with the Downtown Hyannis Design & Infrastructure Plan in that it contributes to the plan's goals of creating livable neighborhoods for year-round residents; creates housing opportunities for persons and households of all income levels; and creates consistency with the historic and maritime character of the area. The proposed building design relates to the surrounding neighborhood context in placement and scale, buildings on the local architectural context, and is oriented to the street; the façade materials are high-quality; and the site design features shared open space and parking located at the rear of the lot;

WHEREAS, Developer would require zoning relief to allow for multi-family residential development in the Single Family Residential District and certain other dimensional and parking-lot related relief, all as further defined in paragraph number 21 below;

WHEREAS, Developer has undergone a public hearing on the Regulatory Agreement application with the Planning Board and received a majority vote from the Planning Board approving the application on _____, 2018;

WHEREAS, Developer has undergone a public hearing on the Regulatory Agreement application before the Town Council and received a 2/3rds vote approving the application on _____, 2018;

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 three (3) new multi-family residential structures that will contain a total of eight (8) units with a combined total floor area of 6,564 square feet (plus basement area totaling 4,240 sq. ft. which will provide storage for all units); and there will be one (1) two-family structure and two (2) three-unit townhouses; and there will be two (2) two-bedroom units and six (6) one-bedroom units; and two (2) of the one-bedroom units will be affordable units for households with income at or below 80% of AMI and the remaining six (6) units will be market rate units;
 - b. The existing dilapidated foundation will be demolished and removed;
 - c. Paved parking areas with new stormwater management systems, lighting and landscaping will be installed;
 - d. 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:
 1. Existing Conditions Plan dated 11-3-2017 prepared by Horsley Witten Group, Inc. (Sheet C-2);
 2. Civil Engineering plans (including landscaping) entitled "57 Ridgewood Avenue Housing Development Permitting Set Hyannis, Massachusetts" dated stamped by P.E. on 12/22/17 prepared by Horsley Witten Group, Inc. (Sheets C-1 through C-11 and LA-1 and LA-2; and

3. Building floor plans and elevations prepared by Union Studio Architects dated January 2, 2018; and

e. The Developer agrees to comply with the conditions in the aforesaid Site Plan Approval Letter dated December 27, 2017 (SPR 076-17).

2. 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. Upon receipt of necessary development permits, construction shall proceed continuously and expeditiously, but in no case shall construction exceed 2 years from receipt of necessary development permits. Other than a transfer to a single-purpose entity controlled by the Applicant and created specifically for development of the project, 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.
3. Two (2) of the one-bedroom housing units located in the proposed new development shall be dedicated as affordable housing units in perpetuity and shall be eligible for inclusion on the State's Subsidized Housing Inventory 760 CMR 56, as follows:
 - a. The two units shall only be rented to qualified households with an income of not more than eighty (80%) percent of Area Median Income for the Town of Barnstable (as determined by HUD) and priced so as to be affordable and not exceed a monthly housing cost of 30% such households' annual income, including rent and utilities;
 - b. In order to protect the perpetuity of the affordable units, an Affordable Housing Restriction such as the one for the Commonwealth of Massachusetts Department of Housing and Community Development Local Initiative Program shall be prepared by the Applicant and reviewed and approved by the Town Attorney's office and recorded as the senior encumbrance at time of recording of this Agreement;
 - c. The owner shall enter into a Monitoring Services Agreement with an entity experienced in performing monitoring and enforcement services to ensure compliance with permit conditions regarding affordability (such as the Barnstable Housing Authority) to annually verify compliance with the affordability terms of this Agreement, as approved by the Town Attorney;
 - d. The owner shall prepare an Affirmative Fair Housing Marketing and Tenant Selection plan which shall be approved by the Dept. of Housing and Community Development and the Town Affordable Housing Coordinator.

4. 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 plans identified in paragraph 1, above.
5. The site shall be landscaped consistent with the landscaping plan identified in paragraph 1, above. All landscaping within the development shall be low-water use and shall minimize the use of fertilizers and pesticides.
6. The developer shall provide bike racks and or bike storage on the Property.
7. Rental restrictions: the units developed hereunder are intended for use and occupancy by individuals and/or families claiming legal residence in the Town of Barnstable (to the extent that the same is legally permissible under the fair housing and other laws and regulations of the Commonwealth of Massachusetts and the United States). 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 units developed hereunder shall be rental only, and any change shall be construed as a modification to this Agreement.
8. 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.
9. Developer shall provide calculations demonstrating adequate water flow for fire suppression prepared by a fire protection engineer as required by the Hyannis Fire Department.
10. 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.
11. Developer will make best efforts to complete construction work in accordance with a construction schedule 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 shall have two (2) years from the date of commencement of work to complete construction. To the extent construction impacts public property or public rights of passage, changes in the schedule, if needed as work progresses, are subject to the written approval of the Barnstable Planning & Development Department. The construction schedule shall, to the maximum extent feasible, avoid interference with traffic on Ridgewood Ave. 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.

