

Town of Barnstable  
Town Council  
James H. Crocker Jr. Hearing Room  
367 Main Street, 2<sup>nd</sup> floor,  
Hyannis, MA 02601  
Office 508.862.4738 • Fax 508.862.4770  
E-mail: [council@town.barnstable.ma.us](mailto:council@town.barnstable.ma.us)

## TOWN COUNCIL MEETING AGENDA

June 16, 2022

7:00 PM

### 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

VACANT  
Precinct 5

Paul C. Neary  
Precinct 6

Jessica Rapp Grasseti  
Precinct 7

Jeffrey Mendes  
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](mailto:Cynthia.Lovell@town.barnstable.ma.us)

Administrative  
Assistant:  
Kelly Crahan  
[Kelly.Crahan@town.barnstable.ma.us](mailto:Kelly.Crahan@town.barnstable.ma.us)

The June 16, 2022 Meeting of the Barnstable Town Council shall be conducted remotely and shall be physically closed to the public. Alternative public access shall be provided as set forth below.

1. The meeting will be televised live via Comcast Channel 18 or may be accessed via the Channel 18 live stream: <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Remote Participation: 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/99927226234> Meeting ID: 999 2722 6234  
US Toll-free 888 475 4499

3. Written Comments may be submitted to:  
[https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town\\_Council/Agenda-Comment.asp](https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp)

### 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 PUBLIC SESSION MINUTES

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

- Update on the Local Comprehensive Plan  
Elizabeth Jenkins, Director, Planning and Development
- Update on the Comprehensive Wastewater Management Plan  
Daniel W. Santos, P.E., Director, Department of Public Works

#### 9. ORDERS OF THE DAY

##### A. Old Business

##### B. New Business

#### 10. ADJOURNMENT

NEXT REGULAR MEETING: July 21, 2022

ITEM NO.	INDEX TITLE	PAGE
<b>A.</b>	<b>OLD BUSINESS</b>	
2022-160	Appropriation Order in the amount of <b>\$8,936,473</b> for the purpose of funding the Town's Fiscal Year 2023 Airport Enterprise Fund Budget <b>(Public Hearing) (Roll Call Majority Full Council)</b> ....	3
2022-195	Appropriation Order in the amount of <b>\$2,145,000</b> for the Fiscal Year 2022 Airport Capital Budget for the purpose of funding the Airport Operations Modification and Upgrade T Hangar Replacement Project <b>(Public Hearing) (Roll Call Majority Full Council)</b> .....	4-7
<b>B.</b>	<b>NEW BUSINESS</b>	
2022-196	Authorizing the Town Manager to execute a major amendment to the Regulatory Agreement between the Town of Barnstable and CapeBuilt Pleasant Street, LLC <b>(First Reading) (Refer to Planning Board) NOTE: PROPONENT HAS REQUESTED ITEM TO BE WITHDRAWN</b> .....	8-10
2022-197	Resolve to schedule a Special Election to be held on September 6, 2022 to fill two Town Council seats <b>(May be acted upon) (Roll Call Majority)</b> .....	11-12
2022-198	Approval of Appointment to the Appointments Committee <b>(May be acted upon) (Roll Call Majority)</b> .....	13
2022-199	Resolve delegating to the Office of the Town Attorney responsibility for responding to the Open meeting law complaint filed on June 13, 2022 <b>(May be acted upon) (Roll Call Majority)</b> .....	14
2022-200	Resolve approving a letter in support of the Department of Environmental Protection's proposed revisions to the Clean Water State Revolving Fund Criteria <b>(May be acted upon) (Roll Call Majority)</b> .....	15-16

Approve Minutes: May 19, 2022

**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 Majority Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2022-160**

**INTRO: 05/19/2022, 06/02/2022, 06/16/2022**

**CAPE COD GATEWAY AIRPORT ENTERPRISE FUND**

**2022-160 APPROPRIATION ORDER IN THE AMOUNT OF \$8,936,473 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 AIRPORT ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$8,936,473** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Airport Enterprise Fund Budget, and to meet such appropriation that **\$8,936,473** be raised from current year revenues by the Airport Enterprise Fund, as presented to the Town Council by the Town Manager.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/19/2022</u>	<u>Refer to Public Hearing 06/02/2022</u>
<u>06/02/2022</u>	<u>Refer to Public Hearing 06/16/2022</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# 2022-195**

