



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

April 06, 2023

7:00 PM

### Councillors:

Matthew Levesque  
President  
Precinct 10

Jennifer Cullum  
Vice President  
Precinct 13

Gordon Starr  
Precinct 1

Eric R. Steinhilber  
Precinct 2

Betty Ludtke  
Precinct 3

Nikolas Atsalis  
Precinct 4

Paul Cusack  
Precinct 5

Paul C. Neary  
Precinct 6

Jessica Rapp Grassetti  
Precinct 7

Jeffrey Mendes  
Precinct 8

Tracy Shaughnessy  
Precinct 9

Kristine Clark  
Precinct 11

Paula Schnepf  
Precinct 12

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

The April 06, 2023 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2<sup>nd</sup> Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

1. The meeting will be televised live via Comcast Channel 18 or may be accessed via the Channel 18 live stream on the Town of Barnstable's website:

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

2. 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)

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/85651100873> Meeting ID: 856 5110 0873

US Toll-free 888 475 4499

## 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

- Funding Update for the Fiscal Year 2024 to Fiscal Year 2028 Comprehensive Wastewater Management Plan

### 7. ACT ON PUBLIC SESSION MINUTES

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

- Presentation by John Soloman, Chair, Infrastructure and Energy Committee, on the Collection of Food Waste for Composting

**9. ORDERS OF THE DAY**

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

**10. ADJOURNMENT**

**NEXT REGULAR MEETING: April 27, 2023**

<b>ITEM NO.</b>	<b>INDEX TITLE</b>	<b>PAGE</b>
<b>A. OLD BUSINESS</b>		
2023-132	Order to discontinue and abandon Mother’s Park Road, Centerville, MA <b>(Public Hearing) (Roll Call 2/3 Present and Voting)</b> .....	9-10
2023-133	Appropriation Order in the amount of <b>\$22,700</b> for the purpose of acquiring the fee in Mother’s Park Road by eminent domain for sewer and water and general municipal purposes <b>(Public Hearing) (Roll Call) (2/3 Full Council)</b> .....	11-13
2023-141	Appropriation Order in the amount of <b>\$65,000</b> for the Department of Community Services Golf Enterprise Fund Operating Expenses <b>(Public Hearing) (Roll Call) (Majority Full Council)</b> .....	14-15
2023-142	Appropriation and Transfer Order in the amount of <b>\$195,000</b> from the Community Preservation Open Space/Recreation Funds for the completion of the Cape Cod Rail Trail Phase 3 Engineering Services <b>(Public Hearing) (Roll Call) (Majority Full Council)</b> .....	16-17
2023-143	Appropriation and Transfer Order in the amount of <b>\$300,000</b> in Community Preservation Open Space/Recreation Funds for the purpose of funding Cape Cod Rail Trail, Phase 4 – Pre-25% Design Services <b>(Public Hearing) (Roll Call) (Majority Full Council)</b> .....	18-19
2023-144	Appropriation and Transfer Order in the amount of <b>\$300,000</b> from Community Preservation Funds for the restoration and preservation of the Unitarian Church of Barnstable, 3330 Main Street, Barnstable, MA <b>(Public Hearing) (Roll Call) (Majority Full Council)</b> .....	20-21
2023-145	Order Amending Article II, Sewer Assessments, Chapter 184 Sewers and Water of the General Ordinances <b>(Public Hearing) (Roll Call) (Majority Vote)</b> .....	22-25
<b>B. NEW BUSINESS</b>		
2023-073	Appropriation Order in the amount of <b>\$50,000</b> for the purpose of funding the final design of the Sandy Neck Facility Reconfiguration Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	26
2023-074	Appropriation and Transfer Order in the amount of <b>\$195,000</b> for the purpose of funding the design of the Prince Cove Improvements Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	27
2023-075	Appropriation Order in the amount of <b>\$172,000</b> for the purpose of funding the design and permitting of the Barnstable Harbor Marina Revetment Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	28
2023-076	Appropriation and Loan Order in the amount of <b>\$496,000</b> for the purpose of funding the Scudder’s Lane Boat Ramp Reconstruction Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	29
2023-077	Appropriation Order in the amount of <b>\$90,000</b> for the purpose of funding the Little River Fish Passage Restoration Evaluation Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	30

2023-078	Appropriation Order in the amount of <b>\$225,000</b> for the purpose of funding the Rosa Lane Fish Passage Culvert Replacement Design Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	31
2023-079	Appropriation Order in the amount of <b>\$125,000</b> for the purpose of funding the Lake Elizabeth Fish Run, Dam and Culvert Replacement Design Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	32
2023-080	Appropriation Order in the amount of <b>\$295,000</b> for the purpose of funding the McCarthy’s Landing Dinghy Dock Construction Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	33
2023-081	Appropriation and Transfer Order in the amount of <b>\$100,000</b> for the purpose of funding the design and permitting of the Cotuit Town Dock Improvements Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	34
2023-082	Appropriation and Transfer Order in the amount of <b>\$50,000</b> for the purpose of funding the License Plate Reader Technology Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	35
2023-083	Appropriation Order in the amount of <b>\$50,000</b> for the purpose of funding the Container Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	36
2023-084	Appropriation, Transfer and Loan order in the amount of <b>\$1,750,000</b> for the purpose of funding the Pump Station Rehabilitation Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	37
2023-085	Appropriation and Loan Order in the amount of <b>\$4,500,000</b> for the purpose of funding the Water Pollution Control Facility Improvements Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	38
2023-086	Appropriation and Loan Order in the amount of <b>\$800,000</b> for the purpose of funding the Downtown Hyannis Force Main Rehabilitation Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	39
2023-087	appropriation and loan order in the amount of <b>\$30,900,000</b> for the purpose of funding the park city wind sewer expansion construction project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	40
2023-088	Appropriation Order in the amount of <b>\$1,500,000</b> for the purpose of funding the design and permitting of the Old Craigville Road Sewer Expansion Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	41
2023-089	Appropriation Order in the amount of <b>\$350,000</b> for the purpose of funding the preliminary design and survey of the Long Beach Sewer Expansion Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	42
2023-090	Appropriation Order in the amount of <b>\$650,000</b> for the purpose of funding the final design and permitting of the Old Yarmouth Road Sewer Expansion Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	43
2023-091	Appropriation Order in the amount of <b>\$150,000</b> for the purpose of funding the Warren’s Cove Aquaculture Feasibility Study Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	44

2023-092	Appropriation and Loan Order in the amount of <b>\$1,500,000</b> for the purpose of funding the Pipe Replacement and Upgrade Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	45
2023-093	Appropriation Order in the amount of <b>\$200,000</b> for the purpose of funding the Wells, Pump Stations, Treatment Plant Repair and Upgrade Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	46
2023-094	Appropriation and Loan Order in the amount of <b>\$927,000</b> for the purpose of funding the Mary Dunn 1 Water Storage Tank Rehabilitation Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	47
2023-095	Appropriation, Transfer and Loan Order in the amount of <b>\$620,000</b> for the purpose of funding the New Well Exploration Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	48
2023-096	Appropriation and Loan Order in the amount of <b>\$1,000,000</b> for the purpose of funding the Mary Dunn 4 Well Building Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	49
2023-097	Appropriation and Loan Order in the amount of <b>\$3,000,000</b> for the purpose of funding the Mary Dunn Road Water Main Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	50
2023-098	Appropriation Order the amount of <b>\$185,235</b> for the purpose of funding the Town Hall Roof Analysis and Repair Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	51
2023-099	Appropriation and Loan Order in the amount of <b>\$1,141,929</b> for the purpose of funding the School Administration Building Mechanical Cooling Upgrades Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	52
2023-100	Appropriation and Loan Order in the amount of <b>\$1,752,400</b> for the purpose of funding the Hyannis Youth & Community Center Mechanicals Improvements Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	53
2023-101	Appropriation and Transfer Order in the amount of <b>\$400,000</b> for the purpose of funding the Department of Public Works Office Administration Building Expansion Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	54
2023-102	Appropriation Order in the amount of <b>\$3,750,000</b> for the purpose of funding the Public Roads Maintenance Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	55
2023-103	Appropriation and Transfer Order in the amount of <b>\$270,000</b> for the purpose of funding the Monitoring and Management Plan for Freshwater Ponds Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	56
2023-104	Appropriation Order in the amount of <b>\$195,000</b> for the purpose of funding the Mystic Lake Alum Treatment Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	57
2023-105	Appropriation Order in the amount of <b>\$95,000</b> for the purpose of funding the Municipal Separate Storm Sewer System (MS4) Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan ( <b>Refer to Public Hearing 04/27/2023</b> ).....	58

2023-106	Appropriation Order in the amount of <b>\$175,000</b> for the purpose of funding the Raised Crosswalks in Cotuit Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	59
2023-107	Appropriation Order in the amount of <b>\$131,500</b> for the purpose of funding the design of the Hawes Avenue Culvert Reconstruction Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	60
2023-108	Appropriation and Transfer Order in the amount of <b>\$492,270</b> for the purpose of funding the Hyannis Golf Course Turf Maintenance Equipment Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	61
2023-109	Appropriation Order in the amount of <b>\$82,561</b> for the purpose of funding the Olde Barnstable Fairgrounds Irrigation Sprinkler Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	62
2023-110	Appropriation Order in the amount of <b>\$161,757</b> for the purpose of funding the Olde Barnstable Fairgrounds Cart Barn Roof Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	63
2023-111	Appropriation and Loan Order in the amount of <b>\$400,000</b> for the purpose of funding the Cobb Astro Park Exterior Insulation Finish System (EIFS) Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	64
2023-112	Appropriation and Loan Order in the amount of <b>\$1,000,000</b> for the purpose of funding the Campus-Wide Door and Window Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	65
2023-113	Appropriation Order the amount of <b>\$350,000</b> for the purpose of funding the Campus-Wide Paving and Sidewalk Repair Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	66
2023-114	Appropriation and Loan Order in the amount of <b>\$500,000</b> for the purpose of funding the Barnstable High School Culinary Arts Kitchen Improvements Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	67
2023-115	Appropriation Order in the amount of <b>\$250,000</b> for the purpose of funding the Campus-Wide Mechanical Upgrades Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	68
2023-116	Appropriation Order in the amount of <b>\$250,000</b> for the purpose of funding the Knight Hall Chiller Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	69
2023-117	Appropriation Order in the amount of <b>\$1,000,000</b> for the purpose of funding the Barnstable High School Phase II Softball Field Upgrade Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	70
2023-118	Appropriation and Transfer Order in the amount of <b>\$750,000</b> for the purpose of funding the West Villages Elementary Carpet Removal Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	71
2023-119	Appropriation and Loan Order in the amount of <b>\$1,015,864</b> for the purpose of funding the HVAC upgrades to the Airport Terminal and Tower Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	72