12. 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. No construction shall occur on 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.
13. During all stages in the demolition of the existing foundation and new construction, all vehicles, equipment and materials associated with the development shall be required to be located off the right of ways of Ridgewood Ave. 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.
14. 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.
15. The total number of parking spaces proposed for the Development is thirteen (13) on the Property.
16. Changes to the approved Plans referenced in Paragraph 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.
17. Construction and demolition debris shall be removed from the Property and shall be reused or recycled to the maximum extent possible.
18. The construction of this project will result in the following benefits to the Town:
 - a. Revitalization of long standing vacant property with a dilapidated foundation; and revitalization is anticipated to eliminate or substantially reduce issues associated with blighted property including but not limited to an unkempt and unsightly appearance, eliminating a potential hazard and nuisance in the area;
 - b. The new buildings will significantly improve aesthetics along Ridgewood Ave.;
 - c. The project will provide market rate housing (the need for which was identified in the 2014 Housing Needs Assessment) in an area of Hyannis in need of redevelopment;
 - d. Sufficient on-site parking for the residents and guests;

- e. Exterior site lighting improvements;
- f. Improved storm-water drainage management on-site;
- g. Addition of two affordable housing rental units; and
- h. Adhering to smart growth standards and goals by providing attractive new housing opportunities in an area with close accessibility to public transit facilities, shopping, and other amenities which will contribute to the revitalization of Hyannis.

19. Housing Assistance Corporation shall make an annual payment in lieu of taxes to the Town of Barnstable in the amount of \$1,600, a proportionate share of which shall be paid to the Hyannis Fire District. The amount and manner of payment shall be reviewed and approved by the Town Attorney.

20. The Town hereby grants waivers from the following Zoning Ordinance sections:
See Exhibit A attached hereto and incorporated herein by reference.

21. 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.

22. 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.

23. This Agreement shall be recorded with the Barnstable Registry of Deeds within sixty (60) days of its execution by the Town and a recorded copy shall be provided to the Barnstable Planning & Development Department, such recording to include the aforesaid Exhibit A hereto and the legal Property description as provided in Exhibit B attached hereto and incorporated herein by reference.

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 _____, 2018.

Town of Barnstable

Housing Assistance Corp.

By: _____
Mark S. Ells, Town Manager

By: _____
Alisa Galazzi, Executive Director

Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ___ day of _____, 2018, before me, the undersigned notary public, personally appeared Mark Ells, Town Manager of the Town of Barnstable, and proved to me through satisfactory evidence of identification, being (check whichever applies):

Driver’s license or other state or federal governmental document bearing a photograph image; Oath or affirmation of a credible witness known to me who knows the above signatory, or My own personal knowledge of the identity of the signatory, to be the person whose name is listed above, and acknowledged to me that he signed the foregoing instrument as his free act and deed as Town Manager of Barnstable and voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ___ day of _____, 2018, before me, the undersigned notary public, personally appeared Alisa Galazzi, Executive Director of Housing Assistance Corp., and proved to me through satisfactory evidence of identification, being (check whichever applies):

Driver’s license or other state or federal governmental document bearing a photograph image; Oath or affirmation of a credible witness known to me who knows the above signatory, or My own personal knowledge of the identity of the signatory, to be the person whose name is listed above, and acknowledged to me that she signed the foregoing instrument as her free act and deed as Executive Director of Housing Assistance Corp. and voluntarily for its stated purpose.

Notary Public
My Commission Expires

**EXHIBIT A
ZONING WAIVERS**

REQUESTED ZONING WAIVERS			
Zoning Bylaw (date)	Required	Provided	Comments
CODE 240-53 A (2) Landscape requirements for parking lots (Setback/Buffer)	A landscaped setback shall be provided from the surfaced area of a parking lot and all entrance and exit drives to the road lot line, a distance equal to the required front yard building setback requirement, or a maximum of 50 feet, whichever is lesser.	Required 20' Provided 11.8'	Plan complies with §240-24.1.5.B(1), 10 ft landscape buffer in a Single Family Residential District

CODE 240-53 A (2) Landscape requirements for parking lots (Street Trees)	Existing trees and shrubs shall be retained within the road right-of-way and within the required front yard landscaped setback and supplemented with other landscape materials, in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the required front yard landscaped setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three inches shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives and road intersections. All landscaped areas shall be continuously maintained, substantially in accordance with any site plan approved pursuant to Article IX herein.	Required : 6 trees Provided: 4 Trees	18 Trees on site, but only 4 within front yard setback.
CODE 240-52 Design and screening standards	Each off-street parking space shall have minimum dimensions of nine feet by 20 feet excluding the driveway to such space.	9' x 18'	
CODE 240-24.1.5 SF Single Family Residential District	Permitted uses: a. Single family b. Bed and breakfast c. Artists lofts d. For those lots with frontage on South Street and/or High School Road professional offices Multifamily e. Renting rooms for not more than three members by the family residing in a single family dwelling	Multi-family	Applicant seeks to construct 8 multifamily residential units on 31,097 sf lot
240-35 G, (4) - WP Well Protection Overlay District - Site Clearing	Site clearing. A minimum of 30% of the total upland area of any lot shall be retained in its natural state. This shall not prevent the removal of dead, diseased or damaged trees.	2.50%	2.50% of lot to be retained in natural state on a previously disturbed site.

**EXHIBIT B
LEGAL DESCRIPTION**

VOTE: to May 3, 2018-Unanimous

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 11:45 PM

Respectfully submitted,

Ann M Quirk, CMC/CMMC/MMC
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: APRIL 26, 2018

EXHIBITS:

- A. Cell Tower Radiation
- B. Open Meeting Law Complaint
- C. Mark S Ells Update
- D. Barnstable Public Schools Capital Budget Presentation
- E. Barnstable Airport Presentation