

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

TOWN COUNCIL MEETING AGENDA
May 19, 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

David W. Bogan
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

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

The May 19, 2022 Town Council 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/93426703511> Meeting ID: 934 2670 3511
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

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

7. ACT ON MINUTES (Including Executive Session)

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

• **Joint Base Cape Cod Commanders Brief:**

BG (RET) Chris Faux, Executive Director, Joint Base Cape Cod
CAPT Rob Potter, Commanding Officer, Coast Guard Air Station Cape Cod
CAPT Sean Hannigan, Commanding Officer, Coast Guard Base Cape Cod
COL Matt Porter, Commander, Army National Guard Camp Edwards
COL Sean Riley, Air Force 102d Intel Wing Commander
LT COL Timothy "Skip" Sheehan, Space Force 6SWS Commander

EXECUTIVE SESSION

The Town Council will enter executive session pursuant to G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to litigation since a discussion in open session may have a detrimental effect on the litigating position of the Town and Town Council. Specifically, the Council will discuss two

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matters: (1) a potential lawsuit to be filed by the Town against Susan Jenkins, Trustee of the Jenkins Nominee Trust, and Sam Slater, the Seller and Buyer, respectively, of the four parcels of land located in Centerville, MA, and known as 1246 Bumps River Road, 1271 Bumps River Road, Bumps River Road and Marie-Ann Terrace, regarding claims under G.L. c. 61A; and (2) a lawsuit filed against the Town by TJA Clean Energy, LLC regarding claims under G.L. c. 40A, § 3(9).

PUBLIC SESSION

9. ORDERS OF THE DAY

- A. Old Business**
- B. New Business**

10. ADJOURNMENT

NEXT REGULAR MEETING: June 02, 2022

ITEM NO.	INDEX TITLE	PAGE
A.	OLD BUSINESS	
2022-034	Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning by expanding the Ground-Mounted Solar Photovoltaic Overlay District to include the property located at 810 Wakeby Road, Marstons Mills (Assessors' Map 013 Parcels 004, 005, 052) and by requiring a special permit for large-scale Ground-Mounted Solar Photovoltaic Installations located within any Residential District located within the Overlay District (Public Hearing) (Roll Call 2/3 Full Council)	7-13
2022-134	Order pursuant to M.G.L. Chapter 40A, Section 5 submitting to the Planning Board a proposed zoning amendment establishing a temporary moratorium on the construction of large scale Ground Mounted Solar Photovoltaic Systems (Public Hearing) (Roll Call 2/3 Full Council)	14-17
2022-157	Appointments to a Board/Committee/Commission: Shellfish Committee: William Cherepon, as a Member at Large, to a term expiring 06/2025; Steamship Authority Port Council: Roland Breault, as a Town of Barnstable Representative Member, to a term expiring 12/31/2023 (May be acted upon) (Roll Call Majority)	18
B.	NEW BUSINESS	
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2021-161	Appropriation Order in the amount of \$76,781,611 for the purpose of funding the Town's Fiscal Year 2023 Barnstable Public Schools Budget (Refer to Public Hearing 06/02/2022)	20
2021-162	Appropriation Order in the amount of \$16,423,419 for the purpose of funding the Town's Fiscal Year 2023 Barnstable Police Department Budget (Refer to Public Hearing 06/02/2022)	21
2021-163	Appropriation Order in the amount of \$2,203,860 for the purpose of funding the Town's Fiscal Year 2023 Planning and Development Department Budget (Refer to Public Hearing 06/02/2022)	22
2021-164	Appropriation Order in the amount of \$2,392,497 for the purpose of funding the Town's Fiscal Year 2023 Community Services Department General Fund Budget (Refer to Public Hearing 06/02/2022)	23
2021-165	Appropriation Order in the amount of \$3,469,498 for the purpose of funding the Town's Fiscal Year 2023 Golf Course Enterprise Fund Budget (Refer to Public Hearing 06/02/2022)	24
2021-166	Appropriation Order in the amount of \$3,362,110 for the purpose of funding the Town's Fiscal Year 2023 Hyannis Youth and Community Center Enterprise Fund Budget (Refer to Public Hearing 06/02/2022)	25
2021-167	Appropriation Order in the amount of \$1,439,303 for the purpose of funding the Town's Fiscal Year 2023 Marine & Environmental Affairs Department General Fund Budget (Refer to Public Hearing 06/02/2022)	26
2021-168	Appropriation Order in the amount of \$785,442 for the purpose of funding the Town's Fiscal Year 2023 Marina Enterprise Fund Budget (Refer to Public Hearing 06/02/2022)	27
2021-169	Appropriation Order in the amount of \$973,203 for the purpose of funding the Town's Fiscal Year 2023 Sandy Neck Park Enterprise Fund Budget (Refer to Public Hearing 06/02/2022)	28
2021-170	Appropriation Order in the amount of \$2,400,693 for the purpose of funding the Town's Fiscal Year 2023 Inspectional Services Department Budget (Refer to Public Hearing 06/02/2022)	29

2021-171	Appropriation Order in the amount of \$10,859,063 for the purpose of funding the Town's Fiscal Year 2023 Department of Public Works General Fund Budget (Refer to Public Hearing 06/02/2022)	30
2021-172	Appropriation Order in the amount of \$3,373,191 for the purpose of funding the Town's Fiscal Year 2023 Department of Public Works Solid Waste Enterprise Fund Budget (Refer to Public Hearing 06/02/2022)	31
2021-173	Appropriation Order in the amount of \$4,404,025 for the purpose of funding the Town's Fiscal Year 2023 Department of Public Works Water Pollution Control Enterprise Fund Budget (Refer to Public Hearing 06/02/2022)	32
2021-174	Appropriation Order in the amount of \$7,910,121 for the purpose of funding the Town's Fiscal Year 2023 Department of Public Works Water Supply Enterprise Fund Budget (Refer to Public Hearing 06/02/2022)	33
2021-175	Appropriation Order in the amount of \$3,945,923 for the purpose of funding the Fiscal Year 2023 Comprehensive Wastewater Management Plan Operating Budget (Refer to Public Hearing 06/02/2022)	34
2021-176	Appropriation Order in the amount of \$285,992 for the purpose of funding the Town's Fiscal Year 2023 Town Council Budget (Refer to Public Hearing 06/02/2022)	35
2021-177	Appropriation Order in the amount of \$1,348,165 for the purpose of funding the Town's Fiscal Year 2023 Town Manager Budget (Refer to Public Hearing 06/02/2022)	36
2021-178	Appropriation Order in the amount of \$870,427 for the purpose of funding the Town's Fiscal Year 2023 Public, Education & Government (PEG) Access Channels Enterprise Fund Budget (Refer to Public Hearing 06/02/2022)	37
2021-179	Appropriation Order in the amount of \$6,645,590 for the purpose of funding the Town's Fiscal Year 2023 Administrative Services Department Budget (Refer to Public Hearing 06/02/2022)	38
2021-180	Appropriation Order in the amount of \$250,000 for the purpose of funding the Town Council's Fiscal Year 2023 Reserve Fund (Refer to Public Hearing 06/02/2022)	39
2021-181	Appropriation Order in the amount of \$54,084,840 for the purpose of funding the Town's Fiscal Year 2023 Other Requirements Budget (Refer to Public Hearing 06/02/2022)	40
2021-182	Appropriation Order in the amount of \$4,453,254 for the purpose of funding for the Fiscal Year beginning July 1, 2022, the following sums of the Annual Revenues of the Community Preservation Fund \$546,161 for Open Space and Recreation; \$546,161 for Historic Resources; \$546,161 for Community Housing; \$2,614,771 for a Budget Reserve, and that the sum of \$200,000 be Appropriated from the Annual Revenues of the Community Preservation Fund for the Administrative Expenses of the Community Preservation Committee (Refer to Public Hearing 06/02/2022)	41
2021-183	Appropriation Order in the amount of \$1,083,029 for the purpose paying the Fiscal Year 2023 Community Preservation Fund Debt Service Requirements (Refer to Public Hearing 06/02/2022)	42
2022-184	Fiscal Year 2023 Spending Limitations: Senior Services Classroom Education Fund - \$100,000 ; Recreation Program Fund - \$525,000 ; Shellfish Propagation Fund - \$200,000 ; Consumer Protection Fund - \$600,000 ; Geographical Information Technology Fund - \$10,000 ; Arts and Culture Program Fund - \$50,000 ; Asset Management Fund - \$500,000 (First Reading) (Refer to Second Reading 06/02/2022)	43

