



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

## TOWN COUNCIL MEETING AGENDA

June 06, 2024

6:00 pm

### Councillors:

Felicia Penn  
President  
Precinct 13

Craig Tamash  
Vice President  
Precinct 4

Gordon Starr  
Precinct 1

Dr. Kristin Terkelsen  
Precinct 2

Betty Ludtke  
Precinct 3

John Crow  
Precinct 5

Paul C. Neary  
Precinct 6

Seth Burdick  
Precinct 7

Jeffrey Mendes  
Precinct 8

Charles Bloom  
Precinct 9

Matthew P. Levesque  
Precinct 10

Kris Clark  
Precinct 11

Paula Schnepf  
Precinct 12

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

The June 06, 2024 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 Xfinity Channel 8 or 1070 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/TownCouncil/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/87666081032> Meeting ID: 876 6608 1032 US Toll-free 1- 888 -475 -4499

## PUBLIC SESSION

### 1. ROLL CALL

### 2. PLEDGE OF ALLEGIANCE

### 3. MOMENT OF SILENCE

- Executive Session 6:00pm to 6:15pm
- Summary of the Annual Report to Date from Cape & Islands District Attorney Robert J. Galibois

### 4. PUBLIC COMMENT

### 5. COUNCIL RESPONSE TO PUBLIC COMMENT

### 6. TOWN MANAGER COMMUNICATIONS (Pre-Recorded)

### 7. ACT ON PUBLIC SESSION MINUTES: May 16, 2024

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

- Presentation on Comprehensive Financial Advisory Committee Fiscal Year 2025 Operating Budget Report – Christopher Lauzon, Committee Member

### 9. ORDERS OF THE DAY

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

**10. ADJOURNMENT**

**NEXT REGULAR MEETING: June 20, 2024**

ITEM NO.	INDEX TITLE	PAGE
<b>A.</b>	<b>OLD BUSINESS</b>	
2024-185	Appropriation Order in the amount of <b>\$11,918,799</b> for the purpose of funding the town's Fiscal Year 2025 Airport Enterprise Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	7
2024-186	Appropriation Order in the amount of <b>\$89,375,780</b> for the purpose of funding the town's Fiscal Year 2025 Barnstable Public School Department Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	8
2024-187	Appropriation Order in the amount of <b>\$18,709,328</b> for the purpose of funding the town's Fiscal Year 2025 Barnstable Police Department Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	9
2024-188	Appropriation Order in the amount of <b>\$2,394,019</b> for the purpose of funding the town's Fiscal Year 2025 Planning and Development Department Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	10
2024-189	Appropriation Order in the amount of <b>\$2,887,734</b> for the purpose of funding the town's Fiscal Year 2025 Community Services Department General Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	11
2024-190	Appropriation Order in the amount of <b>\$3,892,161</b> for the purpose of funding the town's Fiscal Year 2025 Golf Course Enterprise Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	12
2024-191	Appropriation Order in the amount of <b>\$3,926,883</b> for the purpose of funding the town's Fiscal Year 2025 Hyannis Youth and Community Center Enterprise Fund Budget <b>(Public Hearing) (Roll Call 2/3 Vote Full Council)</b> .....	13
2024-192	Appropriation Order in the amount of <b>\$1,638,527</b> for the purpose of funding the town's Fiscal Year 2025 Marine & Environmental Affairs Department General Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	14
2024-193	Appropriation Order in the amount of <b>\$780,068</b> for the purpose of funding the town's Fiscal Year 2025 Marina Enterprise Fund Budget <b>(Public Hearing) (Roll Call 2/3 Vote Full Council)</b> .....	15
2024-194	Appropriation Order in the amount of <b>\$1,087,579</b> for the purpose of funding the town's Fiscal Year 2025 Sandy Neck Park Enterprise Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	16
2024-195	Appropriation Order in the amount of <b>\$2,584,392</b> for the purpose of funding the town's Fiscal Year 2025 Inspectional Services Department Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	17
2024-196	Appropriation Order in the amount of <b>\$11,384,511</b> for the purpose of funding the town's Fiscal Year 2025 Department of Public Works General Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	18