**INTRO: 06/02/2022, 06/16/2022**

**2022-195 APPROPRIATION ORDER IN THE AMOUNT OF \$2,145,000 FOR THE FISCAL YEAR 2022 AIRPORT CAPITAL BUDGET FOR THE PURPOSE OF FUNDING THE AIRPORT OPERATIONS MODIFICATION AND UPGRADE T HANGAR REPLACEMENT PROJECT**

**ORDERED:** That the amount of **\$2,145,000** be appropriated for the Fiscal Year 2022 Airport Capital Budget for the purpose of funding the Airport Operations Modification and Upgrade T Hangar Replacement Project, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the amount of \$2,145,000 be provided 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.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2022-195

INTRO: 06/02/2022, 06/16/2022

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Katie R. Servis, Airport Manager  
**DATE:** June 02, 2022  
**SUBJECT:** Appropriation order in the amount of **\$2,145,000** for the Fiscal Year 2022 Airport Capital Budget for the purpose of funding the Airport Operations Modification and Upgrade T Hangar Replacement Project

**BACKGROUND:** The Cape Cod Gateway Airport is in receipt of federal funding via four recent grants awarded as COVID relief and infrastructure investment. See table below. With the grants awarded, the Airport has diligently been working with the Airport Commission on the design of various projects to meet Airport Business Plan goals<sup>1</sup> and to fund the majority of its capital improvements as well as covering its operating costs. The funds have been a key factor in the Airport's ability in rebuilding cash reserves.

Grant Title	Grant Allocation
Coronavirus Aid, Relief, and Economic Security (CARES) Act	\$17,971,966
Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA)	\$1,008,311
Concession Relief	\$5,240
American Rescue Plan Act (ARPA)	\$1,120,580
Concession Relief	\$20,959
Bipartisan Infrastructure Law	\$1,015,864
<b>Total Grant Funding</b>	<b>\$21,142,920</b>

In view of the funding available and grant eligibility requirements, two projects have been identified by Airport Management and approved by the Airport Commission that would meet Airport Business Plan goals and could be funded under the CARES Act. The CARES Act grant allows for more development flexibility with economic incentive programs/projects than the other three grants awarded and funds are eligible for 100% reimbursement under the grant. The following projects were chosen for implementation:

- ➔ Reconstruct and Extend Mary Dunn Way
  - Meets Airport Business Plan Goals:

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<sup>1</sup> As part of the 2018 Airport Business Plan and Marketing Plan, four main goals were identified: to maximize general aviation activity at the Airport, diversify airport revenue streams, become a regional air transportation leader, and enhance the airport image and branding.

- Goal A - Maximize General Aviation Activity with emphasis on corporate & small GA development
- Goal B - Diversity Revenue Streams with emphasis on access for future hangar development and non-aero land development
- Goal D - Enhance Airport Image & Branding with emphasis on corporate & small GA messaging and facility improvements
- ➔ Airport Operations Modification and Upgrade T Hanger Replacement Project (*Subject to this appropriation*)
  - Meets Airport Business Plan Goals:
    - Goal A - Maximize General Aviation Activity with emphasis on corporate & small GA development
    - Goal D - Enhance Airport Image & Branding with emphasis on corporate & small GA messaging and facility improvements<sup>2</sup>

The Airport Operations Modification and Upgrade T Hanger Replacement Project include:

- ➔ Airport Operations Modification and Upgrade
  - New wiring
  - Assessable restrooms
  - Separation of public space from airport operations emergency staff and ease of access to emergency vehicles
  - Temporary trailers for 43 weeks (10 months) during construction (one for public and one for airport operations staff plus restrooms)
  - On-call project oversight for 43 weeks (10 months)
- ➔ T Hanger Replacement Project
  - 6-bay t-hangar development
  - New electrical and water lines
  - New apron
  - New underground utilities (catch basin and storm drains) and utility relocation

During the public bidding process for the Airport Operations Modification and Upgrade T Hanger Replacement Project, costs came in higher than anticipated. With filed sub-bids for electrical, plumbing, siding, tiling, and etc. The estimated project cost was \$5.9M based on construction cost estimators with \$4.9M earmarked for construction plus \$1M for on-call design, bidding documentation development, project oversight and administrative costs.

The lowest bidder came in at \$5,432,817.00 with an overall project cost of \$6,354,919.00 (\$454,919 above estimates).