2022-186	Transfer Order in the total amount of \$522,000 from Fiscal Year 2022 Personnel Budgets to Fiscal Year 2022 Operating Expenditure and Operating Capital Budgets for the purpose of funding outside professional services, equipment, supplies and materials in several departments and to the Barnstable Police Department Fiscal Year 2022 Personnel Budget (May be acted upon) (Roll Call Majority)	44-46
2022-187	Appointment to a Board/Committee/Commission: Mid Cape Cultural Council: Kathleen McMahon, as a regular member to a term expiring 06/2023 (First Reading) (Refer to Second Reading 06/02/2022)	47
2022-188	Reappointments to a Board/Committee/Commission: Airport Commission: Bradley Bailey as a regular member to a term expiring 06/2025; Board of Assessors: Andrew Machado, as a regular member to a term expiring 06/2025; Board of Health: Donald Guadagnoli, as a regular member to a term expiring 06/2025; Dan Luczkow, as a regular member to a term expiring 06/2025; Steven Waller, as an alternate member, to a term expiring 06/2025; Community Preservation Committee: James Tenaglia, as a Recreation Commission Representative Member to a term expiring 06/2025; Farley Lewis, as a regular member to a term expiring 06/2025; Marilyn Fifield, as a Historical Commission Representative Member to a term expiring 06/2025; Steven Robichaud, as a Planning Board Representative Member, to a term expiring 06/2025; Comprehensive Financial Advisory Committee: Charles McKenzie, as a regular member to a term expiring 06/2025; Melanie Powers, as a regular member to a term expiring 06/2025; Lillian Woo, as a regular member to a term expiring 06/2025; Conservation Commission: Peter Sampou, as a regular member to a term expiring 06/2025; Louise Foster, as a regular member to a term expiring 06/2025; F.P. Tom Lee, as a regular member to a term expiring 06/2025; Council on Aging: Lori Case, as a regular member to a term expiring 06/2025; Disability Commission: Paula Breagy, as a regular member to a term expiring 06/2025; Jerilyn DiCostanzo, as a regular member to a term expiring 06/2025; Elderly & Disabled Taxation Aid Committee: William Murdoch, as a regular member to a term expiring 06/2025; Golf Committee: Susanne Conley, as a regular member to a term expiring 06/2025; Geoffrey Convers, as a regular member to a term expiring 06/2025; William Sylva, as a regular member to a term expiring 06/2025; Mark Bushway, as a regular member to a term expiring 06/2025; Historical Commission: George Jessop, as an architect representative member to a term expiring 06/2025; Jack Kay, as a regular member to a term expiring 06/2025; Housing Committee: Paula Breagy, as a regular member to a term expiring 06/2025; Meaghan Mort, as a regular member to a term expiring 06/2025; Human Service Committee: Meaghan Mort, as a regular member to a term expiring 06/2025; Infrastructure and Energy Committee: Jane Ward, as a regular member to a term expiring 06/2025; John F. Kennedy Memorial Trust Fund Advisory Committee: William Murphy, as a Recreation Commission Chair Representative Member to a term expiring 06/2025; Land Acquisition and Preservation Committee: Farley Lewis, as a regular member to a term expiring 06/2025; Licensing Authority: John Flores, as a regular member to a term expiring 06/2025; David Hirsch, as a regular member to a term expiring 06/2025; Mid Cape Cultural Council: Mary Taylor, as a regular member to a term expiring 06/2025; Old King's Highway Historic District Committee: George Jessop, an architect representative member to a term expiring 06/2025; Scholarship Committee: Deborah Hill, as a regular member to a term expiring 06/2025; Shellfish Committee: Stuart Rapp, as a regular member to a term expiring 06/2025; Trust Fund Advisory Committee: Lillian Woo, as a Financial Representative Member to a term expiring 06/2025; Jonathan Gilmore, as a member-at-large to a term expiring 06/2025; William Murdoch, as a Civic Association Representative Member to a term expiring 06/2025; Waterways Committee: Todd Walantis, as a regular member to a term expiring 06/2025; Peter Cross, as a regular member to a term expiring 06/2025; Youth Commission: Jaden Jeffries, as a student member to a term expiring 06/2023; Daniel Gomes, as a student member to a term expiring 06/2023; Isabelle Rudy, as a student member to a term expiring 06/2023; Laik O'Reilly, as a student member to a term expiring 06/2023; Alexander Arabadzhiev, as a student member to a term expiring 06/2023; Luc-Andre Sader, as a student member to a term expiring 06/2023; Connor O'Reilly, as a student member to a term expiring 06/2023; Michaela Stampfl, as a student member to a term expiring 06/2023; Piper Hunt, as a student member to a term expiring 06/2023; Zoning Board of Appeals: Todd Walantis, as a regular member to a term expiring 06/2025; Hebert Bodensiek, as a regular member to a term	

expiring 06/2025; Paul Pinard, as a regular member to a term expiring 06/2025 **(First Reading)**
(Refer to Second Reading 06/02/2022)48-49

2022-188A	Reappointment to a Board/Committee/Commission: Youth Commission member: Cameron Levesque, as a student member, to a term expiring 06/2023; (First Reading) (Refer to Second Reading 06/02/2022)	50
2022-188B	Reappointment to a Board/Committee/Commission: Youth Commission member: Mary Steinhilber, as a student member, to a term expiring 06/2023 (First Reading) (Refer to Second Reading 06/02/2022)	51
2022-189	Order authorizing the award and execution of a lease with a term of five years for golf cars and utility vehicles at Olde Barnstable Fairgrounds and Hyannis Golf Courses (First Reading) (Refer to Second Reading 06/02/2022)	52-53
2022-190	Approval of change of purpose to allow the grant of an easement to Park City Wind LLC in certain parcels of land namely that portion of Craigville Beach known as Assessors' Parcel 206-013 and that portion of 20 South Main Street known as Assessors' Parcel 228-138 (First Reading) (Refer to Second Reading 06/02/2022)	54
2022-191	Order to petition the General Court of the Commonwealth to enact special legislation approving the grant of easement to Park City Wind LLC in certain parcels of land namely that portion of Craigville Beach known as Assessors' Parcel 206-013 and that portion of 20 South Main Street known as Assessors' Parcel 228-138 (First Reading) (Refer to Second Reading 06/02/2022)	55
2022-192	Approval of a grant of easement to Park City Wind LLC in certain parcels of land namely that portion of Craigville Beach known as Assessors' Parcel 206-013 and that portion of 20 South Main Street known as Assessors' Parcel 228-138 (First Reading) (Refer to Second Reading 06/02/2022)	56
2022-193	Order to grant to Park City Wind LLC an easement from Craigville Beach to Shootflying Hill Road for utility purposes only (First Reading) (Refer to Second Reading 06/02/2022)	57
2022-194	Authorization for Park City Wind LLC to record Chapter 91 license and other licenses and approvals issued to Park City Wind LLC (First Reading) (Refer to Second Reading 06/02/2022)	58-59

Approve Minutes: May 05, 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 2/3 Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-034

INTRO: 10/07/2021, 05/19/2022

2022-034 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I, GENERAL ORDINANCES, CHAPTER 240 ZONING BY EXPANDING THE GROUND-MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT TO INCLUDE THE PROPERTY LOCATED AT 810 WAKEBY ROAD, MARSTONS MILLS (ASSESSORS' MAP 013 PARCELS 004, 005, 052) AND BY REQUIRING A SPECIAL PERMIT FOR LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS LOCATED WITHIN ANY RESIDENTIAL DISTRICT LOCATED WITHIN THE OVERLAY DISTRICT

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

That Chapter 240, Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to expand the Ground-Mounted Solar Photovoltaic Overlay District to include the parcels shown on Assessors' Map 013 as Parcels 004, 005, and 052 as shown on the maps entitled;

- "Proposed Amendment to the Town Zoning Map Expanding the Ground Mounted Solar Photovoltaic Overlay District In Marstons Mills"
- "Proposed Amendment to the Marstons Mills Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District In Marstons Mills"

Each dated October 1, 2021, as prepared by the Town of Barnstable Geographical Information System (GIS) Unit.

SECTION 2

- (1) By amending the definition of **AS-OF-RIGHT-SITING** in Section D of Article V, Section 240-44.2, Ground-Mounted Solar Photovoltaic Overlay District, by deleting the first sentence and inserting the following new sentence in place thereof:
"The ground-mounted solar photovoltaic installation may proceed without the need for a special permit, variance, amendment, waiver or other local discretionary approval, except that a special permit shall be required when located in a residential zoning district."
- (2) By inserting the following definition of **HAZARDOUS PRODUCT** in said Section D immediately after the definition of **GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION**:
"HAZARDOUS PRODUCT
Any chemical or combination of chemicals which, in any form, is listed by trade name, chemical name, formula or otherwise as a product which is a hazard to public drinking water supplies if concentrations beyond a certain level are achieved therein. 'Hazardous product' shall also include any product for which there is any listing, declaration, or announcement in any form issued by the

Unites States Environmental Agency, the Massachusetts Department of Environmental Protection, or by any other government agency having direct or indirect jurisdiction over public water supplies that such product is such a hazard or is a product known as an “emerging contaminant” suspected as being capable of being a carcinogen.”

SECTION 3

By amending Subsection (1) of Section E of Article V, Section 240-44.2 by adding the following sentence to the end of such subsection:

“Any ground-mounted, large-scale solar photovoltaic installation with 250 kw or larger of rated nameplate capacity located in a residential zoning district shall also be required to obtain a special permit from the Planning Board in accordance with Subsection (3).”

SECTION 4

By further amending Section E of Article V, Section 240-44.2 by adding the following new Subsection (3):

(3) Special Permit Provisions.