2024-197	Appropriation Order in the amount of <b>\$4,033,424</b> for the purpose of funding the town's Fiscal Year 2025 Department of Public Works Solid Waste Enterprise Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	19
2024-198	Appropriation Order in the amount of <b>\$10,934,823</b> for the purpose of funding the town's Fiscal Year 2025 Department of Public Works Water Pollution Control Enterprise Fund Budget <b>(Public Hearing) (Roll Call 2/3 Full Council)</b> .....	20
2024-199	Appropriation Order in the amount of <b>\$9,109,331</b> for the purpose of funding the town's Fiscal Year 2025 Department of Public Works Water Supply Enterprise Fund Budget <b>(Public Hearing) (Roll Call 2/3 Full Council)</b> .....	21
2024-200	Appropriation Order in the amount of <b>\$264,092</b> for the purpose of funding the town's Fiscal Year 2025 Town Council Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	22
2024-201	Appropriation Order in the amount of <b>\$1,575,299</b> for the purpose of funding the town's Fiscal Year 2025 Town Manager Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	23
2024-202	Appropriation Order in the amount of <b>\$881,383</b> for the purpose of funding the town's Fiscal Year 2025 Public, Education & Government (PEG) Access Channels Enterprise Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	24
2024-203	Appropriation Order in the amount of <b>\$8,205,658</b> for the purpose of funding the town's Fiscal Year 2025 Administrative Services Department Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	25
2024-204	Appropriation Order in the amount of <b>\$250,000</b> for the purpose of funding the Town Council's Fiscal Year 2025 Reserve Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	26
2024-205	Appropriation Order in the amount of <b>\$57,180,105</b> for the purpose of funding the town's Fiscal Year 2025 Other Requirements Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	27
2024-206	Appropriation Order in the amount of <b>\$519,639</b> for Open Space and Recreation; <b>\$519,639</b> for Historic Resources; <b>\$519,639</b> for Community Housing; <b>\$3,094,027</b> for a Budget Reserve, and that the sum of <b>\$250,000</b> be appropriated from the Annual Revenues of the Community Preservation Fund for the administrative expenses of the Community Preservation Committee <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	28
2024-207	Appropriation Order in the amount of <b>\$363,800</b> for the purpose of paying the Fiscal Year 2025 Community Preservation Fund Debt Service Requirements <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	29
2024-214	Appointments to a Board/Committee/Commission: <b>Ad Hoc Committee to Assess and Recommend Strategies for Housing Creation within the Town:</b> Maryann Barboza (registered voter); Hilda Haye (Chair, Housing Committee); Rick Presbrey (registered voter); Laura Shufelt (registered voter) <b>(May be acted upon) (Majority Vote)</b> .....	30
2024-215	Appointments to a Board/Committee/Commission: <b>Ad Hoc Committee to Review and Assess Zoning and Review the Town's Use of Regulatory Agreements:</b> Ken Alsman (registered voter); Christopher Kuhn (registered voter); Catherine Campos Ledec (registered voter); Bob Schulte (registered voter) <b>(May be acted upon) (Majority Vote)</b> .....	31

2024-220 Amendment to the Administrative Code to designate the non-councilor members of the Ad Hoc Committees created under Town Council items 2024-166C and 2024-166D as Special Municipal Employees for purposes of the state Conflict of Interest Law **(May be acted upon) (Majority Vote)** .....32

2024-226 Reappointments to a Board/Committee/Commission: **Airport Commission:** Wendy Bierwirth. as a regular member to a term expiring 06/30/2027; Norman Weill, as a regular member to a term expiring 06/30/2027 **(May be acted upon) (Majority Vote)** .....33

**B. NEW BUSINESS**

2024-208 Fiscal Year 2024 Spending Limitations: Senior Services Classroom Education Fund - **\$100,000**; Recreation Program Fund - **\$325,000**; Shellfish Propagation Fund - **\$200,000**; Consumer Protection Fund - **\$600,000**; Geographical Information Technology Fund - **\$10,000**; Arts and Culture Program Fund - **\$50,000 (May be acted upon) (Majority Vote Full Council)** .....34-35

2024-224 Transfer Order in the amount of **\$160,530** for the Knight Hall Chiller Replacement Project **(May be acted upon) (Majority Vote Full Council)**.....36-37

