



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  
October 05, 2023**

**7:00pm**

The October 05, 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.

**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 Grasseti  
Precinct 7

Jeffrey Mendes  
Precinct 8

Tracy Shaughnessy  
Precinct 9

Kristine Clark  
Precinct 11

Paula Schnepf  
Precinct 12

1. The meeting will be televised live via Xfinity Channel 8 or High Definition Channel 1072 or may be accessed via the Government Access Channel 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>

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/88366551335> Meeting ID: 883 6655 1335  
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 (Pre-Recorded)**

**7. ACT ON PUBLIC SESSION MINUTES**

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

**9. ORDERS OF THE DAY**

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

**10. ADJOURNMENT**

**NEXT REGULAR MEETING: October 19, 2023**

Administrator:  
Cynthia A. Lovell  
[Cynthia.lovell@town.barnstable.ma.us](mailto:Cynthia.lovell@town.barnstable.ma.us)

| ITEM NO.  | INDEX TITLE  | PAGE  |
|-----------|--|-------|
| <b>A.</b> | <b>OLD BUSINESS</b>  |       |
| 2024-020  | Appointments to a Board/Committee/Commission: <b>Comprehensive Financial Advisory Committee:</b> James Sproul, as a regular member, to a term expiring 06/30/2026; <b>Housing Committee:</b> Asia Graves, as a regular member, to a term expiring 06/30/2026; <b>Hyannis Main Street Waterfront Historic District Appeals Committee:</b> Aaron Webb, as a regular member, to a term expiring 06/30/2024; <b>Open Space Committee:</b> Lev Malakhoff, as a regular member, to a term expiring 06/30/2024 <b>(May be acted upon) (Majority Vote)</b> ..... | 4     |
| 2024-038  | Supplemental Appropriation Order in the amount of <b>\$52,993</b> for the Barnstable School Department Fiscal Year 2024 Operating Budget for the purpose of funding a full-time Administrative Assistant position for Special Education Finances and Medicaid <b>(Public Hearing) (Roll Call Majority Vote)</b> .....  | 5-6   |
| <b>B.</b> | <b>NEW BUSINESS</b>  |       |
| 2024-039  | Resolve that the Town Council petition the County Commissioners of Barnstable County to formally discontinue a section of county highway, namely Old Stage Road, a portion of Pine Street and a portion of Church Street <b>(May be acted upon) (Majority Vote)</b> .....  | 7     |
| 2024-040  | Resolve that the Town Council petition the County Commissioners of Barnstable County to formally discontinue two sections of County Highway, namely the entire length of Main Street and North Main Street in Centerville village <b>(May be acted upon) (Majority Vote)</b> .....   | 8     |
| 2024-041  | Resolve that the Town Council petition the County Commissioners of Barnstable County to formally discontinue three sections of County Highway, namely a portion of Phinney’s Lane in Centerville village <b>(May be acted upon) (Majority Vote)</b> .....  | 9     |
| 2024-042  | Resolve that the Town Council petition the County Commissioners of Barnstable County to formally discontinue two sections of County Highway, namely the entire length of Old Post Road in Centerville village <b>(May be acted upon) (Majority Vote)</b> .....   | 10-11 |
| 2024-043  | Acceptance of a grant of a perpetual easement providing for public access rights to a portion of Dead Neck, Osterville <b>(May be acted upon) (Roll Call Majority Vote)</b> .....  | 12-13 |
| 2024-044  | Transfer Order in the amount of <b>\$49,000</b> from the Community Services Department Fiscal Year 2024 Personnel Budget to the Fiscal Year 2024 Community Services Department Operating Expense Budget for the purpose of funding a security services contract for town beaches <b>(May be acted upon) (Majority Vote)</b> .....  | 14-15 |
| 2024-045  | Appropriation Order in the amount of <b>\$9,800</b> for the redesign of the Hyannis Youth and Community Center website <b>(Refer to Public Hearing 10/19/2023)</b> .....   | 16-17 |
| 2024-046  | Appropriation and Transfer Order in the Amount of <b>\$3,500,000</b> from the General Fund Reserves to the Capital Trust Fund for the purpose of replenishing funds in the Capital Trust Funds <b>(Refer to Public Hearing 10/19/2023)</b> .....   | 18-19 |
| 2024-047  | Resolve revoking the authorization for the Town Manager to commence negotiations with Commonwealth Wind for a new host community agreement <b>(May be acted upon) (Majority Vote)</b> .....  | 20    |