A Special Permit shall be granted by the Planning Board if the Planning Board determines the following criteria have been met.

- (a) Site Plan Approval in accordance with subsections (1) and (2).
- (b) Adequate measures to contain and suppress noise and sound as deemed appropriate by the Planning Board, including, but not limited to, minimum 75-foot setback from all residential abutter property lines to the Ground-Mounted Solar Photovoltaic Installation.
- (c) Vegetative and/or hardscape screening with coniferous planting and earth berms of sufficient height, as determined by the Building Commissioner, to screen adjoining residential properties from the Ground-Mounted Solar Photovoltaic Installation.
- (d) Federal Aviation Administration (FAA) approval of Solar Glare Study, if such a study is deemed necessary by the FAA.
- (e) Cape Cod Commission approval as required.
- (f) Full disclosure of all hazardous products proposed to be used at any time at a project site shall be provided in writing to the Planning Board with the Special Permit application; no application for a special permit shall be considered complete until such disclosure is submitted to the Planning Board. No such hazardous materials shall be deployed or used at any time at a project site without approval of the Special Permit by the Planning Board.
- (g) Use, storage and containment of hazardous materials shall comply with all Federal, State, Regional, and local codes and regulations, including building, fire, and health codes.
- (h) Compliance with any other criteria found by the Planning Board as necessary to protect the public health, safety or welfare, which may include, without limitation, the revocation of any prior permits and previous uses that benefit the project site.”

SECTION 5

By amending Section I of Article V, Section 240-44.2 by deleting Section I in its entirety and inserting the following new Section I in its place:

“I. Dimensional requirements. Ground-mounted solar photovoltaic installations are subject to the front, side and rear yard setbacks as set forth in the underlying zoning district(s), except that any ground-mounted, large-scale solar photovoltaic installation with 250 kw or larger of rated nameplate capacity located in a residential zoning district shall maintain a minimum 75-foot setback from all abutting residential property lines to contain noise as sound, as required by Subsection (3) (b).”

SECTION 6

By amending Section L of Article V, Section 240-44.2 by adding the following subsections after subsection 2(c):

- (3) Federal Aviation Administration (FAA) approval of Solar Glare Study is required, if such a Study is deemed necessary by the FAA.
- (4) The project proponent shall provide full disclosure of all hazardous products proposed to be used at any time at a project site shall be provided in writing to the Building Commissioner with the Site Plan Review application; no application for Site Plan Review shall be considered complete until such disclosure is submitted to the Building Commissioner. No such hazardous materials shall be deployed or used at any time at a project site without Site Plan approval.
- (5) Use, storage and containment of hazardous materials shall comply with all Federal, State, Regional, and local codes and regulations, including building, fire, and health codes.
- (6) The project shall demonstrate compliance with any other criteria found by the Building Commissioner as necessary to protect the public health, safety or welfare, which may include, without limitation, the revocation of any prior permits and previous uses that benefit the project site.”

DATE _____

10/07/2021

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2022-034
INTRO: 10/07/2021

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development Department; Charles S. McLaughlin, Jr., Senior Town Attorney
DATE: October 7, 2021
SUBJECT: Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning by expanding the Ground-Mounted Solar Photovoltaic Overlay District to include the property located at 810 Wakeby Road, Marstons Mills (Assessors' Map 013 Parcels 004, 005, 052) and by requiring a special permit for large-scale Ground-Mounted Solar Photovoltaic installations located within any residential district located within the overlay district

BACKGROUND: Since 1975, Section 3 of Massachusetts General Laws, Chapter 40A, the state Zoning Act, has allowed solar projects as of right in all zoning districts, subject only to regulations to protect public health, safety, and welfare. It reads:

No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

In 2010, pursuant to the state Green Communities Act, the Town created a Ground-Mounted Solar Photovoltaic Overlay District (Section 240-44.2 of the Town Code), which governs where large-scale solar projects may be constructed in the Town.

PROPOSED ZONING AMENDMENT: TJA Clean Energy is now seeking to construct a solar energy project at 810 Wakeby Road in a residential district that is not within the Ground-Mounted Solar Photovoltaic Overlay District. TJA claims that the Town's Overlay District is unduly restrictive and not in compliance with M.G.L Chapter 40A and has filed a lawsuit seeking a permanent injunction ordering the Town to issue a building permit to TJA for the project. A similar lawsuit involving the Town of Waltham resulted in a decision by the Land Court that the Town of Waltham was not in compliance with M.G.L Chapter 40A, and that case is now pending in the Appeals Court.

To resolve the lawsuit involving TJA's proposed project, a zoning amendment is proposed, narrowly tailored to apply only to the three parcels at 810 Wakeby Road. The proposed zoning amendment creates a special permit process that would allow the TJA project to proceed after ensuring that public health, safety and welfare issues are addressed. Under the proposed zoning amendment, the Planning Board would be designated as the body to administer the special permit process in order to provide for public notice and input on these issues. For TJA to receive a special permit, it would have to meet specified criteria, including the revocation of all other existing permits for the property. The proposed zoning amendment identifies a number of issues that TJA must address in public before the Planning Board and standards that it must meet. If TJA is able to meet all of those standards, as determined by the Planning Board, it would be entitled to receive a special permit.

FISCAL IMPACT: The proposed zoning amendment, if adopted, would avoid protracted litigation and expense.

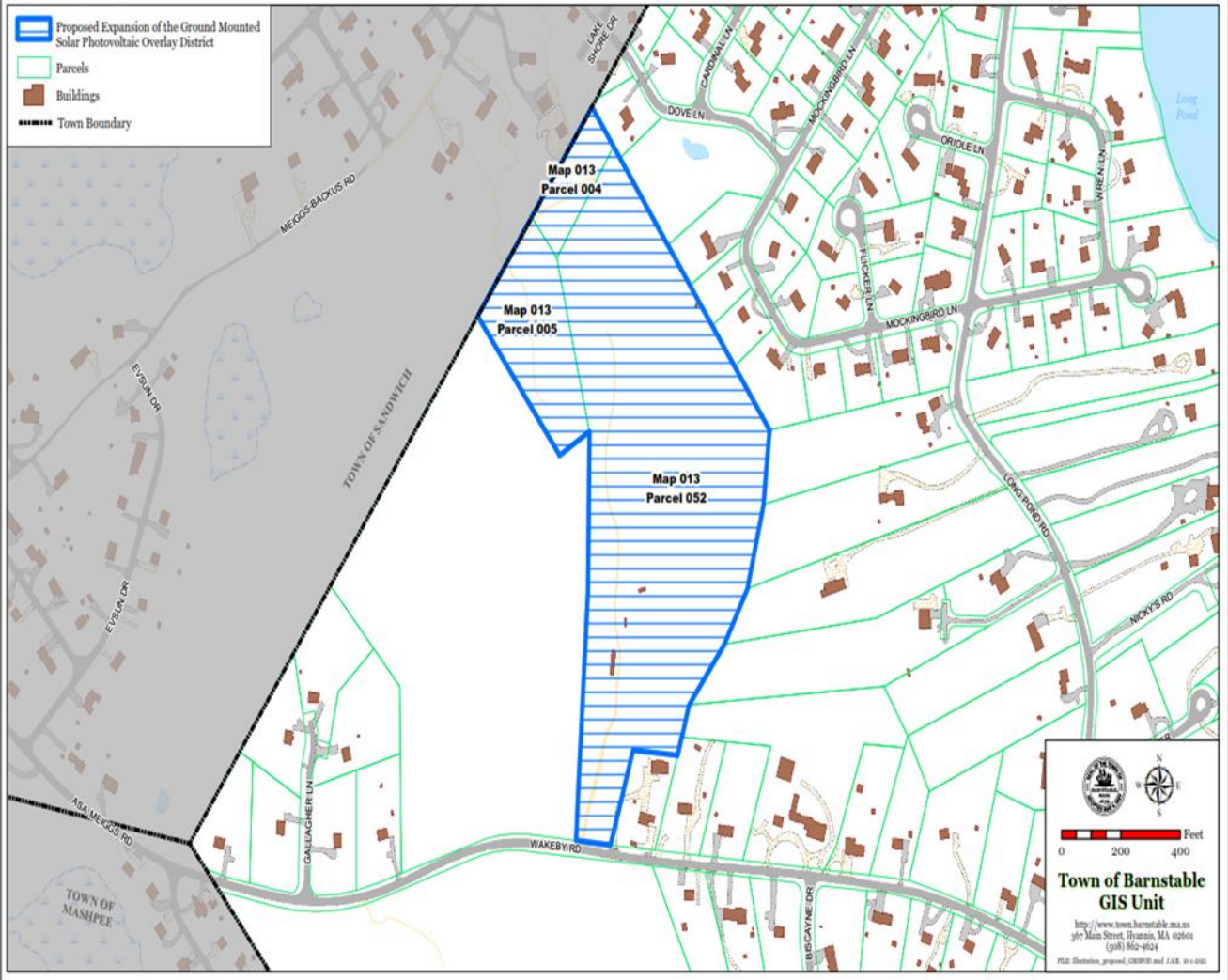
TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: Planning & Development Department; Legal Department