2024-228 Reappointments to a Board/Committee/Commission: **Board of Assessors:** William Garreffo as a regular member to a term expiring 06/30/2027; **Community Preservation Committee:** Deborah Converse, as a BHA representative member to a term expiring 06/30/2027; F.P. Tom Lee, as a conservation commission representative member to a term expiring 06/30/2027; Katherine Garofoli, as a regular member to a term expiring 06/30/2027; **Conservation Commission:** William Hearn, as a regular member to a term expiring 06/30/2027; **Elderly & Disabled Taxation Aid Committee:** William Garreffo, as a Board of Assessors member, to a term expiring 06/30/2027; **Golf Committee:** Jason Aubee, as a regular member to a term expiring 06/30/2027; Keith Hochstein, as a regular member to a term expiring 06/30/2027; **Historical Commission:** Cheryl Powell, as a regular member to a term expiring 06/30/2027; Marilyn Fifield, as a regular member to a term expiring 06/30/2027; **Human Services Committee:** Sheree Kay, as a representative member, to a term expiring 06/30/2027; **Hyannis Main Street Waterfront Historic District Appeals Committee:** Aaron Webb as a resident of Hyannis member, to a term expiring 06/30/2025; Alison Alessi as an Architectural Representative member, to a term expiring 06/30/2025; **Infrastructure and Energy Committee:** John Solomon, as a regular member, to a term expiring 06/30/2027; Peter Doyle, as a regular member, to a term expiring 06/30/2027; **Licensing Authority:** Larry Decker, as a regular member to a term expiring 06/30/2026; **Open Space Committee:** Lev Malakhoff, as a regular member to a term expiring 06/30/2027; Tracy Pratt, as a regular member to a term expiring 06/30/2027; Ann Canedy, as a regular member to a term expiring 06/30/2027; Anne Rowland, as a regular member to a term expiring 06/30/2027; **Shellfish Committee:** Robert Lancaster, as a member holding a family permit to a term expiring 06/30/2027; Doug Crook, as a regular member to a term expiring 06/30/2027; Jacob Angelo, a member-at-large to a term expiring 06/30/2027; Paul Hendricks Jr., as a professional fisheries trained member to a term expiring 06/30/2027; **Youth Commission:** Isabelle Rudy, a student member to a term expiring 06/30/2025; Michaela Stampfl, a student member to a term expiring 06/30/2025; Shalanda Grant, a student member to a term expiring 06/30/2025; Madeleine Boyle, a student member to a term expiring 06/30/2025; Mary Steinhilber, a student member to a term expiring 06/30/2025; Sophia Machnik, as a student member to a term expiring 06/30/2025; Cameron Levesque, as a student member to a term expiring 06/30/2025; Jaden Jeffries, as a student member to a term expiring 06/30/2025; Daniel Gomes, as a student member to a term expiring 06/30/2025; Megan Garthee, as a student member to a term expiring 06/30/2025; **(First Reading) (Refer to Second Reading 06/20/2024)**.....38-39

2024-229

Appointments to a Board/Committee/Commission: **Hyannis Main Street Waterfront Historic District Commission:** Peri Wentworth, as an alternate member to a term expiring 06/30/2026; Conrad Watson, as an alternate member to a term expiring 06/30/2026; **Disability Commission:** Eileen Elias, as a regular member to a term expiring 06/30/2027; Inna Podgornaya, as a regular member to a term expiring 06/30/2027; **Housing Committee:** Eileen Elias as an alternate member to a term expiring 06/30/2025 **(First Reading) (Refer to Second Reading 06/20/2024)**.....40

---

**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 votes, the Council may go into executive session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-185  
INTRO: 05/16/2024, 06/06/2024**

**2024-185 APPROPRIATION ORDER IN THE AMOUNT OF \$11,918,799 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 AIRPORT ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$11,918,799** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Airport Enterprise Fund Budget, and to meet such appropriation that **\$11,918,799** be raised from current year revenues by the Airport Enterprise Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

\_\_\_\_\_

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-186**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-186 APPROPRIATION ORDER IN THE AMOUNT OF \$89,375,780 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 BARNSTABLE PUBLIC SCHOOL DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$89,375,780** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Barnstable Public School Department Budget, and to meet this appropriation that **\$86,954,260** be raised from current year revenues and **\$2,421,520** be provided from the General Fund reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

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



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-187**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-187 APPROPRIATION ORDER IN THE AMOUNT OF \$18,709,328 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 BARNSTABLE POLICE DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$18,709,328** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Barnstable Police Department budget; and to meet such appropriation that **\$18,709,328** be raised from current year revenues, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-188**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-188 APPROPRIATION ORDER IN THE AMOUNT OF \$2,394,019 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 PLANNING AND DEVELOPMENT DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$2,394,019** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Planning and Development Department Budget, and to meet this appropriation that **\$2,171,719** be raised from current year revenues, that **\$45,000** be provided from the Wetlands Protection Special Revenue Fund, and that **\$177,300** be provided from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-189**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-189 APPROPRIATION ORDER IN THE AMOUNT OF \$2,887,734 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET**