|                 |   |              |
|-----------------|---|--------------|
| <b>2024-048</b> | <b>Resolve postponing the granting of certain easements to Park City Wind LLC (May be acted upon) (Majority Vote)</b> ..... | <b>21-22</b> |
|-----------------|---|--------------|

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**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 (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-020**  
**INTRO: 09/21/2023, 10/05/2023**

**2024-020 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Comprehensive Financial Advisory Committee:** James Sproul, as a regular member, to a term expiring 06/30/2026; **Housing Committee:** Asia Graves, as a regular member, to a term expiring 06/30/2026; **Hyannis Main Street Waterfront Historic District Appeals Committee:** Aaron Webb, as a regular member, to a term expiring 06/30/2024; **Open Space Committee:** Lev Malakhoff, as a regular member, to a term expiring 06/30/2024

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

| DATE              | ACTION TAKEN         |
|-------------------|----------------------|
| <u>09/21/2023</u> | <u>First Reading</u> |
| _____             | _____                |

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-038**  
**INTRO: 09/21/2023, 10/05/2023**

**2024-038 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$52,993 FOR THE BARNSTABLE SCHOOL DEPARTMENT FISCAL YEAR 2024 OPERATING BUDGET FOR THE PURPOSE OF FUNDING A FULL-TIME ADMINISTRATIVE ASSISTANT POSITION FOR SPECIAL EDUCATION FINANCES AND MEDICAID**

**ORDERED:** That the amount of **\$52,993** be raised from current year revenue and added to the Fiscal Year 2024 Barnstable School Department Operating Budget of \$82,761,867 appropriated under Town Council Order 2023-156, resulting in a revised Fiscal Year 2024 Operating Budget of \$82,814,860.

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

| DATE              | ACTION TAKEN                              |
|-------------------|---|
| <u>09/21/2023</u> | <u>Refer to Public Hearing 10/05/2023</u> |

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2024-038

INTRO: 09/21/2023, 10/05/2023

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Sara Ahern, Superintendent of Schools  
**DATE:** September 21, 2023  
**SUBJECT:** Supplemental Appropriation Order for the Fiscal Year 2024 School Department Operating Budget to Fund a Full-Time Administrative Assistant Position for Special Education Finances and Medicaid

**BACKGROUND:** The Superintendent and Director of Human Resources have engaged in a comprehensive review of the administrative assistant support services in the School Administration Building. By analyzing the job descriptions and responsibilities of various personnel, they have determined that there are several job functions in the area of finance and payroll that are currently not adequately covered by assistants within the school department.

Based on the analysis, the Superintendent and School Committee have revised one job description to focus on payroll and support of the Office of Student Services. They also developed a new job description for a new position, Administrative Assistant for Special Education Finances and Medicaid, to be sure that all critical functions are being executed.

**ANALYSIS:** Special education finances are some of the most complicated within the District and many of these expenses come with some form of reimbursement such as Circuit Breaker and Medicaid. This position tasks an individual as singularly responsible for supporting the implementation of special education finances in a comprehensive way.

Medicaid reimbursement is one of the primary areas that have been inadequately executed for several years. It is anticipated that, with a person devoted to finances of special education, the District will better be able to maximize the submission of Medicaid reimbursable expenses in collaboration with the Town's Finance Department.

**FISCAL IMPACT:** The Fiscal Year 2024 General Fund Operating Budget was balanced using an estimated \$300,000 in Medicaid revenue for anticipated reimbursements on eligible services provided to students of the Barnstable school system. This revenue estimate can be raised by \$52,993 in order to provide the funding for this position. Total Medicaid revenue received in Fiscal Year 2023 was \$375,750. It is projected that Medicaid reimbursements in the future can more than double with a position focused on collecting the data on eligible services that can be billed to Medicaid.