PROPOSED AMENDMENT to the TOWN ZONING MAP
Expanding the GROUND MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT in Marstons Mills

October 1, 2021

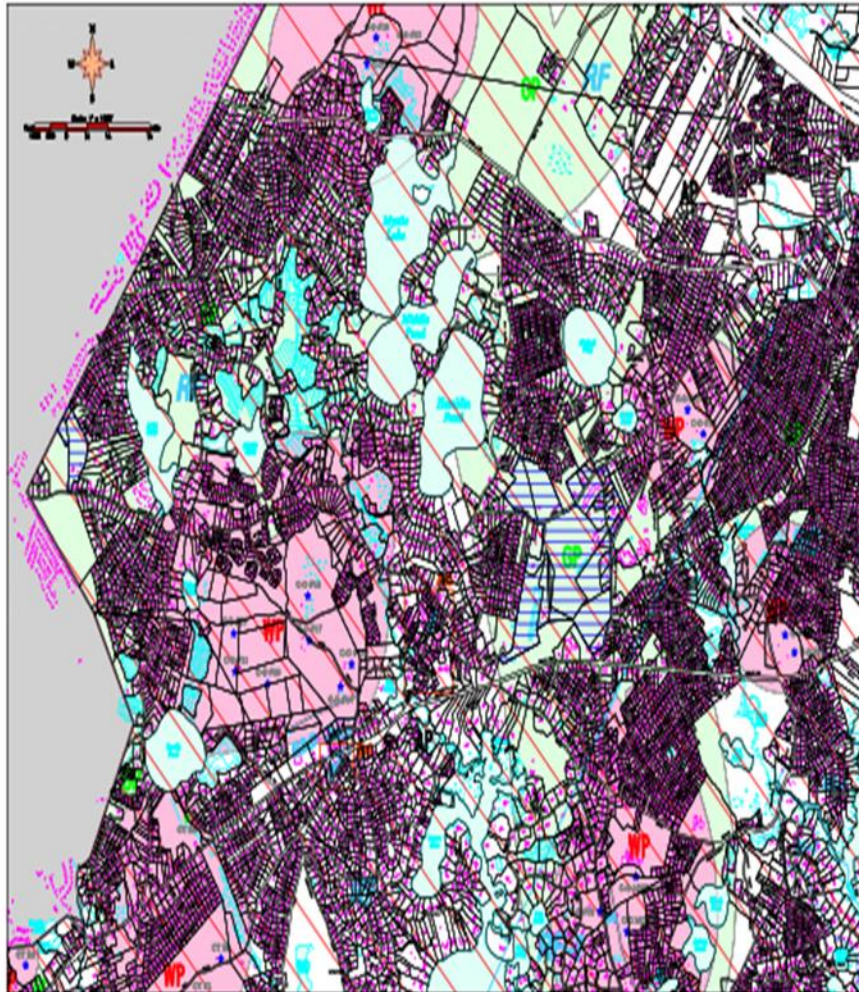




PROPOSED AMENDMENT to the MARSTONS MILLS ZONING MAP
expanding the GROUND MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT

OCTOBER 1, 2021

MARSTONS MILLS - SHEET 6 OF 7



Map Legend	
Existing Streets	Existing Public Wet Site
Wetland Protection Overlay District	Future Public Wet Site
Groundwater Protection Overlay District	Proposed Future Public Wet Site
Aquifer Protection Overlay District	Fenced Urban (PT 2001)
Adult Use Overlay District	Buildings
Dunes & Flats Overlay District	Railroad Tracks
Future Grade II Wetland Planned Unit Development Overlay District	Town Boundary Line
Medical Services Overlay District	Marsh Area
Resource Protection Overlay District	Stream / Edge-of-Water
Shopping Center Redevelopment Overlay District	Utility Lines (Not to Scale)
Senior Center/Retirement Community - 2000000 10000	Utility Lines (Not to Scale)
Unincorporated (Shaded Area and Shaded) Valley Area Dred & Fill Overlay District	Utility Lines (Not to Scale)
Ground Mounted Solar Photovoltaic Overlay District	Utility Lines (Not to Scale)

WWW.MARSTONSMILLS.ORG

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-134
INTRO: 02/17/2022, 05/19/2022

2022-134 ORDER PURSUANT TO M.G.L. CHAPTER 40A, SECTION 5 SUBMITTING TO THE PLANNING BOARD A PROPOSED ZONING AMENDMENT ESTABLISHING A TEMPORARY MORATORIUM ON THE CONSTRUCTION OF LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC SYSTEMS

ORDERED: That the attached two-page proposal to amend the Town’s Zoning Ordinance to establish a Temporary Moratorium on the Construction of Large Scale Ground Mounted Solar Photovoltaic Systems” submitted to the Town Council on February 9, 2022 by 10 registered voters is hereby submitted to the Planning Board for review pursuant to the provisions of M.G.L. Chapter 40A, Section 5.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>02/17/2022</u>	<u>Refer to Planning Board</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-134

INTRO: 02/17/2022, 05/19/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Karen L. Nober, Town Attorney
DATE: February 17, 2022
SUBJECT: Order pursuant to M.G.L. Chapter 40A, Section 5 submitting to the Planning Board a proposed zoning amendment establishing a temporary moratorium on the construction of large scale Ground Mounted Solar Photovoltaic System

BACKGROUND: Section 5 of M.G.L. c. 40A, the state Zoning Act, provides that “[a]doption or change of zoning ordinances or by-laws may be initiated by the submission to the city council ... of a proposed zoning ordinance ... by ten registered voters in a city ...” Section 5 further provides that the City Council “shall within fourteen days of receipt of such zoning ordinance ... submit it to the planning board for review.”

On February 3, 2022, a resident of the Town submitted a proposed amendment to the Town’s zoning ordinance to the Town Clerk, along with the signatures of ten residents of the Town. On February 7, 2022, the Town Clerk certified that the petition was signed by ten certified voters of the Town. On February 9, 2022, the petition was submitted to the Town Council by one of the proponents of the petition. In accordance with G.L. c. 40A, section 5, the proposed amendment has been placed on this meeting’s agenda for referral to the Planning Board.

FISCAL IMPACT: There is no fiscal impact.

STAFF SUPPORT: Karen L. Nober, Town Attorney

We, the undersigned voters of the Town of Barnstable, request the following article be placed on the agenda of the Barnstable Town Council meeting pursuant to G.L. Ch. 40A, Sec. 5:

To see if the Town of Barnstable will amend the Town's Zoning Ordinance by adding a new section as follows:

Title: Temporary Moratorium on the Construction of Large Scale Ground Mounted Solar Photovoltaic Systems, that would provide as follows:

a) Purpose

The Town of Barnstable has a uniquely fragile sole source aquifer as identified by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection. Industrial scale ground mounted photovoltaic solar systems pose a serious threat to this public water source and may have damaging effects on our ecology and therefore our economy.

The Town is being coerced through litigation to approve an amendment to its zoning ordinance to benefit a single property with the right to build an industrial scale ground mounted solar photovoltaic system in a residentially zoned district zone, threatening the safety and welfare of residents as well as the adjoining wellhead protection, conservation restriction land of the Centerville, Osterville, Marstons Mills Water District.

There is an urgent community need to establish long-term zoning ordinance provisions to ensure that such uses and development will be consistent with the Town's long term planning interests and the health, safety and welfare of its citizens. It is crucial that the Town establish a temporary moratorium on the use of land and the construction of structures related to such large scale ground mounted solar photovoltaic systems, structures, the issuance of permits in connection with same, and the amendment of zoning of residentially zoned properties in connection with same.

b) Moratorium

No building permit, special permit or site plan approval decision may be issued in connection to or for the construction of any large scale ground mounted solar photovoltaic system in size of more than 150% of the documented average use of a residential, commercial, business, municipal or agricultural application for any property for which such system is proposed, and not to exceed 35 kilowatts, for 11.5 months after the approval of said moratorium, or until sufficient deliberations

by the Town have been completed for the determination of its bylaws pertaining to such. No Ground Mounted Solar Photovoltaic Overlay District (GMSPVOD) may be adopted or imposed over a residential zone for 11.5 months after the approval of said moratorium, or until sufficient deliberations by the Town have been completed for the determination of its bylaws pertaining to such. The purpose of this moratorium is to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use, planning goals and objectives, or take any action related thereto.

Submitted by

Name - Printed
number

Name - Signed

Residence Address with street

Anne Salas	Anne Salas	145 Mockingbird Lane Marstons Mills, MA
NANCY MINNIGEROD	<i>[Signature]</i>	95 BISCAYNE DR MARSTONS MILLS MA 02648
CHRISTINE McDONOUGH	<i>[Signature]</i>	111 MOCKINGBIRD LN MARSTONS MILLS 02648
Cody P Jones	<i>[Signature]</i>	111 Mockingbird Ln Marstons Mills MA 02648
James P. Donohue	<i>[Signature]</i>	111 MOCKINGBIRD LN MARSTONS MILLS MA 02648
Catherine McDough	<i>[Signature]</i>	111 Mockingbird Lane Marstons Mills, MA. 02648
Betsy K Godley	<i>[Signature]</i>	1037 Race Ln Marstons Mills MA 02648
Mary Burkinshaw	<i>[Signature]</i>	133 Mockingbird Lane Marstons Mills MA 02648
Debra Spore	Debra Spore	32 Bay Head Rd Marstons Mills
Donna Lawson	Donna Lawson	46 Wood Duck Rd. Marstons Mills

(2)

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-157
INTRO: 05/05/2022, 05/19/2022

2022-157 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Shellfish Committee:** William Cherepon, as a Member at Large, to a term expiring 06/2025; **Steamship Authority Port Council:** Roland Breault, as a Town of Barnstable Representative Member, to a term expiring 12/31/2023.