2023-120	Appropriation and Loan Order in the amount of <b>\$525,000</b> for the purpose of funding the Master Plan Updates Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	73
2023-121	Appropriation and Loan Order in the amount of <b>\$689,000</b> for the purpose of funding the Security Camera Upgrades Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	74
2023-122	Appropriation and Loan Order in the amount of <b>\$383,000</b> for the purpose of funding the replacement of Snow Removal Equipment Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	75
2023-123	Appropriation and Loan Order in the amount of <b>\$1,120,580</b> for the purpose of funding the Snow Removal Equipment Storage Facility Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	76
2023-124	Appropriation and Loan Order in the amount of <b>\$505,000</b> for the purpose of funding the Electric Aircraft Support Vehicle and Charging Station Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	77
2023-125	Appropriation and Loan Order in the amount of <b>\$355,000</b> for the purpose of funding the Jet A Fuel Storage Tank Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan <b>(Refer to Public Hearing 04/27/2023)</b> .....	78
2023-146	Appointments to a Board/Committee/Commission: <b>Council on Aging:</b> Elaine Ryan, as a regular member, to a term expiring 06/2025; <b>Hyannis Main Street Waterfront Historic District Commission:</b> Cornelius Cawley, as a regular member to a term expiring 06/2023; <b>Mid Cape Cultural Council:</b> Nicole LaCour as a regular member to a term expiring 06/2025; <b>Recreation Commission:</b> Sharon Brown, as a regular member to a term expiring 06/2024 <b>(First Reading)</b> <b>(Refer to Second Reading 04/27/2023)</b> .....	79
2023-147	Appropriation Order in the amount of <b>\$1,362,962</b> for new accessible playground equipment at the Osterville Recreation Playground located at 93 West Bay Road, Osterville <b>(Refer to Public Hearing 04/27/2023)</b> .....	80-81
2023-148	Authorization to expend a Federal Fiscal Year 2022 Emergency Management Performance Grant in the amount of <b>\$20,150</b> from the Massachusetts Emergency Management Agency <b>(May be acted upon) (Majority Vote)</b> .....	82-83
2023-149	Resolve accepting a Bequest from the Estate of Edward C. Crawford in the approximate amount of <b>\$1,929,339.91</b> and establishing a perpetual scholarship fund to be called “The Meacham-Crawford Fund” according to the terms of the Bequest <b>(May be acted upon) (Majority Vote)</b> .....	84-85
2023-150	Authorization to expend a Fiscal Year 2023 Cultural District Grant in the amount of <b>\$2,500</b> from the Massachusetts Cultural Council’s Festival & Project Grant Program for the Hyannis HyArts Cultural District <b>(May be acted upon) (Majority Vote)</b> .....	86-87
2023-151	Supplemental Appropriation Order in the amount of <b>\$35,000</b> for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger, which is serving as outside counsel to the Town with respect to two lawsuits filed against the Town by the Conservation Law Foundation <b>(Refer to Public Hearing 04/27/2023)</b> .....	88-89

- 2023-152      Order authorizing an Intermunicipal Agreement between the Town of Barnstable and the Town of Plymouth for professional services relating to the decommissioning of the Pilgrim Nuclear Plant in Plymouth by Holtec International and Supplemental Appropriation Order in the amount of **\$23,667** for the purpose of paying the Town of Barnstable’s share of the costs of such professional services **(Refer to Public Hearing 04/27/2023)** ..... 90-91
  
- 2023-153      Authorization to expend a Fiscal Year 2023 Grant in the amount of **\$27,333** from the Massachusetts Department of Environmental Protection to acquire three electric vehicle charging stations **(May be acted upon) (Majority Vote)** ..... 92-94

---

**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 Present and Voting)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-132  
INTRO: 02/02/2023, 04/06/2023**

**2023-132 ORDER TO DISCONTINUE AND ABANDON MOTHER’S PARK ROAD,  
CENTERVILLE, MA**

**ORDERED:** To discontinue and abandon the public way known currently as Mother’s Park Road in Centerville, MA; provided that this Order shall be effective thirty (30) days after the date on which it is approved by the Town Council.

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

DATE	ACTION TAKEN
<u>02/02/2023</u>	<u>Refer to Planning Board</u>
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-132**

**INTRO: 02/02/2023, 04/06/2023**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director, Department of Public Works  
**DATE:** February 02, 2023  
**SUBJECT:** Order to discontinue and abandon Mother's Park Road, Centerville, MA

**BACKGROUND:** The Town is proceeding with plans to install sewers and related infrastructure in Centerville. The Town intends to install an underground sewer pump station in the current layout of Mother's Park Road as a vital component of the Town's approved Comprehensive Wastewater Management Plan. In order to accomplish this installation, Mother's Park Road must first be abandoned as a public way. Extensive outreach to the homeowners on Mother's Park Road indicates that these homeowners are fully supportive of the Town's plan. As required by statute, this matter is to be referred to the Planning Board for its recommendation.

A second consideration supporting this proposed Order is that the intersection at the lower end of Mother's Park is challenging, if not dangerous, because sightlines are significantly compromised.

The Town proposes to reconfigure the intersection to a 90 degree angle and this will require using part of the Mother's Park land as a roadway. Under Article 97 of the Amendments to the Massachusetts Constitution ("Article 97"), approval is needed from the state Legislature to dispose of, or change the use, custody or control of, park land. Under Chapter 274 of the Acts of 2022, the Town must replace any lands that are removed from a public park, as contemplated here, with land not currently subject to Article 97 that is in a comparable location and of equal or greater resource value and acreage and monetary value. Abandoning Mother's Park Road will free up considerable square footage that can then be added to Mother's Park. The Park will be expanded considerably beyond what is lost to the revised roadway improvements. The intersection will be safer. Accessible parking will make the Park easier to visit. And the proposed pump station will be accommodated.

Once Mother's Park Road is formally abandoned, the Town proposes to take under a separate Order the former roadway by Eminent Domain to extinguish any private interests within the layout. This will clear up any title interests to comply with State Revolving Fund requirements.

**FISCAL IMPACT:** There is no direct cost associated with this abandonment. Costs related to the Eminent Domain taking and the pump station construction will be addressed outside of this Item.

**TOWN MANAGER RECOMMENDATION:** Mark S Ells, Town Manager, requests favorable action by the Town Council.

**STAFF ASSISTANCE:** Karen L. Nober, Town Attorney; Charles S. McLaughlin, Senior Town Attorney; Griffin Beaudoin, Town Engineer; Daniel W. Santos, P.E., Director, Department of Public Works; Shane Brenner, Town Surveyor

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-133**

**INTRO: 02/02/2023, 03/16/2023, 04/06/2023**

**2023-133 APPROPRIATION ORDER IN THE AMOUNT OF \$22,700 FOR THE PURPOSE OF ACQUIRING THE FEE IN MOTHER’S PARK ROAD BY EMINENT DOMAIN FOR SEWER AND WATER AND GENERAL MUNICIPAL PURPOSES**

**ORDERED:** Provided that the Town Council has first voted to abandon Mother’s Park Road as a public way, the Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under Chapter 79 of the General Laws of Massachusetts, or otherwise acquire for sewer and water and general municipal purposes the fee through, under, across, and on Mother’s Park Road, Centerville, as more fully shown on a plan to be filed in the office of the Town Council, for the installation, operation, maintenance, repair, relocation, and replacement of sewer and water lines and infrastructure for the same and for all purposes for which such infrastructure is commonly used in the Town of Barnstable, and that to fund the same, that **\$22,700** be provided from the reserves in the Sewer Construction and Private Way Improvement Special Revenue Fund, and that the Town Manager is authorized to contract for and expend said appropriation for such purposes and accept any gifts or grants in relation thereto. Any trees, buildings, and other structures located within said roads are not included in this Order and the owners of the same may have a period of up to sixty (60) days after the recording of the Order of Taking to remove the same.

The names and addresses of the owners of said interests taken and their mortgagees as far as can be ascertained by the Town are as set forth on Exhibit A attached hereto, along with any awards, if any, for damages sustained by said owners.

Betterments will be assessed for the associated sewer and water improvements made by the Town of Barnstable.

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

DATE	ACTION TAKEN
<u>02/02/2023</u>	<u>Refer to Public Hearing 03/16/2023</u>
<u>03/16/2023</u>	<u>Open and Continued Public Hearing to 04/06/2023</u>

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-133**

**INTRO: 02/02/2023, 03/16/2023, 04/06/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director, Department of Public Works  
**DATE:** February 02, 2023  
**SUBJECT:** Appropriation Order in the amount of **\$22,700** for the purpose of acquiring the fee in Mother's Park Road by eminent domain for sewer and water and general municipal purposes

**BACKGROUND:** The Town is proceeding with plans to install sewers and related infrastructure in Centerville. These proposed taking of the fee in Mother's Park Road will enable the Town to install an underground sewer pump station in the former roadway as a vital component of the Town's approved Comprehensive Wastewater Management Plan.

The Town also contemplates making alterations to Mother's Park to correct severe turning and sightline deficiencies at the intersection of Craigville Beach Road. Article 97 of the Amendments to the State Constitution requires the Town to substitute land to replace that removed from the current configuration of Mother's Park. The taking of this land will allow the Town to add significant square footage to Mother's Park in excess of that actually removed for the safety improvements.

**FISCAL IMPACT:** Funding will be provided from the existing reserves in the Sewer Construction and Private Way Improvement Fund.