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

**STAFF ASSISTANCE:** Sara Ahern, Superintendent of Schools

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-039  
INTRO: 10/05/2023**

**2024-039 RESOLVE THAT THE TOWN COUNCIL PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE A SECTION OF COUNTY HIGHWAY, NAMELY OLD STAGE ROAD, A PORTION OF PINE STREET AND A PORTION OF CHURCH STREET**

**RESOLVED:** That pursuant to General Laws Chapter 82, Section 5, the Town Council petition the County Commissioners of Barnstable County to formally discontinue a section of County Highway, namely Old Stage Road, a portion of Pine Street and a portion of Church Street extending northerly from Main Street in Centerville Village to Meetinghouse Way (Route 149) in West Barnstable Village, as described in 1924 Barnstable County Taking, being recorded in the Barnstable County Registry of Deeds in Book 409, Page 352, dated August 25, 1924, and as amended in Deed Book 410, Page 463, dated May 9, 1925, also shown on a Plan of Land recorded in said Registry Tube No. 7.

It is the intent thereby to render said sections of the County highway a Town way by operation of G.L. c. 82, § 5; and further, that said petition request that the discontinued sections of said County highway remain a public way, and that the Town Manager be authorized to execute and deliver any documents on behalf of the Town necessary to effectuate this resolve.

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

| DATE  | ACTION TAKEN |
|-------|--------------|
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-040  
INTRO: 10/05/2023**

**2024-040 RESOLVE THAT THE TOWN COUNCIL PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE TWO SECTIONS OF COUNTY HIGHWAY, NAMELY THE ENTIRE LENGTH OF MAIN STREET AND NORTH MAIN STREET IN CENTERVILLE VILLAGE**

**RESOLVED:** That pursuant to General Laws Chapter 82, Section 5, the Town Council petition the County Commissioners of Barnstable County to formally discontinue two sections of County Highway, these two sections consisting of the entire length of Main Street and North Main Street in Centerville Village which, combined, extend from South Main Street to Pine Street, as described in two (2) Orders of Taking by the Barnstable County Commissioners, as follows:

The first section is a 1931 Barnstable County Taking, being recorded in the Barnstable County Registry of Deeds in Book 480, Page 125, dated February 20, 1931, also shown on a Plan of Land recorded in said Registry in Plan Book 43, Page 31.

The second section is a 1953 Barnstable County Taking, being recorded in the Barnstable County Registry of Deeds in Book 840, Page 80, dated April 24, 1953, also shown on a Plan of Land recorded in said Registry in Plan Book 109, Pages 107, 109 and 111.

It is the intent thereby to render said sections of the County highway a Town way by operation of G.L. c. 82, § 5; and further, that said petition request that the discontinued sections of said County highway remain a public way, and that the Town Manager be authorized to execute and deliver any documents on behalf of the Town necessary to effectuate this resolve.

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

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
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- Read Item
- Rationale
- Council Discussion
- Vote



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-041  
INTRO: 10/05/2023**

**2024-041 RESOLVE THAT THE TOWN COUNCIL PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE THREE SECTIONS OF COUNTY HIGHWAY, NAMELY A PORTION OF PHINNEY’S LANE IN CENTERVILLE VILLAGE**

**RESOLVED:** That pursuant to General Laws Chapter 82, Section 5, the Town Council petition the County Commissioners of Barnstable County to formally discontinue three sections of County Highway, these three sections consisting of a portion of Phinney’s Lane in Centerville Village, which, combined, extend from Falmouth Road (Route 28) to North Main Street as described in three (3) Orders of Taking by the Barnstable County Commissioners, as follows:

The first section is a 1930 Barnstable County Taking, being recorded in the Barnstable County Registry of Deeds in Book 479, Page 284, dated December 19, 1930, also shown on a Plan of Land recorded in said Registry in Tube No. 5.

The second section is a 1932 Barnstable County Taking, being recorded in the Barnstable County Registry of Deeds in Book 493, Page 117, dated December 31, 1932, also shown on a Plan of Land recorded in said Registry in Plan Book 47 Page 45.