SPONSOR: Appointment Committee Members

DATE	ACTION TAKEN
<u>05/05/2022</u>	<u>First Reading, Refer to Second Reading 05/19/2022</u>
_____	_____

___ Read Item
___ Rationale
___ Council Discussion
___ Vote

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-160
INTRO: 05/19/2022

CAPE COD GATEWAY AIRPORT ENTERPRISE FUND

**2021-160 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
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-161
INTRO: 05/19/2022**

SCHOOL DEPARTMENT

**2021-161 APPROPRIATION ORDER IN THE AMOUNT OF \$76,781,611 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 BARNSTABLE PUBLIC
SCHOOLS BUDGET**

ORDERED: That the sum of **\$76,781,611** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Barnstable Public Schools Budget, and to meet this appropriation that **\$76,781,611** be raised from current year revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-162
INTRO: 05/19/2022

POLICE DEPARTMENT

**2021-162 APPROPRIATION ORDER IN THE AMOUNT OF \$16,423,419 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 BARNSTABLE POLICE
DEPARTMENT BUDGET**

ORDERED: That the sum of **\$16,423,419** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Barnstable Police Department Budget; and to meet such appropriation that **\$16,423,419** be raised from current year revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-163
INTRO: 05/19/2022

PLANNING AND DEVELOPMENT DEPARTMENT

**2021-163 APPROPRIATION ORDER IN THE AMOUNT OF \$2,203,860 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 PLANNING AND
DEVELOPMENT DEPARTMENT BUDGET**

ORDERED: That the sum of **\$2,203,860** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Planning and Development Department budget, and to meet this appropriation that **\$1,981,560** be raised from current year revenues, that **\$45,000** be provided from the Wetlands Protection Special Revenue Fund, and that **\$177,300** be provided from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-164
INTRO: 05/19/2022

COMMUNITY SERVICES DEPARTMENT GENERAL FUND

2021-164 APPROPRIATION ORDER IN THE AMOUNT OF \$2,392,497 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET

ORDERED: That the sum of **\$2,392,497** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Community Services Department General Fund Budget; and to meet such appropriation that **\$2,392,497** be raised from current year revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-165
INTRO: 05/19/2022**

**COMMUNITY SERVICES DEPARTMENT
GOLF COURSE ENTERPRISE FUND**

**2021-165 APPROPRIATION ORDER IN THE AMOUNT OF \$3,469,498 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 GOLF COURSE
ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$3,469,498** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Golf Course Enterprise Fund budget; and to meet such appropriation that **\$3,029,821** be raised from Enterprise Fund revenues, that **\$288,200** be transferred from the set-aside for recreation and open space within the Community Preservation Fund, and that **\$151,477** be provided from the Golf Course Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-166
INTRO: 05/19/2022

COMMUNITY SERVICES DEPARTMENT
HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND

**2021-166 APPROPRIATION ORDER IN THE AMOUNT OF \$3,362,110 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 HYANNIS YOUTH
AND COMMUNITY CENTER ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$3,362,110** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that **\$323,157** be raised from Enterprise Fund revenues, that **\$1,391,458** be raised in the General Fund, that **\$1,234,875** be transferred from the Capital Trust Fund, and that **\$412,620** be provided from the Hyannis Youth and Community Center Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-167
INTRO: 05/19/2022**

MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND

**2021-167 APPROPRIATION ORDER IN THE AMOUNT OF \$1,439,303 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 MARINE &
ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND BUDGET**

ORDERED: That the sum of **\$1,439,303** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Marine & Environmental Affairs Department General Fund budget, and to meet such appropriation, that **\$1,091,303** be raised from current year revenue and that **\$348,000** be provided from the Waterways Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-168
INTRO: 05/19/2022**

**MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT
MARINA ENTERPRISE FUND**

**2021-168 APPROPRIATION ORDER IN THE AMOUNT OF \$785,442 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 MARINA
ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$785,442** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Marina Enterprise Fund Budget; and to meet such appropriation that **\$645,361** be raised from Enterprise Fund Revenues, that **\$45,400** be provided from the Capital Trust Fund, that **\$30,000** be raised in the General Fund, and that **\$64,681** be provided from the Marina Enterprise Fund Reserves as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-169
INTRO: 05/19/2022

MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT
SANDY NECK PARK ENTERPRISE FUND

**2021-169 APPROPRIATION ORDER IN THE AMOUNT OF \$973,203 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 SANDY NECK
PARK ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$973,203** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Sandy Neck Park Enterprise Fund Budget; and to meet such appropriation that **\$866,186** be raised from Enterprise Fund Revenues, and that **\$107,017** be provided from the Sandy Neck Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-170
INTRO: 05/19/2022

INSPECTIONAL SERVICES DEPARTMENT

**2021-170 APPROPRIATION ORDER IN THE AMOUNT OF \$2,400,693 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 INSPECTIONAL
SERVICES DEPARTMENT BUDGET**

ORDERED: That the sum of **\$2,400,693** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Inspectional Services Department Budget, and to meet such appropriation, that **\$2,400,693** be raised from current year revenue as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-171
INTRO: 05/19/2022

PUBLIC WORKS DEPARTMENT GENERAL FUND

**2021-171 APPROPRIATION ORDER IN THE AMOUNT OF \$10,859,063 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 DEPARTMENT
OF PUBLIC WORKS GENERAL FUND BUDGET**

ORDERED: That the sum of **\$10,859,063** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Department of Public Works General Fund Budget, and to meet such appropriation, that **\$10,775,923** be raised from current year revenue, that **\$56,320** be provided from the Embarkation Fee Special Revenue Fund, and that **\$26,820** be provided from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-172
INTRO: 05/19/2022

PUBLIC WORKS DEPARTMENT
SOLID WASTE ENTERPRISE FUND

**2021-172 APPROPRIATION ORDER IN THE AMOUNT OF \$3,373,191 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 DEPARTMENT
OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$3,373,191** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Department of Public Works Solid Waste Enterprise Fund budget, and to meet such appropriation that **\$3,301,814** be raised from the Enterprise Fund revenues, and that **\$71,377** be provided from the Solid Waste Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-173
INTRO: 05/19/2022

PUBLIC WORKS DEPARTMENT
WATER POLLUTION CONTROL ENTERPRISE FUND

**2021-173 APPROPRIATION ORDER IN THE AMOUNT OF \$4,404,025 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 DEPARTMENT
OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND
BUDGET**

ORDERED: That the sum of **\$4,404,025** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Department of Public Works Water Pollution Control Enterprise Fund budget, and to meet such appropriation that **\$4,404,025** be raised from the Enterprise Fund revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-174
INTRO: 05/19/2022**

**PUBLIC WORKS DEPARTMENT
WATER SUPPLY ENTERPRISE FUND**

**2021-174 APPROPRIATION ORDER IN THE AMOUNT OF \$7,910,121 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 DEPARTMENT
OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$7,910,121** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Department of Public Works Water Supply Enterprise Fund Budget, and to meet such appropriation that **\$7,234,871** be raised from the Enterprise Fund Revenues, that **\$634,000** be provided from the Water Stabilization Fund, that **\$41,250** be provided from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-175
INTRO: 05/19/2022

COMPREHENSIVE WASTEWATER MANAGEMENT PLAN

**2021-175 APPROPRIATION ORDER IN THE AMOUNT OF \$3,945,923 FOR THE
PURPOSE OF FUNDING THE FISCAL YEAR 2023 COMPREHENSIVE
WASTEWATER MANAGEMENT PLAN OPERATING BUDGET**

ORDERED: That the sum of **\$3,945,923** be appropriated for the purpose of funding the Fiscal Year 2023 Comprehensive Wastewater Management Plan Operating Budget, and to meet such appropriation, that **\$3,945,923** be provided from the Sewer Construction and Private Way Maintenance and Improvement Fund Reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-176
INTRO: 05/19/2022

TOWN COUNCIL DEPARTMENT

**2021-176 APPROPRIATION ORDER IN THE AMOUNT OF \$285,992 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 TOWN COUNCIL
BUDGET**

ORDERED: That the sum of **\$285,992** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Town Council Budget and to meet such appropriation, that **\$285,992** be raised from current year revenue, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-177
INTRO: 05/19/2022

TOWN MANAGER BUDGET

**2021-177 APPROPRIATION ORDER IN THE AMOUNT OF \$1,348,165 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 TOWN
MANAGER BUDGET TOWN MANAGER DEPARTMENT**