**ORDERED:** That the sum of **\$2,887,734** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Community Services Department General Fund Budget; and to meet such appropriation that **\$2,887,734** be raised from current year revenues, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-190  
INTRO: 05/16/2024, 06/06/2024**

**2024-190 APPROPRIATION ORDER IN THE AMOUNT OF \$3,892,161 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 GOLF COURSE ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$3,892,161** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Golf Course Enterprise Fund Budget; and to meet such appropriation that **\$3,382,702** be raised from Enterprise Fund revenues, that **\$290,160** be provided from the set-aside for recreation and open space within the Community Preservation Fund, and that **\$219,299** be provided from the Golf Course Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-191  
INTRO: 05/16/2024, 06/06/2024**

**2024-191 APPROPRIATION ORDER IN THE AMOUNT OF \$3,926,883 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$3,926,883** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Hyannis Youth and Community Center Enterprise Fund Budget; and to meet such appropriation that **\$580,044** be raised from Enterprise Fund revenues, that **\$1,406,994** be raised in the General Fund, that **\$1,460,675** be transferred from the Capital Trust Fund, and that **\$479,170** be provided from the Hyannis Youth and Community Center Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-192**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-192 APPROPRIATION ORDER IN THE AMOUNT OF \$1,638,527 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND BUDGET**

**ORDERED:** That the sum of **\$1,638,527** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Marine & Environmental Affairs Department General Fund Budget, and to meet such appropriation, that **\$1,199,017** be raised from current year revenue and that **\$439,510** be provided from the Waterways Special Revenue Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-193  
INTRO: 05/16/2024, 06/06/2024**

**2024-193 APPROPRIATION ORDER IN THE AMOUNT OF \$780,068 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 MARINA ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$780,068** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Marina Enterprise Fund Budget; and to meet such appropriation that **\$687,088** be raised from Enterprise Fund revenues, that **\$37,800** be provided from the Capital Trust Fund, that **\$30,000** be raised in the General Fund, and that **\$25,180** be provided from the Marina Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-194  
INTRO: 05/16/2024, 06/06/2024**

**2024-194 APPROPRIATION ORDER IN THE AMOUNT OF \$1,087,579 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 SANDY NECK PARK ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$1,087,579** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Sandy Neck Park Enterprise Fund Budget; and to meet such appropriation that **\$978,265** be raised from Enterprise Fund revenues, and that **\$109,314** be provided from the Sandy Neck Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

\_\_\_\_\_

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



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-195  
INTRO: 05/16/2024, 06/06/2024**

**2024-195 APPROPRIATION ORDER IN THE AMOUNT OF \$2,584,392 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 INSPECTIONAL SERVICES DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$2,584,392** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Inspectional Services Department Budget, and to meet such appropriation, that **\$2,584,392** be raised from current year revenue as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-196  
INTRO: 05/16/2024, 06/06/2024**

**2024-196 APPROPRIATION ORDER IN THE AMOUNT OF \$11,384,511 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 DEPARTMENT OF PUBLIC WORKS GENERAL FUND BUDGET**

**ORDERED:** That the sum of **\$11,384,511** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Department of Public Works General Fund Budget, and to meet such appropriation, that **\$11,301,371** be raised from current year revenue, that **\$56,320** be provided from the Embarkation Fee Special Revenue Fund, and that **\$26,820** be provided from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-197  
INTRO: 05/16/2024, 06/06/2024**

**2024-197 APPROPRIATION ORDER IN THE AMOUNT OF \$4,033,424 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$4,033,424** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Department of Public Works Solid Waste Enterprise Fund Budget, and to meet such appropriation that **\$4,033,424** be raised from the Enterprise Fund Revenues, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-198**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-198 APPROPRIATION ORDER IN THE AMOUNT OF \$10,934,823 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 DEPARTMENT OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$10,934,823** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Department of Public Works Water Pollution Control Enterprise Fund Budget, and to meet such appropriation that **\$5,468,434** be raised from the Enterprise Fund revenues, that **\$1,216,389** be provided from the Sewer Construction and Private Road Maintenance and Improvement Special Revenue Fund, and that **\$4,250,000** be provided from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-199**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-199 APPROPRIATION ORDER IN THE AMOUNT OF \$9,109,331 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$9,109,331** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Department of Public Works Water Supply Enterprise Fund Budget, and to meet such appropriation that **\$8,072,256** be raised from the Enterprise Fund Revenues, that **\$1,000,000** be provided from the Water Stabilization Fund, and that **\$37,075** be provided from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-200**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-200 APPROPRIATION ORDER IN THE AMOUNT OF \$264,092 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 TOWN COUNCIL BUDGET**