The third section is a 1912 Barnstable County Taking as described in the Commissioners’ Taking No. 642 of Phinney's Lane, North Main Street and Mother’s Park Road in Barnstable described in the Written Taking Books at Volume 9, Page 81.

It is the intent thereby to render said sections of the County highway a Town way by operation of G.L. c. 82, § 5; and further, that said petition request that the discontinued sections of said County highway remain a public way, and that the Town Manager be authorized to execute and deliver any documents on behalf of the Town necessary to effectuate this resolve.

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

| DATE  | ACTION TAKEN |
|-------|--------------|
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-042  
INTRO: 10/05/2023**

**2024-042 RESOLVE THAT THE TOWN COUNCIL PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE TWO SECTIONS OF COUNTY HIGHWAY, NAMELY THE ENTIRE LENGTH OF OLD POST ROAD IN CENTERVILLE VILLAGE**

**RESOLVED:** That pursuant to General Laws Chapter 82, Section 5, the Town Council petition the County Commissioners of Barnstable County to formally discontinue two sections of County Highway, these two sections consisting of the entire length of Old Post Road in Centerville Village, which, combined, extend from Phinney’s Lane to Old Stage Road as described in two (2) Orders of Taking by the Barnstable County Commissioners, as follows:

The first section is a 1916 Barnstable County Taking, being recorded in the Barnstable County Registry of Deeds in Book 347, Page 546, dated September 19, 1916, also shown on a Plan of Land recorded in said Registry in Plan Book 4, Page 105.

The second section is a 1972 Barnstable County Taking, being recorded in the Barnstable County Registry of Deeds in Book 1658, Page 286, dated May 30, 1972, also shown on a Plan of Land recorded in said Registry in Plan Book 257, Page 75.

It is the intent thereby to render said sections of the County highway a Town way by operation of G.L. c. 82, § 5; and further, that said petition request that the discontinued sections of said County highway remain a public way, and that the Town Manager be authorized to execute and deliver any documents on behalf of the Town necessary to effectuate this resolve.

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

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2024-039**  
**2024-040**  
**2024-041**  
**2024-042**  
**INTRO: 10/05/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Charles McLaughlin, Senior Counsel  
**DATE:** October 05, 2023  
**SUBJECT:** Four resolves that the Town Council petition the County Commissioners of Barnstable County to formally discontinue sections of County Highways, namely,

1. 2024-039: Old Stage Road, including a portion of Church Street extending from North Main Street in Centerville to Meetinghouse Way in West Barnstable.
2. 2024-040: the entire length of Main Street and North Main Street, Centerville extending from South Main Street to Pine Street.
3. 2024-041: Phinney's Lane, from State Route 28 to North Main Street; and
4. 2024-942: the entire length of Old Post Road from Phinney's Lane to Old Stage Road

**BACKGROUND:** The roads described above and in the recorded County takings noted in the proposed votes have not been maintained by the County for generations and, to accommodate the Town's sewer expansion program as well as other potential uses of this road, it is necessary to request that the County abandon them and that the Town take these sections of roads over as public roads and that the Town agree to maintain them as such.

**ANALYSIS:** These roads comprise vital in-road routes for sewer lines that will be installed by the Town. G.L. c. 82, §5 establishes a clear procedure for obtaining these discontinuances via town petitions to Barnstable County requesting that the county discontinue these county ways (or sections thereof). A county way discontinued by following this procedure automatically becomes a town way, and, if requested, remains a public way.

**FISCAL IMPACT:** The Town has operated for years in the belief that these roads were owned by the Town. The Town has maintained these roads and has budgeted accordingly. There is no impact on the General Fund Operating Budget resulting from the legal formality of transferring these roads from the County to the Town's control or from petitioning that these roads remain a public way.