**TOWN MANAGER RECOMMENDATION:** Mark S Ells, Town Manager, requests favorable action by the Town Council.

**STAFF ASSISTANCE:** Karen L. Nober, Town Attorney; Charles S. McLaughlin, Senior Town Attorney; Griffin Beaudoin, Town Engineer; Daniel W. Santos, P.E., Director, Department of Public Works; Shane Brenner, Town Surveyor

		<b>EXHIBIT A</b>		
<b>Owner</b>	<b>Street</b>	<b>Side of Street</b>	<b>Area</b>	<b>Damages</b>
	<b>Address</b>		<b>Discontinued</b>	
<b>Town of Barnstable</b>		<b>West of the center line of Mother's Park Road</b>	<b>7316 square feet</b>	<b>\$0</b>
<b>Barbara F. MacBride surviving Trustee of the Barbara F. MacBride Revocable Trust under Declaration of Trust dated February 2011 recorded with said Registry of Deeds in Book 25248, Page 328</b>	<b>15 Long Pond Circle, Centerville</b>	<b>East of the center line of Mother's Park Road as shown on Plan</b>	<b>1067 square feet</b>	<b>\$2,200.00</b>
<b>Richard J. Cohen and Shelly Cohen, individually and as Co-Trustees of the Cohen Revocable Trust</b>	<b>25 Long Pond Circle, Centerville</b>	<b>East of the center line of Mother's Park Road as shown on Plan</b>	<b>4046 square feet</b>	<b>\$8,500.00</b>
<b>Thomas L. Boduch and Karen J. Boduch</b>	<b>43 Long Pond Circle, Centerville</b>	<b>East of the center line of Mother's Park Road as shown on Plan</b>	<b>4904 square feet</b>	<b>\$10,300.00</b>
<b>Robert Dannemann and Stephanie Dannemann</b>	<b>47 Long Pond Circle, Centerville</b>	<b>East of the center line of Mother's Park Road as shown on Plan</b>	<b>819 square feet</b>	<b>\$1,700.00</b>

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-141  
INTRO: 03/16/2023, 04/06/2023**

**2023-141 APPROPRIATION ORDER IN THE AMOUNT OF \$65,000 FOR THE DEPARTMENT OF COMMUNITY SERVICES GOLF ENTERPRISE FUND OPERATING EXPENSES**

**ORDERED:** That the sum of **\$65,000** be appropriated for the Department of Community Services Golf Enterprise Fund Fiscal Year 2023 Operating Expenses, and to meet such appropriation, that **\$65,000** be provided from the Golf Enterprise Fund Reserves.

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

DATE	ACTION TAKEN
<u>03/16/2023</u>	<u>Referred to Public Hearing 04/06/2023</u>

\_\_\_\_\_

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2023-141  
INTRO: 03/16/2023, 04/06/2023

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Chris Gonnella, Interim Director of Community Services  
**DATE:** March 16, 2023  
**SUBJECT:** Appropriation Order in the amount of **\$65,000** for the Department of Community Services Golf Enterprise Fund Operating Expenses

**BACKGROUND:** During the extreme cold weather events of February 03, 2023, a pipe burst in the Hyannis Golf Course clubhouse resulting in substantial water damage to the building. Due to the water damage loss at the Hyannis Golf Course clubhouse an insurance claim has been submitted which includes a deductible of **\$25,000**.

We are also requesting an additional **\$40,000** in funds to cover higher than anticipated credit card processing fees for the current fiscal year. These elevated costs are a result of increased credit card usage and increased activity throughout the Golf Division.

**ANALYSIS:** The current operating budget cannot accommodate the unexpected \$25,000 insurance deductible and would reduce required operating budget items. The Golf Division has experienced increase revenues, and credit card usage is up 33% (from 60% to 80% of user fees) in the last five years.

**FISCAL IMPACT:** The Golf Enterprise Fund Reserve balance was recently certified at \$2,326,507. Approval of utilizing our reserve funds to cover these expenses will allow golf course operations to avoid cutting other, unrelated operating lines that are crucial in continuing to provide the level of conditions and customer service that is expected of our facilities and employees. The Golf Division has requested an additional \$40,000 Decision Package for fiscal year 2024 to accommodate the increased credit card fees.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends that the Town Council approve this Appropriation Order.

**STAFF ASSISTANCE:** Jesse Schechtman, Director of Golf

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-142**  
**INTRO: 03/16/2023, 04/06/2023**

**2023-142 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$195,000 FROM THE COMMUNITY PRESERVATION OPEN SPACE/RECREATION FUNDS FOR THE COMPLETION OF THE CAPE COD RAIL TRAIL PHASE 3 ENGINEERING SERVICES**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of One Hundred and Ninety Five Thousand Dollars (**\$195,000**) be appropriated and transferred from the amount set aside for Open Space/Recreation within the Community Preservation Fund for the purpose of funding the completion of the Cape Cod Rail Trail Phase 3 Engineering Services. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

**SPONSOR:** Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
<u>03/16/2023</u>	<u>Referred to Public Hearing 04/06/2023</u>

\_\_\_\_\_

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2023-142  
INTRO: 03/16/2023, 04/06/2023

## SUMMARY

**TO:** Town Council  
**FROM:** Mark Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** March 16, 2023  
**SUBJECT:** Appropriation and Transfer Order in the amount of **\$195,000** from the Community Preservation Open Space/Recreation Funds for the completion of the Cape Cod Rail Trail Phase 3 Engineering Services

**BACKGROUND:** At the January 23, 2023 Community Preservation Committee meeting, the eight Committee members present voted unanimously to recommend to the Town Council, through the Town Manager, the Department of Public Works' request as presented for **\$195,000** in Community Preservation Act Open Space/Recreation Funds to complete the required remaining Phase 3 design, permitting, bid phase and construction engineering tasks for the 100% design phase that is in-progress. This project is on the state's Transportation Improvement Projects (TIP) list for construction in 2024-2026 and it is critical for the Town to fund the remaining scope of services as soon as possible to keep the project on track. Matching funds in the amount of \$12,259,819 have been committed by Mass DOT for construction of Phase 3 in Barnstable and Yarmouth. Once constructed, Phase 3 of the Cape Cod Rail Trail will extend to the west approximately four miles from Old Town House Road in Yarmouth to Mary Dunn Road in Barnstable.

**ANALYSIS:** This project is essential to the state and regional vision of a continuous shared use path from the Cape Cod Canal to Provincetown. The trail will also serve local needs for commuting, recreation and tourism.

**FISCAL IMPACT:** This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the Community Preservation Fund.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of the Appropriation and Transfer Order.

**VOLUNTEER ASSISTANCE:** Lindsey Counsell, Chair, Community Preservation Committee

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-143**  
**INTRO: 03/16/2023, 04/06/2023**

**2023-143 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$300,000 IN COMMUNITY PRESERVATION OPEN SPACE/RECREATION FUNDS FOR THE PURPOSE OF FUNDING CAPE COD RAIL TRAIL, PHASE 4 – PRE-25% DESIGN SERVICES**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of **\$300,000** be appropriated and transferred from the amount set aside for Open Space/ Recreation within the Community Preservation Fund for the purpose of funding Cape Cod Rail Trail, Phase 4 – Pre-25% Design Services. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

**SPONSOR:** Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
<u>03/16/2023</u>	<u>Referred to Public Hearing 04/06/2023</u>

\_\_\_\_\_

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2023-143

INTRO: 03/16/2023, 04/06/2023

## SUMMARY

**TO:** Town Council  
**FROM:** Mark Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** March 16, 2023  
**SUBJECT:** Appropriation and Transfer Order in the amount of **\$300,000** in Community Preservation Open Space/Recreation Funds for the purpose of funding Cape Cod Rail Trail, Phase 4 – Pre-25% Design Services

**BACKGROUND:** At the January 23, 2023 Community Preservation Committee meeting, the eight Committee members present voted unanimously by roll call vote to recommend to the Town Council through the Town Manager, the Department of Public Works' request as presented for **\$300,000** in Community Preservation Act Open Space/Recreation Funds for Pre-25% Design Services for Phase 4 of the Cape Cod Rail Trail project. This funding request represents a portion of the \$800,000 needed to complete the Pre-25% Design Services for Phase 4 which when completed will be submitted to MassDOT with a request for a commitment of State Transportation Improvement Project (TIP) funds for future construction. Matching funds will be provided by the award of a \$500,000 Mass Trails grant. Once constructed, this Phase 4 will extend the Cape Cod Rail Trail westward approximately 10 miles from Mary Dunn Road in Barnstable to the Barnstable/Sandwich town line.

**ANALYSIS:** This project is essential to the state and regional vision of a continuous shared use path from the Cape Cod Canal to Provincetown. The trail will also serve local needs for commuting, recreation and tourism.

**FISCAL IMPACT:** This appropriation has no impact on the General Fund since the entire amount is Appropriated and Transferred from the Community Preservation Fund.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of the Appropriation and Transfer Order.