ORDERED: That the sum of **\$1,348,165** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Town Manager Budget and to meet such appropriation, that **\$1,348,165** be raised from current year revenue, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-178
INTRO: 05/19/2022**

PUBLIC, EDUCATION & GOVERNMENT ACCESS CHANNELS ENTERPRISE FUND

**2021-178 APPROPRIATION ORDER IN THE AMOUNT OF \$870,427 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 PUBLIC,
EDUCATION & GOVERNMENT (PEG) ACCESS CHANNELS ENTERPRISE
FUND BUDGET**

ORDERED: That the sum of **\$870,427** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Public, Education & Government (PEG) Access Channels Enterprise Fund budget, and to meet such appropriation, that **\$870,427** be raised from the PEG Enterprise Fund revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-179
INTRO: 05/19/2022

ADMINISTRATIVE SERVICES DEPARTMENT

**2021-179 APPROPRIATION ORDER IN THE AMOUNT OF \$6,645,590 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023
ADMINISTRATIVE SERVICES DEPARTMENT BUDGET**

ORDERED: That the sum of **\$6,645,590** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Administrative Services Department Budget, and to meet such appropriation, that **\$6,645,590** be raised from current year revenue, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-180
INTRO: 05/19/2022**

TOWN COUNCIL RESERVE FUND

**2021-180 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE
PURPOSE OF FUNDING THE TOWN COUNCIL'S FISCAL YEAR 2023
RESERVE FUND**

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the Town Council's Fiscal Year 2023 Reserve Fund and to meet such appropriation, that **\$250,000** be provided from the General Fund Reserves.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-181
INTRO: 05/19/2022**

OTHER REQUIREMENTS GENERAL FUND

**2021-181 APPROPRIATION ORDER IN THE AMOUNT OF \$54,084,840 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 OTHER
REQUIREMENTS BUDGET**

ORDERED: That the sum of **\$54,084,840** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Other Requirements Budget, and to meet such appropriation, that **\$46,193,354** be raised from current year revenue, that **\$210,000** be provided from the Pension Reserve Trust Fund, that **\$6,798,286** be provided from the Capital Trust Fund, that **\$43,680** be provided from the Embarkation Fee Special Revenue Fund, that **\$39,520** be provided from the Bismore Park Special Revenue Fund, and that the sum of **\$800,000** be transferred from the General Fund Reserves, all for the purpose of funding the Town's Fiscal Year 2023 General Fund Other Requirements Budget as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-182
INTRO: 05/19/2022

COMMUNITY PRESERVATION FUND
PROGRAM SET-ASIDES AND ADMINISTRATIVE EXPENSES

2021-182 APPROPRIATION ORDER IN THE AMOUNT OF 4,453,254 FOR THE PURPOSE OF FUNDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, THE FOLLOWING SUMS OF THE ANNUAL REVENUES OF THE COMMUNITY PRESERVATION FUND \$546,161 FOR OPEN SPACE AND RECREATION; \$546,161 FOR HISTORIC RESOURCES; \$546,161 FOR COMMUNITY HOUSING; \$2,614,771 FOR A BUDGET RESERVE, AND THAT THE SUM OF \$200,000 BE APPROPRIATED FROM THE ANNUAL REVENUES OF THE COMMUNITY PRESERVATION FUND FOR THE ADMINISTRATIVE EXPENSES OF THE COMMUNITY PRESERVATION COMMITTEE

ORDERED: That, pursuant to the provisions of General Law Chapter 44B Section 6, for the Fiscal Year beginning July 1, 2022, the following sums of the Annual Revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$546,161** for open space and recreation; **\$546,161** for historic resources; **\$546,161** for community housing; **\$2,614,771** for a budget reserve, and that the sum of **\$200,000** be appropriated from the annual revenues of the Community Preservation Fund for the administrative expenses of the Community Preservation Committee, to be expended under the direction of the Town Manager or the Community Preservation Committee with the prior approval of the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/02/2022)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-183
INTRO: 05/19/2022

COMMUNITY PRESERVATION FUND DEBT SERVICE

2021-183 APPROPRIATION ORDER IN THE AMOUNT OF \$1,083,029 FOR THE PURPOSE PAYING THE FISCAL YEAR 2023 COMMUNITY PRESERVATION FUND DEBT SERVICE REQUIREMENTS

ORDERED: That the sum of **\$1,083,029** be appropriated for the purpose of paying the Fiscal Year 2023 Community Preservation Fund Debt Service requirements, and to meet such appropriation, that **\$1,008,354** be provided from current year revenues of the Community Preservation Fund and that **\$74,675** be provided from the reserves for the Historic Preservation Program within the Community Preservation Fund.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/02/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-184
INTRO: 05/19/2022**

REVOLVING FUNDS

2022-184 FISCAL YEAR 2023 SPENDING LIMITATIONS

ORDERED: That the Town Council hereby authorizes the following spending limitations for Fiscal Year 2023 Revolving Funds:

Senior Services Classroom Education Fund - **\$100,000**
Recreation Program Fund - **\$525,000**
Shellfish Propagation Fund - **\$200,000**
Consumer Protection Fund - **\$600,000**
Geographical Information Technology Fund - **\$10,000**
Arts and Culture Program Fund - **\$50,000**
Asset Management Fund - **\$500,000**

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

____ Read Item
____ Rationale
____ Council Discussion
____ Vote

B. NEW BUSINESS (May be Acted Upon) (Roll Call Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-186
INTRO: 05/19/2022**

2022-186 TRANSFER ORDER IN THE TOTAL AMOUNT OF \$522,000 FROM FISCAL YEAR 2022 PERSONNEL BUDGETS TO FISCAL YEAR 2022 OPERATING EXPENDITURE AND OPERATING CAPITAL BUDGETS FOR THE PURPOSE OF FUNDING OUTSIDE PROFESSIONAL SERVICES, EQUIPMENT, SUPPLIES AND MATERIALS IN SEVERAL DEPARTMENTS AND TO THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2022 PERSONNEL BUDGET

ORDERED: That the Town Council hereby authorizes Fiscal Year 2022 budget transfers in the total amount of **\$522,000** from the Fiscal Year 2022 Personnel Budgets of the Departments and in the amounts set forth below to the Fiscal Year 2022 Operating Expense and Operating Capital Budgets of the Departments and in the amounts set forth below for the purpose of funding outside professional services, equipment, supplies and materials, and to the Fiscal Year 2022 Barnstable Police Department Personnel Budget:

Transfer to:	Transfer From FY 2022 Personnel Budget Within:							
	Marine & Environ. Affairs	Admin. Services	Planning & Dev.	Public Works	Inspect. Services	Comm. Services	Golf Enterprise Fund	Total
Marine & Environ. Affairs FY 2022 Operating Capital	\$10,000			\$20,000	\$15,000			\$45,000
Admin. Services FY 2022 Operating Expenses		\$45,000						\$45,000
Town Manager FY 2022 Operating Expenses				\$19,000				\$19,000
Planning & Dev. FY 2022 Operating Expenses			\$65,000					\$65,000
Police Department FY 2022 Personnel				\$50,000	\$25,000	\$25,000		\$100,000
Police Department FY 2022 Operating Capital				\$55,000				\$55,000
Inspect. Services FY 2022 Operating Expenses					\$10,000			\$10,000
Public Works FY 2022 Operating Capital						\$100,000		\$100,000
Golf Enterprise FY 2022 Operating Expenses							\$83,000	\$83,000
	\$10,000	\$45,000	\$65,000	\$144,000	\$50,000	\$125,000	\$83,000	\$522,000

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

___ Read Item
___ Rational
___ Council Discussion
___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-186
INTRO: 05/19/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: May 9, 2022
SUBJECT: Transfer Order in the total amount of **\$522,000** from Fiscal Year 2022 Personnel Budgets to Fiscal Year 2022 Operating Expenditure and Operating Capital Budgets for the purpose of funding outside professional services, equipment, supplies and materials in several departments and to the Barnstable Police Department Fiscal Year 2022 Personnel Budget

BACKGROUND: The General Fund Municipal Operations of the Town of Barnstable are projected to collectively produce over \$900,000 in salary budget savings due to numerous retirements and resignations throughout Fiscal Year 2022. The Golf Enterprise Fund is projected to generate in excess of \$100,000 in salary savings as well. As a result, it presents an opportunity to utilize some of these funds to procure outside professional assistance, equipment, supplies and materials that were not included in the original Fiscal Year 2022 budget or the proposed Fiscal Year 2023 budget. In addition, due to several retirements and vacancies in the Barnstable Police Department throughout the year, minimum staffing requirements have resulted in the department incurring additional overtime costs to fill shifts necessitating the need for a budget transfer to cover this cost.