**STAFF SUPPORT:** Charles McLaughlin, Senior Counsel; Griffin Beaudoin, Town Engineer; Shane Brenner, Town Surveyor

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-043**  
**INTRO: 10/05/2023**

**2024-043 ACCEPTANCE OF A GRANT OF A PERPETUAL EASEMENT PROVIDING FOR PUBLIC ACCESS RIGHTS TO A PORTION OF DEAD NECK, OSTERVILLE**

**RESOLVED:** That the Town Council hereby authorizes the Town Manager to accept, on behalf of the Town, the grant of a perpetual easement providing for public access rights to a portion of Dead Neck, Osterville, as shown on a plan of land entitled, “Town of Barnstable, 367 Main Street, Barnstable, MA 02601, Dead Neck Nourishment Site Plan, Limit of Proposed Nourishment at Dead Neck, June 2023, Foth” on file with the Barnstable Department of Public Works and the Office of Town Council, subject to final review and approval by the Town Attorney. The Town Manager is authorized to negotiate, accept, sign, and deliver all documents necessary to effectuate this resolve and complete this transaction.

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

| DATE  | ACTION TAKEN |
|-------|--------------|
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| _____ | _____        |

- Read Item
- Rationale
- Council Discussion
- Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2024-043**  
**INTRO: 10/05/2023**

## SUMMARY

**TO:** Town Council  
**THROUGH:** Mark S. Ells, Town Manager  
**FROM:** Charles McLaughlin, Senior Counsel  
**DATE:** October 05, 2023  
**SUBJECT:** Acceptance of a grant of a perpetual easement providing for public access rights to a portion of Dead Neck, Osterville

**BACKGROUND:** The Town is undertaking much needed dredge work in Osterville that will be carried out by the Barnstable County Dredge Program under contract. The Town needs a site close to the dredge upon which the dredge spoils may be deposited and the parties have agreed with the Commonwealth that Dead Neck is an ideal site for such deposits. The Town has received all necessary permits for the project work. Dead Neck is currently owned by Three Bays Preservation, Inc. Also, Massachusetts Audubon Society, Inc. Has a contingent interest in the property and is expected to acquire title to the subject property shortly. Therefore, both organizations will be parties to these documents.

The Chapter 91 dredging permit and associated regulations require that, as a condition of MassDEP approval, the public must be granted a perpetual easement and right to access the private property that will be improved with the dredge spoils deposits made possible by the expenditure of public funds. That easement must be held by a public entity, which in this case will be the Town of Barnstable.

Of note, Dead Neck is occupied seasonally by various avian species, including endangered piping plovers and roseate terns. The perpetual public easement will contain a provision allowing the temporary suspension of public access to protect endangered species in season. Their seasonal presence requires intense management protocols, approved by the Natural Heritage and Endangered Species Program within the state Division of Fisheries and Wildlife, to be in place and MassAudubon has been the lead management agency due both to its mission statement and the fact that MassAudubon owns all of the nearby island property not owned by Three Bays. The Town will assume responsibility for a portion of the cost of such management as required by its permitting. A cost-sharing joint management agreement is being negotiated between the Town and MassAudubon. Unlike other such agreements, it will not need separate Council approval as the project appropriation anticipated this expenditure in the project budget.

The work is scheduled to be completed this fall during a time of limited availability of the county dredge. If that window of opportunity is missed, this important project may be delayed for an extended period into 2024 or perhaps later.

**FISCAL IMPACT:** None

**STAFF ASSISTANCE:** Kate Connolly, Assistant Town Attorney, Charles McLaughlin, Senior Counsel, Thomas LaRosa, First Assistant Town Attorney

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-044  
INTRO: 10/05/2023**

**2024-044 TRANSFER ORDER IN THE AMOUNT OF \$49,000 FROM THE COMMUNITY SERVICES DEPARTMENT FISCAL YEAR 2024 PERSONNEL BUDGET TO THE FISCAL YEAR 2024 COMMUNITY SERVICES DEPARTMENT OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING A SECURITY SERVICES CONTRACT FOR TOWN BEACHES**

**ORDERED:** That the Town Council does hereby authorize the Town Manager to transfer **\$49,000** from the Fiscal Year 2024 Community Services Department General Fund Personnel Budget to the Fiscal Year 2024 Community Services Department General Fund Operating Expense Budget for the purpose of funding the cost of securing and opening specific beaches during the off season.