**VOLUNTEER STAFF ASSISTANCE:** Lindsey Counsell, Chair, Community Preservation Committee

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-144**  
**INTRO: 03/16/2023, 04/06/2023**

**2023-144 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$300,000 FROM COMMUNITY PRESERVATION FUNDS FOR THE RESTORATION AND PRESERVATION OF THE UNITARIAN CHURCH OF BARNSTABLE, 3330 MAIN STREET, BARNSTABLE, MA**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of Three Hundred Thousand Dollars (**\$300,000**) be appropriated for the purpose of funding the restoration and preservation of the Unitarian Church of Barnstable located at 3330 Main Street, Barnstable, MA, Assessors Map 299, Parcel 041, and to fund this appropriation that **\$261,000** be transferred from the amount set aside for Historic Preservation within the Community Preservation Fund and **\$39,000** be transferred from the Undesignated Fund Balance within the Community Preservation Fund. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

**SPONSOR:** Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
<u>03/16/2023</u>	<u>Referred to Public Hearing 04/06/2023</u>

\_\_\_\_\_

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2023-144

INTRO: 03/16/2023, 04/06/2023

## SUMMARY

**TO:** Town Council  
**FROM:** Mark Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** March 16, 2023  
**SUBJECT:** Appropriation and Transfer Order in the amount of **\$300,000** from Community Preservation Funds for the Restoration and Preservation of the Unitarian Church of Barnstable, 3330 Main Street, Barnstable, MA

**BACKGROUND:** At the January 23, 2023 Community Preservation Committee meeting, the six Committee members present voted unanimously to recommend to the Town Council through the Town Manager, the Unitarian Church of Barnstable's request as presented for **\$261,000** in Community Preservation Historic Preservation Funds and **\$39,000** in Community Preservation Undesignated Funds for the restoration and preservation of the church tower, pavilion and nave. This funding request represents a portion of the total project cost of \$680,225 with matching funds in the amount of \$70,000 to be provided by a Massachusetts Historic Commission Grant and \$310,000 provided through private donations. Deterioration of the church's tower and dome roof has led to active water infiltration causing rot and damage to the structural framing and exterior architectural woodwork. The building has the benefit of a detailed Architectural Assessment report and an existing preservation restriction to the Town of Barnstable. Restoration work will include replacement of the deteriorated copper dome, structural reinforcements to the tower framing, replacement of deteriorated architectural woodwork throughout, re-flashing and weatherproofing the exterior envelope, restoration of the three clocks and weathervane and repainting, replacement of missing urn finials.

**ANALYSIS:** The circa 1906-07 Unitarian Church of Barnstable is located in the Old King's Highway Regional Historic District and listed on the National Register of Historic Places as both a contributing and individual resource and the State Register of Historic Buildings and was designed by renowned regional architect, Guy Lowell. The building serves as a venue for many formal and informal community groups.

**FISCAL IMPACT:** This appropriation has no impact on the General Fund since the entire amount is appropriated and transferred from the Community Preservation Fund.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of the Appropriation and Transfer Order.

**VOLUNTEER STAFF ASSISTANCE:** Lindsey Counsell, Chair, Community Preservation Committee

**A. OLD BUSINESS (Public Hearing) (Roll Call) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-145**

**INTRO: 03/16/2023, 04/06/2023**

**2023-145 ORDER AMENDING ARTICLE II, SEWER ASSESSMENTS, CHAPTER 184  
SEWERS AND WATER OF THE GENERAL ORDINANCES**

**ORDERED:** That Article II, Sewer Assessments, Chapter 184 Sewers and Water, of the General Ordinances of the Code of the Town of Barnstable shall be amended as follows:

**SECTION 1:** By deleting § 184-9.7 in its entirety and inserting the following new § 184-9.7 in its place:

**§ 184-9.7. Sewer connection costs.**

Property owners must select and contract with a contractor to connect their property to the completed section of sewer. Property owners may elect to privately pay directly to the contractor the entire cost of connection or may choose to enter into an agreement with the Town under which the Town will pay the connection costs upon completion and will then finance and assess 100% of the costs plus interest back to the property owner as an additional and separate sewer assessment. The apportionment of such assessment and the applicable interest rate thereon shall be in accordance with Section 184-9.8 hereof.”

**SECTION 2:** By amending the heading of § 184-9.9 to insert the words “and suspension” after the word “Deferral” so that it reads: “Deferral and suspension of charges.”

**SECTION 3:** By further amending § 184-9.9 by deleting in Subsection B the word “assessment” and inserting the words “use charges” in its place.

**SECTION 4:** By further amending § 184-9.9 by adding the following new Subsections C, D, E, F and G:

C. In accordance with and subject to the provisions of Section 13B of Chapter 80 of the General Laws, the Town Manager shall, upon the application of the owner of real property on which a sewer assessment has been imposed, if such owner is receiving an exemption from property taxes under clause Forty-first A of Section 5 of Chapter 59 of the General Laws with respect to such property, enter into a deferral and recovery agreement with such owner on behalf of the Town. Any such application shall be filed with the Town Manager within six months after notice of the assessment has been sent. In the case of each such deferral and recovery agreement entered into by the Town Manager and the property owner, the Town Manager shall record in the Barnstable County Registry of Deeds a statement of his or her action which shall constitute a lien upon the land covered by such agreement for such sewer assessment. Such statement shall name the name the owner or owners and shall include a description of the land. The filing fee for any such statement recorded by the Town Manager shall be paid by the owner or owners of such real property.

- D. The provisions of Section 13B of Chapter 80 of the General Laws are hereby accepted by reference as a part of the general ordinances of the Town.
- E. In accordance with and subject to the provisions of Section 5 of Chapter 61 of the General Laws, land classified as forest land under said Chapter 61 is subject to a sewer assessment to such pro rata extent that the service or facility financed by such assessment is used for improving the forest production use capability of said land or for the personal benefit of the owner thereof. However, upon application of the property owner, any such assessment shall be suspended during the time the land is in forest production use and shall become due and payable as of the date when the use of the land is changed. Interest shall be computed from the date of the change in use.
- F. In accordance with and subject to the provisions of Section 18 of Chapter 61A of the General Laws, land classified as agricultural or horticultural under said Chapter 61A, is subject to a sewer assessment to such pro rata extent as the service or facility financed by such assessment is used for improving the agricultural or horticultural use capability of said land or for the personal benefit of the owner thereof. However, upon application of the property owner, any such assessment shall be suspended during the time the land is in agricultural or horticultural use and shall become due and payable as of the date when the use of such land is changed. Interest shall be computed from the date of the change in use.
- G. In accordance with and subject to the provisions of Section 13 of Chapter 61B of the General Laws, land classified as recreational under said Chapter 61B, is subject to a sewer assessment to such pro rata extent as the service or facility financed by such assessment is used for improving the recreational capability of said land or for the personal benefit of the owner thereof. However, upon application of the property owner, any such assessment shall be suspended during the time the land is in classified recreational use and shall become due and payable as of the date when the use of such land is changed. Interest shall be computed from the date of the change in use.

**SECTION 5:** By deleting “§ 184-9.10. Abatements” in its entirety and inserting the following new § 184-9.10 in place thereof:

**“§ 184-9.10. Abatements.**

- A. Petition for Abatement. The owner of any property on which a sewer assessment has been imposed under this Article II may file with the Town Manager a petition for abatement of such assessment on a form provided by the Department of Public Works within six months of the date of notice of such assessment. The Town Manager shall act on such petition within four months of the date of its filing. If the Town Manager fails to act within that time, the petition is deemed to be denied. The Town Manager shall give written notice to the petitioner of his or her decision within ten days after it has been made. The filing of such petition does not stay the payment of the sewer assessment, which must be paid as assessed. If the abatement petition is allowed, the appropriate refund will be made by the Town in accordance with M.G.L. c. 80, § 5.
- B. Appeal of Denial of Abatement. A property owner who is aggrieved by the refusal of the Town Manager to abate a sewer assessment in whole or in part may, within thirty days after notice of the decision of the Town Manager, file an appeal in the Superior Court pursuant to M.G.L. c. 80, § 7, or, alternatively, appeal such decision within said thirty day period to the Barnstable County Commissioners pursuant to M.G.L. § 10. If the Town Manager fails to act on a petition within four months of the date of its filing, the property owner shall have sixty days after the expiration of such four month period to file an appeal.”

**SECTION 6:** By adding the following new “§ 184-9.11. Municipal lien”:

**§ 184-9.11. Municipal lien.**

Deferred Recording Procedure. The provisions of Section 12 of Chapter 80 of the General Laws, with respect to deferring the recording of the required information for sewer assessments authorized by M.G.L. c. 83 until after the project is completed, assessments are made, and bills issued, and then only for those properties where the assessment was not paid in full within the thirty day period for paying without incurring interest, are hereby accepted by reference as a part of the general ordinances of the Town.

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

DATE	ACTION TAKEN
<u>03/16/2023</u>	<u>Referred to Public Hearing 04/06/2023</u>
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-145**

**INTRO: 03/16/2023, 04/06/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Karen L. Nober, Town Attorney  
**DATE:** March 16, 2023  
**SUBJECT:** Order Amending Article II, Sewer Assessments, Chapter 184 Sewers and Water of the General Ordinances

**RATIONALE:** This Order proposes to amend the Sewer Assessment Ordinance approved by the Town Council on July 1, 2021. The proposed amendments make the following corrections and clarifications to the ordinance.

With respect to sewer connection costs, we are clarifying that the property owner is required to enter into a contract for these services with its selected contractor and then has two options with respect to payment. The owner can then either pay the contractor directly for the services or enter into an agreement with the Town under which the Town will pay the contractor and finance and assess 100% of these costs back to the property owner as an additional and separate sewer connection assessment.

With respect to the deferral of charges, the ordinance as currently written, including the acceptance of the provisions of G.L. c. 83, sec. 16G, allows the deferral of sewer use charges and not the deferral of sewer assessment charges. The proposed amendment would leave intact the deferral of sewer use charges and have the Town Council vote to accept the provisions of G.L. c. 80, sec. 13B, which allows for the deferral of sewer assessment charges.

The deferral section has been broadened to also address suspension of charges. As required by G.L. c. 61, 61A and 61B, sewer assessments on properties classified as forest land, agricultural or horticultural land or recreational land must be suspended until such time as there is a change of use for the property. Upon a change in use of the property, the sewer assessment must be paid and interest begins to accrue at that point in time.

The abatement section has been revised to clarify that the Town Manager has 4 months, not 45 days, in which to make a decision on an abatement application, and if, at the end of that 4 month period, he has not made a decision, the abatement request is deemed denied, and the applicant may file an appeal. We also revised the appeal provisions to reflect that an aggrieved property owner has the option to either file an appeal in Superior Court or file an appeal with the Barnstable County Commissioners, as provided by law.

Finally, we added a section in which the Town Council accepts the provisions of G.L. c. 80, sec. 12, which allows the Town to defer the recording of the required information for sewer assessments so that a lien is placed only on those properties where the assessment was not paid in full within thirty days.

**FISCAL IMPACT:** None

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this proposed amendment to the sewer assessment ordinance.