ANALYSIS: The transfer requested will provide for the following purchases and funding:

Replace a boat engine in the Marine & Environmental Affairs Department	\$45,000
Conduce a vulnerability assessment within the Information Technology Operations	\$25,000
Text My Gov communications tool for the Town Manager's Department	\$19,000
Appraisals for Appellate Tax Board cases in the Assessing Operations	\$20,000
Inclusionary Affordable Housing ordinance review in Planning & Development	\$35,000
Downtown Hyannis way-finding in Planning & Development	\$10,000
North St. parking lot technical assistance in Planning & Development	\$20,000
Drone and corresponding training in the Inspectional Services Department	\$10,000
Surveillance Cameras for Investigative Services in the Police Department	\$55,000
Police Department salaries	\$100,000
Replace fire suppression system in the Adult Community Center	<u>\$100,000</u>
Total General Fund	\$439,000

Drive for Hyannis pumphouse	\$10,000
Electrical work Hyannis pumphouse	\$3,000
Rebuilt pump motor/install OBF	\$10,000
Pump House building repair both courses	\$3,000
Picker parts (baskets/pins) both courses	\$2,000
Vista Pruning #2 Hyannis (Childs Arborists)	\$4,000
WidowMakers/tree work both courses	\$4,000
Stump Grinding both courses	\$3,000
Holly Tree transplant hole #1 OBF	\$4,000
Irrigation Heads both courses	\$4,000
Spare VFD (variable drive for irrigation pump)	\$7,000

Rebuild spare pump motor for HY	\$7,000
Proximity markers for both courses	\$2,000
Camera for 10th tee at HY	\$1,000
Brush Hog deck	\$3,000
Laptop computer	\$1,000
Ginder brackets	\$1,000
Fertilizer for roughs both courses	<u>\$14,000</u>
Total Golf Enterprise Fund	\$83,000
 Grand Total	 \$522,000

FISCAL IMPACT: Any unspent salary funds at the end of the fiscal year will increase the reserve balance in the fund that generates the salary savings. Both the General Fund and Golf Enterprise Fund have adequate reserve levels which provides for the opportunity to use some of these savings for the items identified.

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

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/02/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-187
INTRO: 05/19/2022**

2022-187 APPOINTMENT TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individual to a multiple-member Board/Committee/Commission: **Mid Cape Cultural Council:** Kathleen McMahon as a regular member to a term expiring 06/2023

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read Item
___ Rationale
___ Council Discussion
___ Vote

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/02/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-188
INTRO: 05/19/2022**

2022-188 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Airport Commission:** Bradley Bailey as a regular member to a term expiring 06/2025; **Board of Assessors:** Andrew Machado, as a regular member to a term expiring 06/2025; **Board of Health:** Donald Guadagnoli, as a regular member to a term expiring 06/2025; Dan Luczkow, as a regular member to a term expiring 06/2025; Steven Waller, as an alternate member, to a term expiring 06/2025; **Community Preservation Committee:** James Tenaglia, as a Recreation Commission Representative Member to a term expiring 06/2025; Farley Lewis, as a regular member to a term expiring 06/2025; Marilyn Fifield, as a Historical Commission Representative Member to a term expiring 06/2025; Steven Robichaud, as a Planning Board Representative Member, to a term expiring 06/2025; **Comprehensive Financial Advisory Committee:** Charles McKenzie, as a regular member to a term expiring 06/2025; Melanie Powers, as a regular member to a term expiring 06/2025; Lillian Woo, as a regular member to a term expiring 06/2025; **Conservation Commission:** Peter Sampou, as a regular member to a term expiring 06/2025; Louise Foster, as a regular member to a term expiring 06/2025; F.P. Tom Lee, as a regular member to a term expiring 06/2025; **Council on Aging:** Lori Case, as a regular member to a term expiring 06/2025; **Disability Commission:** Paula Breagy, as a regular member to a term expiring 06/2025; Jerilyn DiCostanzo, as a regular member to a term expiring 06/2025; **Elderly & Disabled Taxation Aid Committee:** William Murdoch, as a regular member to a term expiring 06/2025; **Golf Committee:** Susanne Conley, as a regular member to a term expiring 06/2025; Geoffrey Convers, as a regular member to a term expiring 06/2025; William Sylva, as a regular member to a term expiring 06/2025; Mark Bushway, as a regular member to a term expiring 06/2025; **Historical Commission:** George Jessop, as an architect representative member to a term expiring 06/2025; Jack Kay, as a regular member to a term expiring 06/2025; **Housing Committee:** Paula Breagy, as a regular member to a term expiring 06/2025; Meaghan Mort, as a regular member to a term expiring 06/2025; **Human Service Committee:** Meaghan Mort, as a regular member to a term expiring 06/2025; **Infrastructure and Energy Committee:** Jane Ward, as a regular member to a term expiring 06/2025; **John F. Kennedy Memorial Trust Fund Advisory Committee:** William Murphy, as a Recreation Commission Chair Representative Member to a term expiring 06/2025; **Land Acquisition and Preservation Committee:** Farley Lewis, as a regular member to a term expiring 06/2025; **Licensing Authority:** John Flores, as a regular member to a term expiring 06/2025; David Hirsch, as a regular member to a term expiring 06/2025; **Mid Cape Cultural Council:** Mary Taylor, as a regular member to a term expiring 06/2025; **Old King's Highway Historic District Committee:** George Jessop, an architect representative member to a term expiring 06/2025; **Scholarship Committee:** Deborah Hill, as a regular member to a term expiring 06/2025; **Shellfish Committee:** Stuart Rapp, as a regular member to a term expiring 06/2025; **Trust Fund Advisory Committee:** Lillian Woo, as a Financial Representative Member to a term expiring 06/2025; Jonathan Gilmore, as a member-at-large to a term expiring 06/2025; William Murdoch, as a Civic Association Representative Member to a term expiring 06/2025;

Waterways Committee: Todd Walantis, as a regular member to a term expiring 06/2025; Peter Cross, as a regular member to a term expiring 06/2025; **Youth Commission:** Jaden Jeffries, as a student member to a term expiring 06/2023; Daniel Gomes, as a student member to a term expiring 06/2023; Cameron Levesque, as a student member to a term expiring 06/2023; Mary Steinhilber, as a student member to a term expiring 06/2023; Isabelle Rudy, as a student member to a term expiring 06/2023; Laik O'Reilly, as a student member to a term expiring 06/2023; Alexander Arabadzhiev, as a student member to a term expiring 06/2023; Luc-Andre Sader, as a student member to a term expiring 06/2023; Connor O'Reilly, as a student member to a term expiring 06/2023; Michaela Stampfl, as a student member to a term expiring 06/2023; Piper Hunt, as a student member to a term expiring 06/2023; **Zoning Board of Appeals:** Todd Walantis, as a regular member to a term expiring 06/2025; Hebert Bodensiek, as a regular member to a term expiring 06/2025; Paul Pinard, as a regular member to a term expiring 06/2025

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

☐ Read Item
☐ Rationale
☐ Council Discussion
☐ Vote

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/02/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-188A
INTRO: 05/19/2022**

2022-188A REAPPOINTMENT TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individual to a multiple-member Board/Committee/Commission: **Youth Commission member:** Cameron Levesque, as a student member, to a term expiring 06/2022

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read Item
___ Rationale
___ Council Discussion
___ Vote

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/02/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-188B
INTRO: 05/19/2022**

2022-188B REAPPOINTMENT TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individual to a multiple-member Board/Committee/Commission: **Youth Commission member:** Mary Steinhilber, as a student member, to a term expiring 06/2023

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read Item
___ Rationale
___ Council Discussion
___ Vote

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/02/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-189
INTRO: 05/19/2022**

**2022-189 ORDER AUTHORIZING THE AWARD AND EXECUTION OF A LEASE WITH
A TERM OF FIVE YEARS FOR GOLF CARS AND UTILITY VEHICLES AT
OLDE BARNSTABLE FAIRGROUNDS AND HYANNIS GOLF COURSES**

ORDERED: That, pursuant to M.G.L. c. 30B, § 12(b), the Town Council does hereby authorize the Town Manager to award and execute on behalf of the Town a lease agreement with a term of five years for golf cars and utility vehicles at Olde Barnstable Fairgrounds and Hyannis Golf Courses, commencing in the spring of 2023.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read Item
___ Rationale
___ Council Discussion
___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-189
INTRO: 05/19/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Madeline Noonan, Director of Community Services
DATE: May 19, 2022
SUBJECT: Order authorizing the award and execution of a lease with a term of five years for golf cars and utility vehicles at Olde Barnstable Fairgrounds and Hyannis Golf Courses

BACKGROUND: M.G.L. c. 30B, § 12(b) provides that a procurement officer may not award a contract for a term exceeding three years, including any renewal, extension or option, unless authorized by majority vote of the Town Council. The current lease agreements for the Olde Barnstable Fairgrounds Golf Course and Hyannis Golf Course are set to expire in the spring of 2023. Quotes were solicited using State Contract FAC116 from all eligible vendors approved to lease equipment for 143 golf cars and 17 utility vehicles for both three and five year lease terms.

New England Golf Cars, Inc. provided the only quote for both three and five year options. This quote was reviewed and found to be responsive, responsible and eligible.

It is advantageous for the Golf Division to enter into one lease for both locations with a five year term to provide significant cost savings.

FISCAL IMPACT: The annual cost for the three year option is \$178,135. The annual cost for the five year option is \$145,580. With the recommended five year agreement, the Town will save \$32,555 annually over the first three years.