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

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2024-044**  
**INTRO: 10/05/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** October 05, 2023  
**SUBJECT:** Transfer Order in the amount of **\$49,000** from the Community Services Department Fiscal Year 2024 Personnel Budget to the Fiscal Year 2024 Community Services Department Operating Expense Budget for the purpose of funding a security services contract for town beaches

**BACKGROUND:** The Town of Barnstable has received countless requests from residents to secure certain beach parking lots for numerous years. As the town tries to navigate a balance between access and safety, we propose a pilot program to subcontract the securing and opening of Kalmus, Covell's, and Craigville beaches from October 10, 2023, through Memorial Day, May 27, 2024; last May, after numerous disturbances and safety concerns the town was forced into securing beaches. Due to labor shortages and costs the Community Services Department requests to implement this pilot program.

**ANALYSIS:** Currently the Department of Public Works has filled in to secure and unlock beaches during the extended times. The D.P.W. has personnel shortages and securing and opening beaches daily is not sustainable. The Barnstable Police Department is also short staffed and contracting out these services will reduce the town's resources needed to accomplish maintaining safety while not prohibiting access.

**FISCAL IMPACT:** The Community Services Department personnel budget is projected to have a surplus in Fiscal Year 2024 due to vacancy savings. The savings will be redirected to this pilot program. If successful, the cost may be added to the Fiscal Year 2025 budget for its continuance.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this Fiscal Year 2024 budget transfer.

**STAFF ASSISTANCE:** Christopher Gonnella, Director, Community Services Department

**B. NEW BUSINESS (Refer to Public Hearing 10/19/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-045  
INTRO: 10/05/2023**

**2024-045 APPROPRIATION ORDER IN THE AMOUNT OF \$9,800 FOR THE REDESIGN OF THE HYANNIS YOUTH AND COMMUNITY CENTER WEBSITE**

**ORDERED:** That the amount of **\$9,800** be appropriated and provided from the Hyannis Youth and Community Center Enterprise Fund Reserves for the purpose of funding the cost of redesigning the operation’s website, and that the Town Manager is authorized to contract for and expend this appropriation for this purpose.

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

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

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



# BARNSTABLE TOWN COUNCIL

**ITEM# 2024-045**  
**INTRO: 10/05/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** October 05, 2023  
**SUBJECT:** Appropriation Order in the amount of **\$9,800** for the redesign of the Hyannis Youth and Community Center website

**BACKGROUND:** The Community Services Department was approved \$11,000 as part of transfer order # 2023-186 utilizing Fiscal Year 2023 salary savings to subcontract for a redesign of the Hyannis Youth and Community Center (HYCC) website. A vendor was selected, and as we were finalizing an agreement with the chosen company, they informed us of their decision to no longer be interested in the project and the funds allocated were closed to the HYCC Enterprise Fund surplus. We have met with a new vendor to complete the necessary redesign and are confident that this will be completed if these funds are approved.

**ANALYSIS:** The current HYCC website is antiquated and is not user friendly. The goals of the redesign are to make the site more accessible, improve navigation, make public offerings a focal point, interface current software and schedules onto new Word Press formatting, and to enhance advertising and sponsorship opportunities available at the HYCC.

**FISCAL IMPACT:** Funding for this project will be provided from the HYCC Enterprise Fund Reserve which was recently certified at \$706,568 by the Massachusetts Department of Revenue as of July 1, 2023.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approving the requested transfer.

**STAFF ASSISTANCE:** Christopher Gonnella, Director, Community Services Department

**B. NEW BUSINESS (Refer to Public Hearing 10/19/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-046  
INTRO: 10/05/2023**

**2024-046 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$3,500,000  
FOR FROM THE GENERAL FUND RESERVES TO THE CAPITAL TRUST  
FUND**

**ORDERED:** That the amount of **\$3,500,000** be appropriated from the General Fund reserves and transferred to the Capital Trust Fund for the purpose of replenishing funds in the Capital Trust Fund that were used to fund the school portables project under Town Council Order 2023-200.