**STAFF SUPPORT:** Mark Milne, Director of Finance; Charles McLaughlin, Senior Counsel

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-073  
INTRO: 04/06/2023**

**2023-073 APPROPRIATION ORDER IN THE AMOUNT OF \$50,000 FOR THE PURPOSE OF FUNDING THE FINAL DESIGN OF THE SANDY NECK FACILITY RECONFIGURATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024-FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$50,000** be appropriated for the purpose of funding the Final Design of the Sandy Neck Facility Reconfiguration Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$50,000** be provided from the Sandy Neck Enterprise Fund surplus, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-074  
INTRO: 04/06/2023**

**2023-074 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$195,000 FOR THE PURPOSE OF FUNDING THE DESIGN OF THE PRINCE COVE IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2024-FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$195,000** be appropriated for the purpose of funding the Design of the Prince Cove Improvements Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$56,000** be transferred from the remaining balance in Town Council order 2016-109, and that **\$139,000** be provided from the Marina Enterprise Fund surplus, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-075  
INTRO: 04/06/2023**

**2023-075 APPROPRIATION ORDER IN THE AMOUNT OF \$172,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OF THE BARNSTABLE HARBOR MARINA REVETMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024- FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$172,000** be appropriated for the purpose of funding the Design and Permitting of the Barnstable Harbor Marina Revetment Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$172,000** be provided from the General Fund surplus, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-076  
INTRO: 04/06/2023**

**2023-076 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$496,000 FOR THE PURPOSE OF FUNDING THE SCUDDER’S LANE BOAT RAMP RECONSTRUCTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$496,000** be appropriated for the purpose of funding the Scudder’s Lane Boat Ramp Reconstruction Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$496,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-077  
INTRO: 04/06/2023**

**2023-077 APPROPRIATION ORDER IN THE AMOUNT OF \$90,000 FOR THE PURPOSE OF FUNDING THE LITTLE RIVER FISH PASSAGE RESTORATION EVALUATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$90,000** be appropriated for the purpose of funding the Little River Fish Passage Restoration Evaluation Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$90,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-078  
INTRO: 04/06/2023**

**2023-078 APPROPRIATION ORDER IN THE AMOUNT OF \$225,000 FOR THE PURPOSE OF FUNDING THE ROSA LANE FISH PASSAGE CULVERT REPLACEMENT DESIGN PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$225,000** be appropriated for the purpose of funding the Rosa Lane Fish Passage Culvert Replacement Design Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$225,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-079  
INTRO: 04/06/2023**

**2023-079 APPROPRIATION ORDER IN THE AMOUNT OF \$125,000 FOR THE PURPOSE OF FUNDING THE LAKE ELIZABETH FISH RUN, DAM AND CULVERT REPLACEMENT DESIGN PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$125,000** be appropriated for the purpose of funding the Lake Elizabeth Fish Run, Dam and Culvert Replacement Design Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$125,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-080  
INTRO: 04/06/2023**

**2023-080 APPROPRIATION ORDER IN THE AMOUNT OF \$295,000 FOR THE PURPOSE OF FUNDING THE MCCARTHY’S LANDING DINGHY DOCK CONSTRUCTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$295,000** be appropriated for the purpose of funding the McCarthy’s Landing Dinghy Dock Construction Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$295,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-081  
INTRO: 04/06/2023**

**2023-081 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$100,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OF THE COTUIT TOWN DOCK IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$100,000** be appropriated for the purpose of funding the design and permitting of the Cotuit Town Dock Improvements Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$58,570** be transferred from the remaining balance in Town Council order 2019-150 and that **\$41,430** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-082  
INTRO: 04/06/2023**

**2023-082 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$50,000 FOR THE PURPOSE OF FUNDING THE LICENSE PLATE READER TECHNOLOGY PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$50,000** be appropriated for the purpose of funding the License Plate Reader Technology Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$14,681** be transferred from the remaining balance in Town Council order 2019-140, that **\$8,490** be transferred from the remaining balance in Town Council order 2020-125, and that **\$26.829** be provided from the Solid Waste Enterprise Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-083  
INTRO: 04/06/2023**

**2023-083 APPROPRIATION ORDER IN THE AMOUNT OF \$50,000 FOR THE PURPOSE OF FUNDING THE CONTAINER REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$50,000** be appropriated for the purpose of funding the Container Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$50,000** be provided from the Solid Waste Enterprise Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-084  
INTRO: 04/06/2023**

**2023-084 APPROPRIATION, TRANSFER AND LOAN ORDER IN THE AMOUNT OF \$1,750,000 FOR THE PURPOSE OF FUNDING THE PUMP STATION REHABILITATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,750,000** be appropriated for the purpose of funding the Pump Station Rehabilitation Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$134,000** be transferred from the remaining balance in Town Council Order 2019-132, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,616,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-085  
INTRO: 04/06/2023**

**2023-085 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$4,500,000 FOR THE PURPOSE OF FUNDING THE WATER POLLUTION CONTROL FACILITY IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$4,500,000** be appropriated for the purpose of funding the Water Pollution Control Facility Improvements Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$4,500,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-086  
INTRO: 04/06/2023**

**2023-086 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$800,000 FOR THE PURPOSE OF FUNDING THE DOWNTOWN HYANNIS FORCE MAIN REHABILITATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$800,000** be appropriated for the purpose of funding the Downtown Hyannis Force Main Rehabilitation Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$800,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-087  
INTRO: 04/06/2023**

**2023-087 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$30,900,000 FOR THE PURPOSE OF FUNDING THE PARK CITY WIND SEWER EXPANSION CONSTRUCTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$30,900,000** be appropriated for the purpose of funding the Park City Wind Sewer Expansion Construction Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$30,900,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-088  
INTRO: 04/06/2023**

**2023-088 APPROPRIATION ORDER IN THE AMOUNT OF \$1,500,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OF THE OLD CRAIGVILLE ROAD SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024- FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,500,000** be appropriated for the purpose of funding the Design and Permitting of the Old Craigville Road Sewer Expansion Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$1,500,000** be provided from the Capital Trust Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-089  
INTRO: 04/06/2023**

**2023-089 APPROPRIATION ORDER IN THE AMOUNT OF \$350,000 FOR THE PURPOSE OF FUNDING THE PRELIMINARY DESIGN AND SURVEY OF THE LONG BEACH SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024- FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$350,000** be appropriated for the purpose of funding the Preliminary Design and Survey of the Long Beach Sewer Expansion Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$350,000** be provided from the Sewer Construction and Private Way Improvement Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-090  
INTRO: 04/06/2023**

**2023-090 APPROPRIATION ORDER IN THE AMOUNT OF \$650,000 FOR THE PURPOSE OF FUNDING THE FINAL DESIGN AND PERMITTING OF THE OLD YARMOUTH ROAD SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024- FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$650,000** be appropriated for the purpose of funding the final design and permitting of the Old Yarmouth Road Sewer Expansion Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$650,000** be provided from the Sewer Construction and Private Way Improvement Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-091  
INTRO: 04/06/2023**

**2023-091 APPROPRIATION ORDER IN THE AMOUNT OF \$150,000 FOR THE PURPOSE OF FUNDING THE WARREN’S COVE AQUACULTURE FEASIBILITY STUDY PROJECT AS OUTLINED IN THE FISCAL YEAR 2024-FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$150,000** be appropriated for the purpose of funding the Warren’s Cove Aquaculture Feasibility Study Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$150,000** be provided from the Sewer Construction and Private Way Improvement Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-092  
INTRO: 04/06/2023**

**2023-092 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,500,000 FOR THE PURPOSE OF FUNDING THE PIPE REPLACEMENT AND UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,500,000** be appropriated for the purpose of funding the Pipe Replacement and Upgrade Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,500,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-093  
INTRO: 04/06/2023**

**2023-093 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE WELLS, PUMP STATIONS, TREATMENT PLANT REPAIR AND UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2024- FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Wells, Pump Stations, Treatment Plant Repair and Upgrade Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the Water Supply Enterprise Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-094  
INTRO: 04/06/2023**

**2023-094 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$927,000 FOR THE PURPOSE OF FUNDING THE MARY DUNN 1 WATER STORAGE TANK REHABILITATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$927,000** be appropriated for the purpose of funding the Mary Dunn 1 Water Storage Tank Rehabilitation Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$927,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-095  
INTRO: 04/06/2023**

**2023-095 APPROPRIATION, TRANSFER AND LOAN ORDER IN THE AMOUNT OF \$620,000 FOR THE PURPOSE OF FUNDING THE NEW WELL EXPLORATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$620,000** be appropriated for the purpose of funding the New Well Exploration Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$147,600** be transferred from the remaining balance in Town Council order 2017-080, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$472,400** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-096  
INTRO: 04/06/2023**

**2023-096 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF FUNDING THE MARY DUNN 4 WELL BUILDING PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,000,000** be appropriated for the purpose of funding the Mary Dunn 4 Well Building Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,000,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-097  
INTRO: 04/06/2023**

**2023-097 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,000,000 FOR THE PURPOSE OF FUNDING THE MARY DUNN ROAD WATER MAIN REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$3,000,000** be appropriated for the purpose of funding the Mary Dunn Road Water Main Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$3,000,000** under and pursuant to M.G.L. c. 44, §7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-098  
INTRO: 04/06/2023**

**2023-098 APPROPRIATION ORDER THE AMOUNT OF \$185,235 FOR THE PURPOSE OF FUNDING THE TOWN HALL ROOF ANALYSIS AND REPAIR PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$185,235** be appropriated for the purpose of funding the Town Hall Roof Analysis and Repair Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$185,235** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-099  
INTRO: 04/06/2023**

**2023-099 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,141,929 FOR THE PURPOSE OF FUNDING THE SCHOOL ADMINISTRATION BUILDING MECHANICAL COOLING UPGRADES PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,141,929** be appropriated for the purpose of funding the School Administration Building Mechanical Cooling Upgrades Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,141,929** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-100  
INTRO: 04/06/2023**

**2023-100 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,752,400 FOR THE PURPOSE OF FUNDING THE HYANNIS YOUTH & COMMUNITY CENTER MECHANICALS IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,752,400** be appropriated for the purpose of funding the Hyannis Youth & Community Center Mechanicals Improvements Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,752,400** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-101  
INTRO: 04/06/2023**