STAFF ASSISTANCE: Jesse Schechtman, Director of Golf; Amber Patterson, Chief Procurement Officer; Chris Gonnella, Assistant Director of Community Services

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/02/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-190
INTRO: 05/19/2022**

**2022-190 APPROVAL OF CHANGE OF PURPOSE TO ALLOW THE GRANT OF AN
EASEMENT TO PARK CITY WIND LLC IN CERTAIN PARCELS OF LAND
NAMELY THAT PORTION OF CRAIGVILLE BEACH KNOWN AS
ASSESSORS' PARCEL 206-013 AND THAT PORTION OF 20 SOUTH MAIN
STREET KNOWN AS ASSESSORS' PARCEL 228-138**

SECTION 1: That, having received notice that the Town Manager determined that a portion of the subsurface of Craigville Beach, 997 Craigville Beach Road and known as Assessors' Parcel 206-013 and a portion of the subsurface of 20 South Main Street and known as Assessors' Parcel 228-138, are no longer needed exclusively for general municipal purposes and that the Town Council approves a limited change of purpose to allow for a grant of an easement to Park City Wind LLC, and its successors and assigns, in the same parcels of land known as Assessors' Parcel 206-013 and 228-138 for the purpose of constructing, installing, inspecting, operating, maintaining, repairing and replacing, subsurface high voltage electric power transmission lines, along with associated subsurface appurtenances including but not limited to subsurface telecommunications lines, conduits, duct banks, bays and vaults, and together with surface appurtenances for access, consistent with the terms of a Host Community Agreement dated May 6, 2022 between the Town and Park City Wind LLC, in connection with the wind generating facility to be developed by Park City Wind LLC in federal waters south of Martha's Vineyard.

SECTION 2: That the aforesaid grant of an easement shall take effect upon recording of an instrument or instruments following the effective date of legislation enacted by the General Court approving the grants under Section 1.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read Item
___ Rationale
___ Council Discussion
___ Vote

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/02/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-191
INTRO: 05/19/2022**

2022-191 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE GRANT OF EASEMENT TO PARK CITY WIND LLC IN CERTAIN PARCELS OF LAND NAMELY THAT PORTION OF CRAIGVILLE BEACH KNOWN AS ASSESSORS' PARCEL 206-013 AND THAT PORTION OF 20 SOUTH MAIN STREET KNOWN AS ASSESSORS' PARCEL 228-138

That the Town Manager submit a petition to the General Court of the Commonwealth for a special act approving the grant of an easement to Park City Wind LLC, as follows.

AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO GRANT AN EASEMENT TO PARK CITY WIND LLC

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: The Town Council of the city known as the Town of Barnstable may grant an easement to Park City Wind LLC, and its successors and assigns, in parcels of land, namely a portion of Craigville Beach known as Assessors' Parcel 206-013 and a portion of 20 South Main Street known as Assessors' Parcel 228-138, for the purpose of constructing, installing, inspecting, operating, maintaining, repairing and replacing, subsurface high voltage electric power transmission lines, along with associated subsurface appurtenances including but not limited to subsurface telecommunications lines, conduits, duct banks, bays and vaults, and together with surface appurtenances for access, in connection with the wind generating facility to be developed by Park City Wind LLC in federal waters south of Martha's Vineyard; provided, however, that Park City Wind LLC shall provide mitigation for the granting of such an easement pursuant to the Host Community Agreement entered into between the city known as the town of Barnstable and Park City Wind LLC.

SECTION 2: The Town Manager of the city known as the Town of Barnstable may execute and record any instruments necessary on behalf of the city known as the Town of Barnstable to effectuate the section 1 upon the passage of this act.

SECTION 3: This act shall take effect upon its passage.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading) (Refer to Second Reading 06/02/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-192
INTRO: 05/19/2022**

2022-192 APPROVAL OF GRANT OF EASEMENT TO PARK CITY WIND LLC IN CERTAIN PARCELS OF LAND NAMELY THAT PORTION OF CRAIGVILLE BEACH KNOWN AS ASSESSORS' PARCEL 206-013 AND THAT PORTION OF 20 SOUTH MAIN STREET KNOWN AS ASSESSORS' PARCEL 228-138

SECTION 1: That, pursuant to the Host Community Agreement dated May 6, 2022 between the Town and Park City Wind LLC with respect to the wind generating facility to be developed by Park City Wind LLC in federal waters south of Martha's Vineyard (the "Project"), the Town grants an easement to Park City Wind LLC, and its successors and assigns, for the purpose of constructing, installing, inspecting, operating, maintaining, repairing and replacing, subsurface high voltage electric power transmission lines, along with associated subsurface appurtenances including but not limited to telecommunications lines, conduits, duct banks, bays and vaults, and together with surface appurtenances for access, in connection with the Project, namely a portion of Craigville Beach known as Assessors' Parcel 206-013 and a portion of 20 South Main Street known as Assessors' Parcel 228-138,

SECTION 2: That the aforesaid grant of an easement shall take effect upon recording of an instrument or instruments following the effective date of legislation enacted by the General Court approving the grants under Section 1.

SECTION 3: That Town Manager is authorized to execute and record any and all instruments and documents in connection with the aforesaid grant of an easement, and that the Town Council assents to the recording of said easement at the Barnstable County Registry of Deeds.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read Item
___ Rationale
___ Council Discussion
___ Vote

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/02/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-193
INTRO: 05/19/2022**

**2022-193 ORDER TO GRANT TO PARK CITY WIND LLC AN EASEMENT FROM
CRAIGVILLE BEACH TO SHOOTFLYING HILL ROAD FOR UTILITY
PURPOSES ONLY**

ORDERED: That the Town grant to Park City Wind LLC an easement extending from Craigville Beach to Shootflying Hill Road along the route shown in a plan prepared by the Department of Public Works and attached hereto for utility purposes only, with the final form of such easement to be approved by the Town Attorney consistent with the terms of a Host Community Agreement dated May 6, 2022 between the Town and Park City Wind LLC,. Such easement shall terminate at such time as a permit granted to Park City Wind LLC by the U.S. Bureau of Ocean Management shall cease to be in full force and effect; and that the Town Manager is authorized to accept, sign, deliver and record documents for the purposes set forth herein.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read Item
___ Rationale
___ Council Discussion
___ Vote

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/02/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-194
INTRO: 05/19/2022**

**2022-194 AUTHORIZATION FOR PARK CITY WIND LLC TO RECORD CHAPTER 91
LICENSE AND OTHER LICENSES AND APPROVALS ISSUED TO PARK
CITY WIND**

RESOLVED: That the Town of Barnstable, a Massachusetts Municipal Corporation, acting by and through its Town Council, as owner of the land located at 997 Craigville Beach Road and known as Assessors' Parcel 206-013 and 20 South Main Street and known as Assessors' Parcel 228-138,, Barnstable Massachusetts, known as Craigville Beach and described in (i) Certificate of Title [X] and shown as L.C. Plan [Y], and (ii) a deed recorded in Book [X], Page [Y] and shown on a plan recorded in Plan Book [X], Page [Y], hereby assents to the filing with the Barnstable Registry District of the Land Court [if registered land] and the recording with the Barnstable Registry of Deeds any or all of the following documents issued to Park City Wind LLC: (a) Massachusetts Department of Environmental Protection Chapter 91 Waterways License # [insert]; (b) Barnstable Conservation Commission Order of Conditions (MassDEP File No. [Insert]); and [if needed] (c) Massachusetts Department of Environmental Protection Superseding Order of Conditions (MassDEP File No. [Insert]). The Town Manager is authorized to execute and deliver all documents for the stated purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
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_____	_____
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_____	_____
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___ Read Item
___ Rationale
___ Council Discussion
___ Vote

BARNSTABLE TOWN COUNCIL

ITEM#2022-190; 2022-191; 2022-193; 2022-194
INTRO: 05/19/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Charles S. McLaughlin, Jr., Senior Counsel
SUBJECT: Various votes in support of implementation of Park City Wind LLC and Town of Barnstable Host Community Agreement
DATE: May 19, 2022

RATIONALE: various votes in support of implementation of Park City Wind LLC and Town of Barnstable Host Community Agreement

The Town and Park City Wind entered into a Host Community Agreement on May 19, 2022 in support of the second phase of bringing offshore renewable energy through the Town and connecting to the regional electric grid. Five Council votes are currently needed to begin implementation of the project.

1. A change of purpose approval to allow Park City to bring electrical conduits under Craigville Beach and associated roadways and thereby share the general municipal use to which Craigville Beach has been dedicated.
2. An authorization to allow the Town Manager to petition the State Legislature for authority to grant the needed easements under Craigville Beach to Park City Wind.
3. Upon Legislative Approval to do so, approving the grant of easement under Craigville Beach and a portion of 20 South Main Street for installation of underground cables.
4. Authorizing the Town Manager to execute a utility easement from Craigville Beach to Shootflying Hill Road.
5. Authorizing Park City Wind to record a Chapter 91 License and other state licenses for this project at the Barnstable County Registry of Deeds.

The Host Community Agreement contemplates the need for Town support on matters such as granting of easements, etc. These votes will advance the project in a timely way and are consistent with the Town's obligations under the Host Community Agreement.

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