In addition to higher than estimated project costs, Airport management had been using CARES Act to cover operating expenses for Fiscal Year 2021 and 2022 with funds set aside and dedicated to project development such as this project and the Mary Dunn Way Extension Project. Our ability to use the grant funds to cover operating expenses, allowed for reimbursements to Airport reserves in the amount of \$8,307,159.72; however, in Fiscal Year 2022 we exceeded the operating budget earmark by including a one-time reimbursement of Jet-A fuel purchases, which accounted for one reimbursement request of \$1.4M. Our average monthly reimbursement requests to date had been between \$200,000 - \$400,000. As such, the airport crept above the Fiscal Year 2022 planned use for operating revenues which left us \$2,040,571.00 shy for the Airport Operations Modification and Upgrade T Hanger Replacement Project. See below.

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<sup>2</sup> Frequent visitors and pilots have indicated that the Airport Operations facility is the worse facility in New England and is not warm and welcoming for visitors to Cape Cod.

CARES Act Grant	\$17,971,966											
FAA Payment Request	Tier 1, 2 & 3: Operating Expenses SubTotal =					\$8,307,159.72	Tier 4: Business Plan/Economic Improvement Projects Subtotal =			\$11,705,377.00		
	Planned Use:	\$3,600,000.00			\$3,600,000.00		Planned Use:	\$11,705,377.00				
	Dates	FY2021	PV#	Dates	FY2022		FY22	FY23				
PV#1	7/1-8/20	\$378,242.44	PV#17	ARFF Roof	\$1,169.98	Roof Replacement Project (See RR#14)						
PV#2	8/21-9/17	\$182,370.07	PV#18	6/25-8/5	\$432,940.86	CARE2 Demo & Reconstruct T-Hangars/Operations Remodel		\$5,392,000.00				
PV#3	9/18-10/29	\$253,792.37	PV#19	8/6-9/30	\$464,051.10	Alternate #1		\$40,817.00	\$5,432,817.00			
PV#4	10/30-11/19	\$138,690.17	PV#20	10/1-10/28	\$249,183.94	F&M Fee		\$916,102.00				
PV#5	11/20 - 12/31	\$257,967.26	PV#21	10/29 - 11/24	\$240,536.36	Admin Fee		\$6,000.00				
PV#6	1/1 - 1/28	\$207,239.56	PV#22	Jet A + C Cards	\$1,478,199.44				\$6,354,919.00			
PV#7	7/1 - 2/2	\$255,985.28	PV#23	11/25 - 12/30	\$269,212.60	CARE3 Mary Dunn Way Design & Construction		\$4,654,008.00				
PV#8	7/1 - 2/25	\$372,285.11	PV#24	Indirect Costs	\$518,757.84	ASG Fee		\$693,400.00				
PV#9	1/29 - 2/25	\$181,765.29	PV#25	12/31 - 1/27/22	\$475,584.40	Admin Fee		\$3,050.00				
PV#10	2/26 - 3/25	\$225,384.76	PV#26	1/28-2/24/22	\$258,679.67				\$5,350,458.00			
PV#11		\$438,300.00										
PV#12	3/26 - 4/29	\$314,470.16										
PV#13	4/30 - 5/27	\$241,856.32										
PV#14	ARFF Roof Share	\$78,471.00										
PV#15	5/28 - 6/24	\$271,471.98										
PV#16	Indirect Costs	\$120,551.76								Project Funding Needs		
Totals	Actual Use:	\$3,918,843.53			\$4,388,316.19			\$11,705,377.00	\$20,012,537	-\$2,040,571		
Grant Spent to Date (Operating Only):									\$8,307,159.72			

To implement the project, Airport Management would to use Airport Reserves to cover the difference. NOTE: Airport Reserves has grown due to CARES Act reimbursements for operating expenses with \$8.3M being added into the Airport's cash reserves in the past two years plus interest. Airport Management would like to have the ability to fund the difference as approved by the Airport Commission with reserves.

The FAA grant application will request \$4,314,348.28 via the CARES Act with the local share at \$2,040,571.00. Note that this request includes a 5% contingency.

**FISCAL IMPACT:** The Airport's net share for this project is \$2,145,000 and funding is requested from the Airport Enterprise Fund reserves. As of July 1, 2021 the Airport Enterprise Fund had \$6,240,318 certified in cash reserves with the Airport's cash balance as of May 11, 2022 of approximately \$14 million. The Airport Commission approved of the above expenditure, contingent on Town Council approval, during the May 17, 2022 Airport Commission Meeting.