**2023-101 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$400,000 FOR THE PURPOSE OF FUNDING THE DEPARTMENT OF PUBLIC WORKS OFFICE ADMINISTRATION BUILDING EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$400,000** be appropriated for the purpose of funding the Department of Public Works Office Administration Building Expansion Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$373,320** be transferred from the remaining balance in Town Council order 2021-097 and that **\$26,680** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-102  
INTRO: 04/06/2023**

**2023-102 APPROPRIATION ORDER IN THE AMOUNT OF \$3,750,000 FOR THE PURPOSE OF FUNDING THE PUBLIC ROADS MAINTENANCE PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$3,750,000** be appropriated for the purpose of funding the Public Roads Maintenance Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$3,750,000** be provided from the Capital Trust Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-103  
INTRO: 04/06/2023**

**2023-103 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$270,000 FOR THE PURPOSE OF FUNDING THE MONITORING AND MANAGEMENT PLAN FOR FRESHWATER PONDS PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$270,000** be appropriated for the purpose of funding the Monitoring and Management Plan for Freshwater Ponds Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$105,440** be transferred from the remaining balance in Town Council order 2013-114 and that **\$164,560** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-104  
INTRO: 04/06/2023**

**2023-104 APPROPRIATION ORDER IN THE AMOUNT OF \$195,000 FOR THE PURPOSE OF FUNDING THE MYSTIC LAKE ALUM TREATMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$195,000** be appropriated for the purpose of funding the Mystic Lake Alum Treatment Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$195,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-105  
INTRO: 04/06/2023**

**2023-105 APPROPRIATION ORDER IN THE AMOUNT OF \$95,000 FOR THE PURPOSE OF FUNDING THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$95,000** be appropriated for the purpose of funding the Municipal Separate Storm Sewer System (MS4) Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$95,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-106  
INTRO: 04/06/2023**

**2023-106 APPROPRIATION ORDER IN THE AMOUNT OF \$175,000 FOR THE PURPOSE OF FUNDING THE RAISED CROSSWALKS IN COTUIT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$175,000** be appropriated for the purpose of funding the Raised Crosswalks in Cotuit Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$175,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-107  
INTRO: 04/06/2023**

**2023-107 APPROPRIATION ORDER IN THE AMOUNT OF \$131,500 FOR THE PURPOSE OF FUNDING THE DESIGN OF THE HAWES AVE. CULVERT RECONSTRUCTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$131,500** be appropriated for the purpose of funding the Design of the Hawes Ave. Culvert Reconstruction Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$131,500** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-108  
INTRO: 04/06/2023**

**2023-108 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$492,270 FOR THE PURPOSE OF FUNDING THE HYANNIS GOLF COURSE TURF MAINTENANCE EQUIPMENT REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024- FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$492,270** be appropriated for the purpose of funding the Hyannis Golf Course Turf Maintenance Equipment Replacement Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$9,335** be transferred from the remaining funds in Town Council order 2021-096 and that **\$482,935** be provided from the Golf Enterprise Fund surplus, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-109  
INTRO: 04/06/2023**

**2023-109 APPROPRIATION ORDER IN THE AMOUNT OF \$82,561 FOR THE PURPOSE OF FUNDING THE OLDE BARNSTABLE FAIRGROUNDS IRRIGATION SPRINKLER REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024- FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$82,561** be appropriated for the purpose of funding the Olde Barnstable Fairgrounds Irrigation Sprinkler Replacement Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$82,561** be provided from the Golf Enterprise Fund surplus, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-110  
INTRO: 04/06/2023**

**2023-110 APPROPRIATION ORDER IN THE AMOUNT OF \$161,757 FOR THE PURPOSE OF FUNDING THE OLDE BARNSTABLE FAIRGROUNDS CART BARN ROOF REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024- FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$161,757** be appropriated for the purpose of funding the Olde Barnstable Fairgrounds Cart Barn Roof Replacement Project as outlined in the Fiscal Year 2024- Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$161,757** be provided from the Golf Enterprise Fund surplus, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-111  
INTRO: 04/06/2023**

**2023-111 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$400,000 FOR THE PURPOSE OF FUNDING THE COBB ASTRO PARK EXTERIOR INSULATION FINISH SYSTEM (EIFS) REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$400,000** be appropriated for the purpose of funding the Cobb Astro Park Exterior Insulation Finish System (EIFS) Replacement project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$400,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-112  
INTRO: 04/06/2023**

**2023-112 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF FUNDING THE CAMPUS-WIDE DOOR AND WINDOW REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,000,000** be appropriated for the purpose of funding the Campus-wide Door and Window Replacement project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,000,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-113  
INTRO: 04/06/2023**

**2023-113 APPROPRIATION ORDER THE AMOUNT OF \$350,000 FOR THE PURPOSE OF FUNDING THE CAMPUS-WIDE PAVING AND SIDEWALK REPAIR PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$350,000** be appropriated for the purpose of funding the Campus-wide Paving and Sidewalk Repair Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to fund this appropriation that **\$350,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-114  
INTRO: 04/06/2023**

**2023-114 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL CULINARY ARTS KITCHEN IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$500,000** be appropriated for the purpose of funding the Barnstable High School Culinary Arts Kitchen Improvements project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$500,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-115  
INTRO: 04/06/2023**

**2023-115 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE CAMPUS-WIDE MECHANICAL UPGRADES PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$250,000** be appropriated for the purpose of funding the Campus-wide Mechanical Upgrades Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to fund this appropriation that **\$250,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-116  
INTRO: 04/06/2023**

**2023-116 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE KNIGHT HALL CHILLER REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$250,000** be appropriated for the purpose of funding the Knight Hall Chiller Replacement Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$250,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-117  
INTRO: 04/06/2023**

**2023-117 APPROPRIATION ORDER IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL PHASE II SOFTBALL FIELD UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,000,000** be appropriated for the purpose of funding the Barnstable High School Phase II Softball Field Upgrade Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$1,000,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-118  
INTRO: 04/06/2023**

**2023-118 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$750,000 FOR THE PURPOSE OF FUNDING THE WEST VILLAGES ELEMENTARY CARPET REMOVAL PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$750,000** be appropriated for the purpose of funding the West Villages Elementary Carpet Removal project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$441,549** be transferred from the remaining available balance in Town Council order 2019-101, and that **\$239,605** be transferred from the remaining available balance in Town Council order 2019-102, and that **\$68,846** be provided from the General Fund reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-119  
INTRO: 04/06/2023**

**2023-119 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,015,864 FOR THE PURPOSE OF FUNDING THE HVAC UPGRADES TO THE AIRPORT TERMINAL AND TOWER PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,015,864** be appropriated for the purpose of funding the HVAC Upgrades to the Airport Terminal and Tower Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$50,793** be provided from the Airport Enterprise Fund surplus, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$965,071** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-120  
INTRO: 04/06/2023**

**2023-120 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$525,000 FOR THE PURPOSE OF FUNDING THE MASTER PLAN UPDATES PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$525,000** be appropriated for the purpose of funding the Master Plan Updates Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$26,250** be provided from the Airport Enterprise Fund surplus, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$498,750** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-121  
INTRO: 04/06/2023**

**2023-121 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$689,000 FOR THE PURPOSE OF FUNDING THE SECURITY CAMERA UPGRADES PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$689,000** be appropriated for the purpose of funding the Security Camera Upgrades Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$34,450** be provided from the Airport Enterprise Fund surplus, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$654,550** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-122  
INTRO: 04/06/2023**

**2023-122 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$383,000 FOR THE PURPOSE OF FUNDING THE REPLACEMENT OF SNOW REMOVAL EQUIPMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$383,000** be appropriated for the purpose of funding the Replacement of Snow Removal Equipment Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$19,150** be provided from the Airport Enterprise Fund surplus, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$363,850** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-123  
INTRO: 04/06/2023**

**2023-123 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,120,580 FOR THE PURPOSE OF FUNDING THE SNOW REMOVAL EQUIPMENT STORAGE FACILITY PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,120,580** be appropriated for the purpose of funding the Snow Removal Equipment Storage Facility Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,120,580** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-124  
INTRO: 04/06/2023**

**2023-124 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$505,000 FOR THE PURPOSE OF FUNDING THE ELECTRIC AIRCRAFT SUPPORT VEHICLE AND CHARGING STATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 - FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$505,000** be appropriated for the purpose of funding the Electric Aircraft Support Vehicle and charging Station Project as outlined in the Fiscal Year 2024 - Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$25,250** be provided from the Airport Enterprise Fund surplus, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$479,750** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

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

DATE	ACTION
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-125  
INTRO: 04/06/2023**

**2023-125 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$355,000 FOR THE PURPOSE OF FUNDING THE JET A FUEL STORAGE TANK PROJECT AS OUTLINED IN THE FISCAL YEAR 2024 – FISCAL YEAR 2028 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$355,000** be appropriated for the purpose of funding the Jet A Fuel Storage Tank Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$71,000** be provided from the Airport Enterprise Fund surplus, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$284,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

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

DATE	ACTION
_____	_____
_____	_____

- \_\_\_\_\_ 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 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-146  
INTRO: 03/02/2023**

**2023-146 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Elaine Ryan, as a regular member, to a term expiring 06/2025; **Hyannis Main Street Waterfront Historic District Commission:** Cornelius Cawley, as a regular member, to a term expiring 06/2023; **Mid Cape Cultural Council:** Nicole LaCour, as a regular member, to a term expiring 06/2025; **Recreation Commission:** Sharon Brown, as a regular member, to a term expiring 06/2024 **(First Reading) (Refer to Second Reading 04/27/2023)**

**SPONSORS:** Appointments Committee Members: Councilor Paula Schnepf, Chair; Councilor Tracy Shaughnessy; Councilor Jeffrey Mendes; Councilor Nikolas Atsalis; and Councilor Gordon Starr