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

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2024-046**  
**INTRO: 10/05/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Mark A, Milne, CPA, Director of Finance  
**DATE:** September 29, 2023  
**SUBJECT:** Appropriation and Transfer Order in the Amount of **\$3,500,000** from the General Fund Reserves to the Capital Trust Fund for the purpose of replenishing funds in the Capital Trust Funds

**BACKGROUND:** The Barnstable School Committee voted to use \$3,500,000 from its share of the General Fund reserves (school savings account) at their June 7, 2023 meeting to fund the purchase of portable classrooms for the Hyannis West Elementary School and Barnstable Community Innovation School campuses.

The item first appeared on the Town Council’s June 15, 2023 meeting agenda and was referred to a public hearing on July 20, 2023. Since the public hearing occurred in the new fiscal year beginning on July 1, 2023 the funding source had to be changed from the General Fund reserves to the Capital Trust Fund. The Department of Revenue will not allow appropriations from a community’s General Fund reserves after June 30<sup>th</sup> until they are recertified by the department.

The town received a notification on September 25, 2023 from the Department of Revenue certifying the Town’s Free Cash (General Fund reserves) for \$32,722,432. This appropriation replenishes the funds used in the Capital Trust Fund for the school portables.

**ANALYSIS:** After setting aside from the General Fund reserves an amount equal to 4% of the General Fund budget in accordance with the town’s ordinances the balance in the General Fund reserves is allocated to a municipal and school savings account in accordance with a revenue sharing agreement. The allocation of the General Fund reserves on July 1, 2023 is as follows:

### Allocation of Free Cash

|  | Municipal<br>Savings | School<br>Savings | Council<br>Reserve | Opioid<br>Settlement | Total         |
|--|----------------------|-------------------|--------------------|----------------------|---------------|
| Balance on July 1, 2022                    | \$ 8,320,011         | \$ 11,298,637     | \$ 7,150,578       | \$ -                 | \$ 26,769,227 |
| FY23 Operating & Capital Budgets           | (960,023)            | (1,444,398)       | -                  | -                    | (2,404,421)   |
| FY24 Operating Budget                      | -                    | -                 | (250,000)          | -                    | (250,000)     |
| FY24 Capital Program                       | (1,921,405)          | (1,918,846)       | -                  | -                    | (3,840,251)   |
| FY23 Returned Appropriations - Ops Budgets | 1,921,409            | 99,147            | -                  | -                    | 2,020,556     |
| FY23 Returned Appropriations - Fixed Costs | 694,255              | 1,041,382         | -                  | -                    | 1,735,637     |
| FY23 Net Excess Revenue                    | 3,090,552            | 4,635,829         | 585,992            | 379,312              | 8,691,685     |
| Certified as of July 1, 2023               | 11,144,799           | 13,711,752        | 7,486,570          | 379,312              | 32,722,432    |
| Transfer to CTF for school portables       | -                    | (3,500,000)       | -                  | -                    | (3,500,000)   |
| Balance Remaining                          | \$ 11,144,799        | \$ 10,211,752     | \$ 7,486,570       | \$ 379,312           | \$ 29,222,432 |

**FISCAL IMPACT:** The School Department’s savings account balance will be \$10,211,752 after this transfer and the balance in the Capital Trust Fund will increase to \$16,852,605 as of July 1, 2023.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approving the requested transfer.

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-047  
INTRO: 10/05/2023**

**2024-047 RESOLVE REVOKING THE AUTHORIZATION FOR THE TOWN MANAGER TO COMMENCE NEGOTIATIONS WITH COMMONWEALTH WIND FOR A NEW HOST COMMUNITY AGREEMENT**

**RESOLVED:** That the Town Council does hereby revoke its authorization, as previously approved by the Town Council on November 3, 2022, in Town Council Item # 2023-054, for the Town Manager to commence negotiations with Commonwealth Wind LLC, a wholly owned subsidiary of Avangrid Renewables LLC, for a new Host Community Agreement (“HCA 3”), which authorization was based on Commonwealth Wind LLC securing a lease from the United States of America for submerged lands associated with the project, having in place a valid Power Purchase Agreement for the project, and demonstrating its project permitting.