**STAFF ASSISTANCE:** Mark A. Milne, Director of Finance

**B. NEW BUSINESS (First Reading) (Refer to Planning Board)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2022-196  
INTRO: 6/16/2022**

**2022-196 AUTHORIZING THE TOWN MANAGER TO EXECUTE A MAJOR  
AMENDMENT TO THE REGULATORY AGREEMENT BETWEEN THE  
TOWN OF BARNSTABLE AND CAPEBUILT PLEASANT STREET, LLC**

**ORDERED:** That the Town Council hereby authorizes the Town Manager pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable (the “Code”), to enter into and execute a Major Amendment to the Regulatory Agreement between the Town of Barnstable and CapeBuilt Pleasant Street, LLC for the properties at 24, 28, 43, 44, 53, 56, 64 and 66 Pleasant Street and 86 South Street, Hyannis, Massachusetts and shown on Assessor’s Map 327 as Parcels 131, 245, 122, 133, 121, 143, 268, 135 and 137, consisting of 103,688± square feet (2.38± acres), and which are more particularly described in the deeds recorded with the Barnstable County Registry of Deeds in Book 25831 Page 318, Book 21784 Page 410, Book 21784 Page 138, Book 21784 Page 143, Book 21784 Page 144, Book 29558 Page 294, Book 21784 Page 143 (Parcel A and Parcel B in Plan Book 69 Page 19) and Book 21784 Page 134 (hereafter, the “Property”); and further authorizing the development of additional residential units and granting the requested zoning relief pursuant to and as described in this first major amendment to the Regulatory Agreement.

**SPONSOR:** Councilor Paul Hebert

DATE	ACTION TAKEN
_____	_____
_____	_____

\_\_\_\_\_ Read Item  
\_\_\_\_\_ Rationale  
\_\_\_\_\_ Council Discussion  
\_\_\_\_\_ Move / Vote

**NOTE: THE PROPONENT OF THIS ITEM HAS REQUESTED THAT  
THIS ITEM BE WITHDRAWN FROM CONSIDERATION. THE  
MATTER WILL BE RESUBMITTED TO THE PLANNING BOARD  
TO CONSIDER FURTHER CHANGES TO THE DEVELOPMENT  
PLAN.**



# BARNSTABLE TOWN COUNCIL

**ITEM# 2022-196**  
**INTRO: 6/16/2022**

**TO:** Town Council  
**FROM:** CapeBuilt Pleasant Street, LLC  
**THROUGH:** Elizabeth Jenkins, Planning & Development Director  
**DATE:** June 16, 2022  
**SUBJECT:** First Major Amendment to Regulatory Agreement 2017-003 with CapeBuilt Pleasant Street, LLC for Sea Captains Row, Hyannis

**BACKGROUND:** CapeBuilt Pleasant Street, LLC, seeks to amend Regulatory Agreement 2017-003 Sea Captains Row with the Town of Barnstable. Sea Captains Row was originally approved for sixty (60) residential units distributed across eight (8) newly constructed buildings and one preexisting building to be developed in two phases. The Applicant, CapeBuilt Pleasant Street, LLC, seeks to modify Regulatory Agreement No. 2017-003 to include the addition of a single one-bedroom “walkout” apartment to be added in the basement level of each of the two buildings that were previously approved as Buildings A and B. This will increase the total project unit count from 60 to 62.

The proposed amendment also seeks to modify the relief previously granted from the General Ordinance, Chapter 9, Article I Inclusionary Affordable Housing Requirements – Section 9-4-D. to allow for two 1-bedroom apartments at 50% of Area Median Income on a “floating” basis dispersed within the forty-four (44) rental apartments in Phase One. These two inclusionary units were originally required to be limited to “working artists” studios, scheduled for a later phase.

The Developer has undergone a public hearing which was opened on April 25, 2022 and continued to May 9, 2022 on the Agreement application and received a unanimous vote from the Planning Board recommending an approval of the proposed first major amendment to the Regulatory Agreement on May 9, 2022.