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-147  
INTRO: 04/06/2023**

**2023-147 APPROPRIATION ORDER IN THE AMOUNT OF \$1,362,962 FOR NEW ACCESSIBLE PLAYGROUND EQUIPMENT AT THE OSTERVILLE RECREATION PLAYGROUND LOCATED AT 93 WEST BAY ROAD, OSTERVILLE**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of One Million Three Hundred Sixty-Two Thousand Nine Hundred Sixty-Two Dollars (**\$1,362,962**) be appropriated for the purpose of replacing outdated playground equipment, previously removed, with new Americans with Disabilities Act-compliant playground equipment and other amenities, and making renovations to provide ADA-compliant access at the Osterville Recreation Playground located at 93 West Bay Road, Osterville, MA, as shown on Assessor’s Map 116, Parcel 053; and to fund this appropriation, that **\$904,072** be provided from the amount set aside for Open Space and Recreation within the Community Preservation Fund, that **\$95,683** be provided from the Undesignated Funds within the Community Preservation Fund, and that **\$363,207** be provided from the General Fund Reserves; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

**SPONSOR:** Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

DATE	ACTION
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-147**  
**INTRO: 04/06/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** April 06, 2023  
**SUBJECT:** Appropriation Order in the amount of **\$1,362,962** for new accessible playground equipment at the Osterville Recreation Playground located at 93 West Bay Road, Osterville

**BACKGROUND:** At the February 27, 2023 Community Preservation Committee (CPC) meeting, the eight members present voted unanimously to recommend to the Town Council through the Town Manager, the Department of Public Work's request for **\$999,755** from the remaining balance in Community Preservation Open Space and Recreation Fund and the Community Preservation Undesignated Fund for the replacement of previously-removed outdated playground equipment located at the Osterville Recreation Playground with American Disabilities Act (ADA)-compliant equipment. The proposal, coordinated with the community, is for installation of new accessible playground equipment including a shade structure, benches, tables, patio, accessible surfacing, retaining wall, landscaping, sidewalk, water bottle filling station and an accessible pathway. The total estimated project cost is **\$1,362,962** with a General Fund contribution of **\$363,207**.

**ANALYSIS:** There is a high level of public interest in replacing the playground equipment at this location. Out of the eleven playgrounds in the Town of Barnstable's seven villages, only five are available to the public without limitation of school session hours, and of those five, only two are accessible.

**FISCAL IMPACT:** This appropriation will consume the remaining funds set aside for open space and recreation in the Community Preservation Fund totaling \$904,072. The balance of the Community Preservation Fund contribution in the amount of \$95,683 is provided from the Undesignated Community Preservation Funds which have available balances of \$8,713,242. The General Fund share of \$363,207 for this project will be provided from the General Fund Reserve which has a balance of \$24,975,542. There is no impact on the General Fund Operating Budget as the annual maintenance will be covered by the existing Operating Budget.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends acceptance of this Appropriation Order.

**VOLUNTEER ASSISTANCE:** Lindsey Counsell, Chair, Community Preservation Committee

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-148  
INTRO: 04/06/2023**

**2023-148 AUTHORIZATION TO EXPEND A FEDERAL FISCAL YEAR 2022  
EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT  
OF \$20,150 FROM THE MASSACHUSETTS EMERGENCY MANAGEMENT  
AGENCY**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Federal Fiscal Year 2022 Emergency Management Performance Grant in the amount of **\$20,150** from the Massachusetts Emergency Management Agency for the purpose of funding the purchase of an Unmanned Aircraft System.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-148**  
**INTRO: 04/06/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Matthew K. Sonnabend, Chief of Police  
**DATE:** April 06, 2023  
**SUBJECT:** Authorization to expend a Federal Fiscal Year 2022 Emergency Management Performance Grant in the amount of **\$20,150** from the Massachusetts Emergency Management Agency

**BACKGROUND:** The Department has been awarded a grant in the amount of \$20,150 for the purchase of an Unmanned Aircraft System (UAS) to assist with the duties of law enforcement assignment specific to officer for emergency and critical incidents.

With this grant, the Barnstable Police Department will purchase a drone that has foul weather flight capabilities along with nighttime and infrared proficiencies. The drone will also have search and rescue options such as searchlight & broadcasting systems as well as a portable monitoring station and launch area. The drone will be utilized by this department during emergency incident operations, natural disasters, flooding, and critical inclement weather. With the large number of natural hazards officers face while conducting search and rescue missions the addition of a drone would greatly enhance the capabilities of the search team as well as increase the safety of both the search team and the missing individuals.

Currently the department does not possess a foul weather capable drone.

**GRANT DETAIL:** \$20,150 will be directed to pay for the purchasing of a foul weather flight capable unmanned aircraft, landing pad, large LED TV screen for flight visual, and all components to connect and operate the UAS.

**FISCAL IMPACT:** This grant requires a 100% match, which is met via the annual maintenance contract for the Reverse 911 public notification system purchased through PCMG, Inc., and exceeds the match requirement of \$20,150. All costs associated with this grant contract must be completed by December 31, 2023.

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

**STAFF ASSISTANCE:** Matthew K. Sonnabend, Chief of Police; Anne Spillane, Director, Finance & Support Services; Lena Bevilacqua, Administrative Assistant to Investigative Services / Police Grant Coordinator

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-149  
INTRO: 04/06/2023**

**2023-149 RESOLVE ACCEPTING A BEQUEST IN THE AMOUNT OF \$1,929,339.91 FROM THE ESTATE OF EDWARD C. CRAWFORD AND ESTABLISHING A PERPETUAL SCHOLARSHIP FUND TO BE CALLED THE “MEACHAM-CRAWFORD FUND” ACCORDING TO THE TERMS OF THE BEQUEST**

**RESOLVED:** That the Town Council accepts with deep gratitude from the estate of Edward C. Crawford, late of Cotuit, a bequest in the amount of **\$1,929,339.91**, and establishes a perpetual fund to be called the “MEACHAM-CRAWFORD FUND” to provide tuition scholarship funds to be known as the “MEACHAM-CRAWFORD SCHOLARSHIP AWARD(S)” to Barnstable High School graduates committed to pursuing post-secondary education in an accredited educational institution, with a “strong preference” for students who are residents of Cotuit, all in accordance with the terms and conditions of PARAGRAPH FIFTH of Mr. Crawford’s will dated January 24, 2019.

**SPONSOR:** Councilor Jessica Rapp Grasseti, Precinct 7

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-149**  
**INTRO: 04/06/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** April 6, 2023  
**SUBJECT:** Resolve accepting a Bequest from the Estate of Edward C. Crawford in the amount of **\$1,929,339.91** and establishing a perpetual scholarship fund to be called “The Meacham-Crawford Fund” according to the terms of the Bequest

**BACKGROUND:** The Town has been notified by the Estate of Edward C. Crawford, late of Cotuit, that Mr. Crawford bequeathed **\$1,929,339.91** to the Town to provide scholarship funds in perpetuity to Barnstable High School graduates. We are humbled by and so grateful to Mr. Crawford for his magnificent gift to the Town.

**ANALYSIS:** Mr. Crawford’s will of January 24, 2019 directs that a perpetual fund is to be established and called the “Meacham-Crawford Fund” and that the scholarship awards be referred to as the “Meacham-Crawford Scholarship Award”. The Award will be given out annually to support tuition expenses of Barnstable High School students who commit to post-secondary education at accredited educational institutions, with a “strong preference” to Cotuit residents. The Town Council “or such governmental body that may succeed the Town Council” is designated to make the determination of the number and amounts of scholarships to be awarded annually. Recipients need to demonstrate “good and moral character, artistic or athletic competence and [be] involved in their community”.

**FISCAL IMPACT:** There is no direct cost associated with this bequest.

**STAFF ASSISTANCE:** Charles S. McLaughlin, Senior Counsel

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-150  
INTRO: 04/06/2023**

**2023-150 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$2,500 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S FESTIVAL & PROJECT GRANT PROGRAM FOR THE HYANNIS HYARTS CULTURAL DISTRICT**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2023 grant in the amount of **\$2,500** from the Massachusetts Cultural Council's Festival & Project Grant Program for the purpose of supporting publicly available cultural activities taking place in the Hyannis HyArts Cultural District.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-150**  
**INTRO: 04/06/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Elizabeth S. Jenkins, Director of Planning & Development  
**DATE:** April 04, 2023  
**SUBJECT:** Authorization to expend a Fiscal Year 2023 Cultural District Grant in the amount of **\$2,500** from the Massachusetts Cultural Council's Festival & Project Grant Program for the Hyannis HyArts Cultural District

**BACKGROUND:** The Town of Barnstable, through its Planning & Development Department, has been awarded a **\$2,500** grant from the Massachusetts Cultural Council Festival & Project Grant Program in support of a story walk/story telling music program with Hyannis Public Library and ArtsBarnstable taking place in June in the Hyannis HyArts Cultural District.

Grant funds will be used for a story walk and storytelling music program to celebrate the cultural diversity of our community and build inclusivity and accessibility into our program offerings in our downtown Hyannis Cultural District. The languages and stories of our immigrant families are a vibrant, integral part of the "story" of Hyannis: they must feel included and welcome in public events in the village, especially in places popular with visitors. Story walk signs will be placed in areas on Hyannis Village Green, Hyannis HyArts Campus and the Harbor Overlook and a storytelling music program will be presented at the Harbor Overlook, and in the event of inclement weather, at the Guyer Barn.

The goals of this project are twofold: to acknowledge and celebrate our community's cultural diversity in Hyannis, particularly of our immigrant population, to promote inclusiveness and to share (especially with visitors) some of the immigrant experience through story and song. It is also important to spotlight Hyannis Public Library and its resources and dedication to serve all residents and visitors. The program consists of bilingual StoryWalks™ which are self-paced and time unrestricted, so people can engage according to their own schedules; and two specific dates for a storyteller and music program.

This program is free and open to the public, wheelchair accessible. The target audience are families, particularly members of immigrant communities, but all are encouraged to participate. StoryWalks™ text and performances are delivered in multiple, locally spoken languages; stories have cultural relevance to featured communities. The storytellers and musicians are highly regarded within and outside their ethnic communities.