**ORDERED:** That the sum of **\$264,092** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Town Council Budget and to meet such appropriation, that **\$264,092** be raised from current year revenue, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-201  
INTRO: 05/16/2024, 06/06/2024**

**2024-201 APPROPRIATION ORDER IN THE AMOUNT OF \$1,575,299 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 TOWN MANAGER BUDGET**

**ORDERED:** That the sum of **\$1,575,299** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Town Manager Budget and to meet such appropriation, that **\$1,575,299** be raised from current year revenue, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

\_\_\_\_\_

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-202  
INTRO: 05/16/2024, 06/06/2024**

**2024-202 APPROPRIATION ORDER IN THE AMOUNT OF \$881,383 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 PUBLIC, EDUCATION & GOVERNMENT (PEG) ACCESS CHANNELS ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$881,383** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Public, Education & Government (PEG) Access Channels Enterprise Fund Budget, and to meet such appropriation, that **\$881,383** be raised from the PEG Enterprise Fund revenues, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>
_____	_____

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



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-203  
INTRO: 05/16/2024, 06/06/2024**

**2024-203 APPROPRIATION ORDER IN THE AMOUNT OF \$8,205,658 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 ADMINISTRATIVE SERVICES DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$8,205,658** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Administrative Services Department Budget, and to meet such appropriation, that **\$8,205,658** be raised from current year revenue, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-204  
INTRO: 05/16/2024, 06/06/2024**

**2024-204 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE TOWN COUNCIL'S FISCAL YEAR 2025 RESERVE FUND**

**ORDERED:** That the sum of **\$250,000** be appropriated for the purpose of funding the Town Council's Fiscal Year 2025 Reserve Fund, and to meet such appropriation, that **\$250,000** be provided from the General Fund Reserves.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

\_\_\_\_\_

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-205  
INTRO: 05/16/2024, 06/06/2024**

**2024-205 APPROPRIATION ORDER IN THE AMOUNT OF \$57,180,105 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2025 OTHER REQUIREMENTS BUDGET**

**ORDERED:** That the sum of **\$57,180,105** be appropriated for the purpose of funding the Town's Fiscal Year 2025 Other Requirements Budget, and to meet such appropriation, that **\$53,345,337** be raised from current year revenue, that **\$190,000** be provided from the Pension Reserve Trust Fund, that **\$43,680** be provided from the Embarkation Fee Special Revenue Fund, that **\$39,520** be provided from the Bismore Park Special Revenue Fund, and that **\$3,561,568** be provided from the General Fund reserves, all for the purpose of funding the Town's Fiscal Year 2025 General Fund Other Requirements budget as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

\_\_\_\_\_

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-206  
INTRO: 05/16/2024, 06/06/2024**

**2024-206 APPROPRIATION ORDER IN THE AMOUNT OF \$519,639 FOR OPEN SPACE AND RECREATION; \$519,639 FOR HISTORIC RESOURCES; \$519,639 FOR COMMUNITY HOUSING; \$3,094,027 FOR A BUDGET RESERVE, AND THAT THE SUM OF \$250,000 BE APPROPRIATED FROM THE ANNUAL REVENUES OF THE COMMUNITY PRESERVATION FUND FOR THE ADMINISTRATIVE EXPENSES OF THE COMMUNITY PRESERVATION COMMITTEE**

**ORDERED:** That, pursuant to the provisions of General Laws Chapter 44B, Section 6, for the Fiscal Year beginning July 1, 2024, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$519,639** for Open Space and Recreation; **\$519,639** for Historic Resources; **\$519,639** for Community Housing; **\$3,094,027** for a Budget Reserve, and that the sum of **\$250,000** be appropriated from the annual revenues of the Community Preservation Fund for the administrative expenses of the Community Preservation Committee, to be expended under the direction of the Town Manager or the Community Preservation Committee with the prior approval of the Town Manager.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