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

- a. Revitalization of long standing vacant property. Revitalization is anticipated to eliminate or substantially reduce issues associated with currently blighted property.
- b. Redevelopment will significantly improve aesthetics along Pleasant Street, and invite pedestrian traffic connecting Main Street and the Regional Transportation Center at one end, and the Steamship Authority and Hyannis Harbor at the other end. This represents a significant “corridor” for Hyannis.
- c. The Project will provide market rate housing, the need for which was identified in the 2014 Housing Production Plan, in an area of Hyannis toward which Town planning and grant resources have already been expended to encourage private redevelopment. The addition of two one-bedroom units, increasing the total unit count from 60 to 62, will even better meet the need identified in the 2014 Housing Production Plan, with no significant financial impact to the Town.

- d. Elimination of ferry parking at the Property, which has caused traffic congestion and aesthetic problems for many years.
- e. Substantially improve traffic flow patterns allowing smoother ingress and egress on the property.
- f. Exterior site lighting improvements, including use of LED lights and motion detector lights, to deter illicit activity and encourage pedestrian use.
- g. Construction of sidewalks adjacent to the Property along Pleasant Street to facilitate pedestrian activity along an important corridor connecting Main Street and Hyannis Harbor.
- h. Improved on-site stormwater management, including low impact design features, will enhance environmental protection and wellness.
- i. Addition of two affordable housing units at a reduced rate of 50% of Area Median Income, the change of these two units from studio apartments to one-bedroom units, and the location of these two units on a “floating” basis within the buildings at 40 Pleasant Street, 50 Pleasant Street, 52 Pleasant Street, 60 Pleasant Street and/or 62 Pleasant Street, will add more immediately to the Town’s Affordable housing stock.
- j. The Project’s design features, including historically-inspired architectural elements, public art installation sites, community open space, neighborhood gathering space, artist “live-work” space, and front porches fronting onto Pleasant Street, collectively and respectfully support the continued revitalization of the greater East Main Street neighborhood as a “live, work, play, and create” environment.

**FINANCIAL IMPACT:** Approval of the proposed first Major Amendment to Regulatory Agreement 2017-003 will have no significant fiscal impact.

**STAFF ASSISTANCE:** Charles McLaughlin, Jr., Senior Attorney, Elizabeth Jenkins, Planning & Development Director, Kate Maldonado, Assistant Director, Jim Kupfer, Senior Planner

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2022-197**  
**INTRO: 06/19/2022**

**2022-197 RESOLVE TO SCHEDULE A SPECIAL ELECTION TO BE HELD ON  
SEPTEMBER 6, 2022 TO FILL TWO TOWN COUNCIL SEATS**

**RESOLVED:** That the Town Council hereby declares that a vacancy currently exists in the office of Town Councilor, Precinct 5, and that effective September 2, 2022, a vacancy will exist in the office of Town Councilor, Precinct 3; and further, the Town Council requests that the Town Clerk begin planning a special election to be held on September 6, 2022 to fill said seats for the balance of the unexpired terms.

**SPONSOR:**Matthew P. Levesque, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

\_\_\_\_Read Item  
\_\_\_\_Rationale  
\_\_\_\_Council Discussion  
\_\_\_\_Vote

## **BARNSTABLE TOWN COUNCIL**

**ITEM# 2022-197**  
**INTRO: 06/19/2022**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Ann Quirk, Town Clerk  
**DATE:** June 16, 2022  
**SUBJECT:** Resolve to schedule a Special Election to be held on September 6, 2022 to fill two Town Council seats

**BACKGROUND:** On May 17, 2022, Councilor David Bogan (Precinct 5) submitted a letter to the Town Clerk notifying her that he was no longer a resident of the Town of Barnstable and therefore was resigning from the office of Town Councilor. On June 2, 2022, Councilor Paul Hebert (Precinct 3) submitted a letter to the Town Clerk announcing his resignation from the office of Town Councilor effective September 2, 2022.

Section 2-5 of the Town Charter provides that if a vacancy occurs in the office of councilor “during the first forty-four months of a term, it shall be filled by a special election. If a regular town election is scheduled to be held within 120 days, but more than fifty days, after the date vacancy occurs, it shall be filled by a special election within that regular election; otherwise, the council shall schedule a special election to be held as soon as is practical to fill the vacancy for the balance of the unexpired terms.”

There is no upcoming regular town election within this timeframe, so a special election needs to be scheduled. As there is a state primary election scheduled for September 6, 2022, it makes sense to hold the special election on that date.

**FISCAL IMPACT:** Holding the special election on the same date as the upcoming state primary election will help to minimize the costs to the Town.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this item.