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

**STAFF ASSISTANCE:** Elizabeth S. Jenkins, Director of Planning & Development

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-151  
INTRO: 04/06/2023**

**2023-151 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$35,000  
FOR THE PURPOSE OF PAYING OUTSIDE COUNSEL EXPENSES OF THE  
LEGAL DEPARTMENT**

**ORDERED:** That the amount of **\$35,000** be appropriated for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger, which is serving as outside counsel to the Town with respect to two lawsuits filed against the Town by the Conservation Law Foundation; and to meet such appropriation, that **\$35,000** be provided from the General Fund Reserves.

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

DATE	ACTION
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2023-151  
INTRO: 04/06/2023

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Karen L. Nober, Town Attorney  
**DATE:** April 06, 2023  
**SUBJECT:** Supplemental Appropriation Order in the amount of **\$35,000** for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger, which is serving as outside counsel to the Town with respect to two lawsuits filed against the Town by the Conservation Law Foundation

**BACKGROUND:** In February 2021, the Conservation Law Foundation (“CLF”) filed a lawsuit against the Town of Barnstable alleging violation of the federal Clean Water Act for operating the Town’s wastewater treatment facility without obtaining a National Pollutant Discharge Elimination System permit for discharges from the facility to groundwater. In June 2021, CLF filed a second lawsuit against the Town alleging violations of the Massachusetts Title 5 regulations of septic systems. The law firm of Anderson & Kreiger has been representing the Town in both of these matters. To date, the Town has paid Anderson & Kreiger \$265,729.50.

In October 2021, the Town filed a motion to dismiss the Clean Water Act lawsuit, and in July 2022, U.S. District Court Judge Burroughs granted the Town’s motion and issued an Order of Dismissal. CLF then filed a motion for reconsideration, which Judge Burroughs denied in January 2023. However, she amended her Order of Dismissal to be a dismissal without prejudice, meaning that CLF could file a new lawsuit against the Town.

On February 16, 2023, CLF sent the Town a new Notice of Intent to file suit against the Town for alleged violations of the Clean Water Act. Under the statutory framework, CLF must wait 60 days before filing the lawsuit. This means that CLF is free to file another suit against the Town on or after April 18, 2023. This requested supplemental appropriation would be used to pay the anticipated legal costs for the initial phase of legal work associated with responding to such a lawsuit.

**FISCAL IMPACT:** The relief and penalties sought by CLF under the Clean Water Act would have a potentially substantial financial impact on the Town, and it is therefore critically important that the Town continue to have the benefit of representation by counsel with significant experience and expertise in these types of matters.

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

**B. NEW BUSINESS (Refer to Public Hearing 04/27/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-152  
INTRO: 04/06/2023**

**2023-152 ORDER AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND THE TOWN OF PLYMOUTH FOR PROFESSIONAL SERVICES RELATING TO THE DECOMMISSIONING OF THE PILGRIM NUCLEAR PLANT IN PLYMOUTH BY HOLTEC INTERNATIONAL AND SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$23,667 FOR THE PURPOSE OF PAYING THE TOWN OF BARNSTABLE’S SHARE OF THE COSTS OF SUCH PROFESSIONAL SERVICES**

**ORDERED:** That the Town Council authorizes the execution and delivery by the Town Manager of an Intermunicipal Agreement with the Town of Plymouth for the provision of professional services by and through the Town of Plymouth relating to the decommissioning of the Pilgrim Nuclear Plant in Plymouth by Holtec International for a term of five years in an amount not-to-exceed **\$23,667**; and that the amount of **\$23,667** be appropriated for the purpose of funding the Town of Barnstable’s one-third share of the total costs of such professional services; and that to meet such appropriation, that \$23,667 be provided from the General Fund Reserves.

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

DATE	ACTION
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-152**  
**INTRO: 04/06/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Karen L. Nober, Town Attorney  
**DATE:** April 6, 2023  
**SUBJECT:** Order authorizing an Intermunicipal Agreement between the Town of Barnstable and the Town of Plymouth for professional services relating to the decommissioning of the Pilgrim Nuclear Plant in Plymouth by Holtec International and Supplemental Appropriation Order in the amount of **\$23,667** for the purpose of paying the Town of Barnstable's share of the costs of such professional services

**BACKGROUND:** The Town of Barnstable, the Town of Plymouth and the Association to Protect Cape Cod (the "parties") all share a common legal interest in issues pertaining to the decommissioning of the Pilgrim Nuclear Plant in Plymouth by Holtec International. As such, the attorneys for each of the parties have been meeting to discuss how best to protect and advance the shared interests of each of their clients. The attorneys jointly interviewed two environmental and science consulting firms and agreed to select Gradient to provide scientific and technical analysis to the parties with respect to the environmental, health and safety issues and related permitting issues arising from the decommissioning of the Pilgrim Nuclear Plant and, specifically, the potential discharge of nuclear waste or waste water into Cape Cod Bay. Gradient will be engaged by the Town of Plymouth, acting through its legal counsel, and the parties are seeking to equally share the costs of such services. The total cost of the services is not anticipated to exceed \$71,000, and, therefore, the Town of Barnstable's share of such costs would be one-third of those costs and would not exceed \$23,367. The requested appropriation and authorization of an Intermunicipal agreement with the Town of Plymouth would provide the mechanism and funding for such collaboration among the parties.

**FISCAL IMPACT:** Funding for this appropriation will be provided from the General Fund Reserves which has a current balance of \$24,975,542.

**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) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-153  
INTRO: 04/06/2023**

**2023-153 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 GRANT IN THE AMOUNT OF \$27,333 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ACQUIRE THREE ELECTRIC VEHICLE CHARGING STATIONS**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a grant in the amount of **\$27,333** to acquire and deploy three Level 2 MassEVIP-funded electric vehicle (EV) charging station(s) for a total of six charging ports to replace the existing 13 year old EV Chargers located on Public property.

**SPONSORS:**Councilor Gordon Starr, Precinct 1

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-153**  
**INTRO: 04/06/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark Ells, Town Manager  
**THROUGH:** David Anthony, Director, Asset Management  
**DATE:** April 06, 2023  
**SUBJECT:** Authorization to expend a Fiscal Year 2023 Grant in the amount of **\$27,333** from the Massachusetts Department of Environmental Protection to acquire three electric vehicle charging stations

**BACKGROUND:** Due to the work of Sean Hogan, Environmental and Sustainability Manager for the Town of Barnstable, the Massachusetts Department of Environmental Protection (MassDEP) is pleased to announce that Town of Barnstable (Grantee) has been awarded a grant of \$27,333.00 to acquire three electric vehicle charging station(s) under the Massachusetts Electric Vehicle Incentive Program (MassEVIP) Public Access Charging (PAC) Program at the following location(s):

- An amount not to exceed \$9,111.00 for two ports at 367 Main Street, Hyannis, MA (Town Hall School Administration public parking lot) and;
- An amount not to exceed \$9,111.00 for two ports at 243-239 North Street, Hyannis, MA; (North Street public parking lot) and;
- An amount not to exceed \$9,111.00 for two ports at 744 W Main Street, Hyannis, MA. (Barnstable High School parking lot) and;

Based on current quotes for this equipment, the award provides \$27,333 towards the purchase and delivery of the new charging stations (each with dual ports to service two vehicles at each location) these are Juice Bar brand Level 2 Chargers with modern software and tracking capability as well as credit card or Smart phone application technology.

**ANALYSIS:** The Massachusetts Electric Vehicle Incentive Program (MassEVIP) Public Access Charging (PAC) program is funded through the Climate Protection and Mitigation Expendable Trust (CMT). The CMT was established in 2018 in concert with MassDEP regulation 310 CMR 7.74 (Reducing CO<sub>2</sub> Emissions from Electricity Generating Facilities) and 310 CMR 7.75 (Clean Energy Standard). Funds are generated for the CMT through the auction of CO<sub>2</sub> allowances under 310 CMR 7.74 and the submittal of alternative compliance payments (ACP) under 310 CMR 7.75. MassDEP administers the auction and collects the ACP payments. CMT funds support programs or projects that reduce greenhouse gas emissions to mitigate the impacts of climate change, to support adaptation to the impacts of climate change, and for the administration of the program. This Agreement is for the purpose of reducing NO<sub>x</sub> and greenhouse gas emissions in Massachusetts, and to electrify the Massachusetts transportation network.

With the proliferation and expanded availability of electric vehicles to the general public and commercial entities in the Town, the need to improve and expand the EV charging station infrastructure is required to meet user expectations. The heavy influx of visitors during the summer and the sophisticated smart phone applications based network of charging locations have increased demand at these three locations. The older chargers currently do not meet the public's increasing demands due to the level 1 slow trickle charging technology and due to unreliability as the system is often off line due to maintenance and obsolescence issues.

These EV chargers were installed in 2010, and have provided charging to hundreds of vehicles over the past 13 years. The current three charging stations have reached the end of their useful life. The parts are no longer commercially available, and repairs have become challenging to maintain. The technology is old and new chargers are quicker, safer and easier to use. Mr. Hogan's resourcefulness to acquire used parts from other locations on Cape has extended the charging stations useful life, but they need to be upgraded.

The installation of these new chargers will be easier as there is little to no cost associated with the power drop infrastructure to the stations. By replacing the existing EV charger units with this new technology, the existing infrastructure and wiring can be reused almost entirely. Electric Meters operated by Eversource of these locations can be used with little to no interruption of billing or service.

**FISCAL IMPACT:** The terms of the original grant in 2010 had obligated the Town to pay for the electricity that EV cars took through the older chargers. This was a cost the Department of Public Works budget carried for the two locations (School administration parking lot and North Street) and the School Department's utility budget (at the high school) carried for its location. These new chargers will save Town and School over \$5,000 per year as the new technology, similar to how most EV public Chargers work, requires customers to pay via credit card or smart phone application.

In Fiscal Year 2023 to date, over \$1,440 in repairs have been made to keep these older chargers operational. With the new chargers, we do not anticipate the same level of heavy maintenance or repairs.

There is an estimated one time cost of \$2,700 for installation which will be carried by existing Operating Budgets between Asset Management, Department of Public Works and the School Department.

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

**STAFF ASSISTANCE:** David Anthony, Director, Asset Management; Sean Hogan, Environmental and Sustainability Manager