\_\_\_\_\_

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-207  
INTRO: 05/16/2024, 06/06/2024**

**2024-207 APPROPRIATION ORDER IN THE AMOUNT OF \$363,800 FOR THE PURPOSE OF PAYING THE FISCAL YEAR 2025 COMMUNITY PRESERVATION FUND DEBT SERVICE REQUIREMENTS**

**ORDERED:** That the sum of **\$363,800** be appropriated for the purpose of paying the Fiscal Year 2025 Community Preservation Fund debt service requirements, and to meet such appropriation, that **\$293,450** be provided from current year revenues of the Community Preservation Fund and that **\$70,350** be provided from the reserves for the Historic Preservation Program within the Community Preservation Fund.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Public Hearing 06/06/2024</u>

\_\_\_\_\_

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

**A. OLD BUSINESS (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-214**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-214 APPOINTMENT TO A BOARD/COMMITTEE/COMMISSION:**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Committee to assess and recommend strategies for housing creation within the Town:** Rick Presbrey, registered voter; Hilda Haye, (Chair, Housing Committee); Maryann Barboza, registered voter; Laura Shufelt, registered voter

**SPONSORS:** Appointments Committee Members: Councilor Jeffrey Mendes, Chair; Councilor Kris Clark, Vice Chair; Councilor Kristin Terkelsen; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Second Reading 06/06/2024</u>

\_\_\_\_\_

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

**A. OLD BUSINESS (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-215**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-215 APPOINTMENT TO A BOARD/COMMITTEE/COMMISSION:**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Committee to review and assess zoning and review the Town's use of Regulatory Agreements:** Ken Alsman, registered voter; Christopher Kuhn, registered voter; Catherine Campos Ledec, registered voter; Bob Schulte, registered voter

**SPONSORS:** Appointments Committee Members: Councilor Jeffrey Mendes, Chair; Councilor Kris Clark, Vice Chair; Councilor Kristin Terkelsen; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Second Reading 06/06/2024</u>

\_\_\_\_\_

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

**A. OLD BUSINESS (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-220**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-220 AMENDMENT TO THE ADMINISTRATIVE CODE TO DESIGNATE THE NON-COUNCILOR MEMBERS OF THE AD HOC COMMITTEES CREATED UNDER TOWN COUNCIL ITEMS 2024-166C and 2024-166D AS SPECIAL MUNICIPAL EMPLOYEES FOR PURPOSES OF THE STATE CONFLICT OF INTEREST LAW**

**ORDERED:** That the Town Council does hereby designate the non-Councilor members of the Ad Hoc Committee to Review and Assess Zoning and Review the Town’s Use of Regulatory Agreements and the non-Councilor members of the Ad Hoc Committee to Assess and Recommend Strategies for Housing Creation within the Town as special municipal employees for the purposes of G.L. c. 268A, the state conflict of interest law, and that the Code of the Town of Barnstable Section 241 Attachment 1 of the Administrative Code is hereby amended by adding said Ad Hoc Committees (non-Councilor members only) to the list of multiple member bodies so designated.

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

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Second Reading 06/06/2024</u>

- Read Item
- Rationale
- Council Discussion
- Vote



# BARNSTABLE TOWN COUNCIL

ITEM# 2024-220

INTRO: 05/16/2024, 06/06/2024

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Karen L. Nober, Town Attorney  
**DATE:** May 16, 2024  
**SUBJECT:** Amendment to the Administrative Code to designate the non-Councilor members of the Ad Hoc Committees created under Town Council Items 2024-166C and 2024-166D as Special Municipal Employees for purposes of the state Conflict of Interest Law

**BACKGROUND:** M.G.L. Chapter 268A, the state conflict of interest law, covers all municipal officials and employees, whether elected or appointed, paid or unpaid, full-time or part-time. However, in recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for “special” municipal employees than for other employees.

Those who serve on unpaid part-time boards or commissions are considered a regular municipal employee unless the position has been expressly designated as having “special municipal employee” status by vote of the Town Council. It is the municipal position that is designated as having “special” status, not the person or persons holding the position. Two sections of the conflict of interest law apply less restrictively to special employees: Sections 17 and 20. All other sections of the conflict law that govern regular municipal employees apply to “special municipal employees” in exactly the same way.