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

- Read Item
- Rationale
- Council Discussion
- Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-048  
INTRO: 10/05/2023**

**2024-048 RESOLVE POSTPONING THE GRANTING OF CERTAIN EASEMENTS TO  
PARK CITY WIND LLC**

**WHEREAS**, pursuant to the Host Community Agreement dated May 6, 2022, between the Town and Park City Wind LLC (“HCA 2”) on June 2, 2022, the Town Council, in Town Council Item # 2022-192, approved the granting of an easement to Park City Wind LLC (“PCW”) in certain parcels of land, namely a portion of Craigville Beach known as Assessors’ Parcel 206-013 and a portion of 20 Main Street known as Assessors’ Parcel 228-138, and, in Town Council Item # 2022-193, approved the granting of an easement for utility purposes only to PCW extending from Craigville Beach to Shootflying Hill Road (together, the “Easements”), and authorized the Town Manager to execute and record any all instruments and documents in connection with the grant of the Easements;

**WHEREAS**, the Town’s support for HCA 2 was based, in part, on PCW securing a lease from the United States of America for submerged lands associated with the project, having in place a valid Power Purchase Agreement (“PPA”), and demonstrating its project permitting;

**WHEREAS**, the Town Manager has not yet taken any actions to effectuate the grant of the Easements by the Town;

**WHEREAS**, HCA 2 pertains to the construction of a wind generating facility in federal waters south of Martha’s Vineyard, referred to therein as Vineyard Connector 2, as more fully described and referred to as Phase 1 of New England Wind in filings with the Commonwealth’s Department of Public Utilities in DPU 20-56 and 20-57, and with the Energy Facilities Siting Board in EFSB 20-01; and

**WHEREAS**, PCW has now informed the Town that it has withdrawn from its PPA with State of Connecticut utilities; and

**WHEREAS**, no final decision has been issued by the EFSB in relation to the Vineyard Connector 2 project, including any decision regarding the final landfall and route(s) proposed by PCW;

**THEREFORE, BE IT RESOLVED:** That the Town Council hereby approves postponing the granting of the Easements and directs the Town Manager not to take any actions to grant the Easements prior to the issuance of the EFSB final decision regarding the Vineyard Connector 2 project and the date on which the appeal period for such decision expires.

# BARNSTABLE TOWN COUNCIL

ITEMS# 2024-047 & 2024-048  
INTRO: 10/05/2023

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Karen L. Nober, Town Attorney  
**DATE:** October 05, 2023  
**SUBJECT:** Resolve revoking the authorization for the Town Manager to commence negotiations with Commonwealth Wind for a new host community agreement; and resolve postponing the granting of a certain easement to Park City Wind LLC

**RATIONALE:** Because Commonwealth Wind LLC defaulted on its Power Purchase Agreement with the state's utilities, the state has undertaken a new bid process for an offshore wind developer. In light of these changed circumstances, including the ongoing bid process and the fact that no developer has yet been selected by the state, the proposed resolve would revoke the Town Council's authorization for the Town Manager to negotiate a Host Community Agreement with Commonwealth Wind. Park City Wind LLC ("PCW") has just informed the Town that it has withdrawn from its Power Purchase Agreement renegotiations with state of Connecticut utilities. As a result, it appears that the state of Connecticut will now need to undertake its own new bid process. Additionally, PCW awaits a decision from the Massachusetts Energy Facilities Siting Board ("EFSB") with respect to its project, including landfall and route selection. Pursuant to the Town's Host Community Agreement with PCW, the Town Council approved the granting of certain easements to PCW. Because the EFSB has not issued its final decision with respect to the PCW project, including any decision regarding the final landfall and route(s) proposed by PCW, the proposed resolve would direct the Town Manager not to take any actions to grant the easements prior to the issuance of the EFSB final decision and the date on which the appeal period for such decision expires.

**FISCAL IMPACT:** None

**STAFF ASSISTANCE:** Karen L. Nober, Town Attorney; Charles McLaughlin, Senior Counsel; Thomas LaRosa, First Assistant Town Attorney