**STAFF ASSISTANCE:** Karen L. Nober, Town Attorney

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2022-198**  
**INTRO: 06/16/2022**

**2022-198 APPROVAL OF APPOINTMENT TO THE APPOINTMENTS COMMITTEE**

**RESOLVED:** That the Town Council does hereby approve the Town Council President's appointment of Councilor Gordon Starr as a member of the standing Appointments Committee of the Town Council.

**SPONSOR:** Matthew P. Levesque, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

☐ Read Item  
☐ Rationale  
☐ Council Discussion  
☐ Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2022-199**  
**INTRO: 06/16/2022**

**2022-199 RESOLVE DELEGATING TO THE OFFICE OF THE TOWN ATTORNEY  
RESPONSIBILITY FOR RESPONDING TO THE OPEN MEETING LAW  
COMPLAINT FILED ON JUNE 13, 2022**

**RESOLVED:** To delegate to the Office of the Town Attorney the responsibility for responding to the Open Meeting Law Complaint filed by Ellen LaBerge on behalf of the Friends of the Centerville Cranberry Bog Preservation, Inc. on June 13, 2022 against the Town Council, Town Council President Matthew P. Levesque and Town Attorney Karen L. Nober.

**SPONSOR:** Matthew P. Levesque, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

\_\_\_Read Item  
\_\_\_Rationale  
\_\_\_Council Discussion  
\_\_\_Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2022-200**  
**INTRO: 06/16/2022**

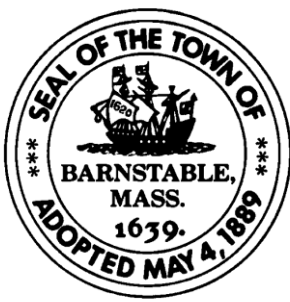
**2022-200 RESOLVE APPROVING A LETTER IN SUPPORT OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PROPOSED REVISIONS TO THE CLEAN WATER STATE REVOLVING FUND CRITERIA**

**RESOLVED:** That the Town Council does hereby approve sending a letter, substantially in the form as presented at this meeting, to the Massachusetts Department of Environmental Protection (the "Department") expressing the Council's support for the Department's proposed revisions to the Clean Water State Revolving Fund ("SRF") criteria for the allocation of low and no interest loans from the SRF.

**SPONSORS:** Councilor Gordon Starr, Precinct 1 and Councilor Kristine Clark, Precinct 11

DATE	ACTION TAKEN
_____	_____
_____	_____

\_\_\_ Read Item  
\_\_\_ Rationale  
\_\_\_ Council Discussion  
\_\_\_ Vote



# Town of Barnstable

## Town Council

367 Main Street, Village of Hyannis, MA 02601

508-862-4738 • 508-862-4770

E-mail:

[www.town.barnstable.ma.us](http://www.town.barnstable.ma.us)

June 16, 2022

Councilors:

Matthew Levesque  
President  
Precinct 10

Paula Schnepf  
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Administrative  
Assistant:  
Kelly Crahan  
[Kelly.Crahan@town.barnstable.ma.us](mailto:Kelly.Crahan@town.barnstable.ma.us)

Ms. Maria Pinaud, Director  
Division of Municipal Services  
MassDEP  
One Winter St, 5<sup>th</sup> floor  
Boston, MA 02108

Dear Ms. Pinaud:

On behalf of the Town Council of the Town of Barnstable, this letter is to express our strong support of the Department's proposal entitled Revised Clean Water State Revolving Fund criteria for 2022 Project Evaluation Form.

The proposed changes simplify and clarify the hierarchy of priorities for the allocation of low and no interest loans from the SRF. The revised ranking system properly and clearly places the funding of nutrient management projects so critical to the restoration of the Cape's degraded estuaries in the highest tier for priority funding. This formal recognition of the importance of assuring Cape municipalities of their access to SRF financing sends an important signal that will encourage ongoing efforts to continue.

The SRF program is both the backbone of municipal finance strategies for all Cape towns as well as the key to accessing additional subsidy from the Cape and Islands Water Protection Fund. The proposed revisions to the SRF funding criteria provide additional assurance to Cape towns that their access to the Fund's 25% subsidy will continue. The enhanced access to the SRF assured by the Department's proposal and the ongoing cost relief provided by the Fund are complementary strategies that are essential if the newly developed momentum for water quality restoration on Cape Cod is to continue.

We urge the Department to adopt these criteria as originally proposed.

Sincerely,

*Matthew Levesque*

Matthew Levesque, President