### *Section 17 – Acting on Behalf of Others*

Section 17 generally prohibits municipal employees from representing a private party or anyone else before municipal boards or departments. It also prohibits municipal employees from acting as agent or attorney for, or receiving compensation from, any private party in connection with any matter of direct and substantial interest to the Town.

However, if a municipal position has been designated as “special,” a person holding that position may be paid by others and may act as agent or attorney for others with respect to matters before municipal boards other than his own, as long as he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

### *Section 20 – Restrictions on Having an Interest in Contracts with the Town*

Section 20 generally prohibits municipal employees from having a direct or indirect financial interest in a contract with the Town, including having a second municipal job. This section has a number of exemptions, and there are two additional exemptions for special municipal employees.

**ANALYSIS:** Town of Barnstable Board, Committee, and Commission members have been classified by the Town Council as special municipal employees. By designating the members of the recently created ad hoc committees as special municipal employees, the Town would be consistent in how it classifies its volunteer board members for purposes of the conflict-of-interest law. Furthermore, designating the unpaid members of Town boards as “specials” encourages those who wish to serve on such boards by not placing undue restrictions on their ability to earn a living.

**FISCAL IMPACT:** There is no fiscal impact.

**A. OLD BUSINESS (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-226**  
**INTRO: 05/16/2024, 06/06/2024**

**2024-226 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Airport Commission:** Wendy Bierwirth as a regular member to a term expiring 06/30/2027; Norman Weill, as a regular member to a term expiring 06/30/2027

**SPONSORS:** Appointments Committee Members: Councilor Jeffrey Mendes, Chair; Councilor Kris Clark, Vice Chair; Councilor Kristin Terkelsen; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
<u>05/16/2024</u>	<u>Refer to Second Reading 06/06/2024</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-208  
INTRO: 06/06/2024**

**2024-208 FISCAL YEAR 2024 SPENDING LIMITATIONS**

**RESOLVED:** That the Town Council hereby authorizes the following spending limitations for Fiscal Year 2024 Revolving Funds:

- Senior Services Classroom Education Fund - **\$100,000**
- Recreation Program Fund - **\$325,000**
- Shellfish Propagation Fund - **\$200,000**
- Consumer Protection Fund - **\$600,000**
- Geographical Information Technology Fund - **\$10,000**
- Arts and Culture Program Fund - **\$50,000**

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-224  
INTRO: 06/06/2024**

**2024-224 TRANSFER ORDER IN THE AMOUNT OF \$160,530 FOR THE KNIGHT HALL CHILLER REPLACEMENT PROJECT**

**ORDERED:** That the sum of **\$160,530** be transferred from Town Council Order 2022-121 Barnstable High School and Barnstable Intermediate School Roof Top Unit Ventilator Replacement project for the Knight Hall Chiller Replacement project, including the payment of costs incidental or related thereto, and that the School Committee is authorized to contract for and expend the funds made available for these purposes.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2024-224**  
**INTRO: 06/06/2024**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Sara Ahern, Superintendent of Schools  
**DATE:** June 06, 2024  
**SUBJECT:** Transfer Order in the amount of **\$160,530** for the Knight Hall Chiller Replacement Project

**BACKGROUND:** An invitation for bid for the Barnstable High School Chiller Replacement project was issued on February 28, 2024, with four bids received. The lowest responsible and eligible bidder's cost was \$360,530. This project was originally budgeted at \$250,000 as part of the FY24 Capital Improvement Plan.

The Barnstable School Committee on May 1, 2024, voted to recommend to the Town Council a transfer of \$160,530 from the Barnstable High School and Barnstable Intermediate School Roof Top Unit Ventilator Replacement project in order to accept this bid and complete this project.

### ANALYSIS:

<b>Project cost</b>	<b>\$ 360,530</b>
Original Appropriation	\$ 250,000
Transfer Request ( <i>includes contingency</i> )	\$ 160,530
<b>Total Funds Available</b>	<b>\$ 410,530</b>

An additional \$50,000 has been requested as a contingency to cover potential change order or unforeseen cost increases that may arise during the project.

**FISCAL IMPACT:** None. The Barnstable High School and Barnstable Intermediate School Roof Top Unit Ventilator Replacement project, from which funds are being transferred from, has a current available balance of 4,156,984.00 which is sufficient to complete this project.

**STAFF ASSISTANCE:** Chris Dwelley, Deputy Finance Director for School Operations, Kevin Maxim, Interim Director of School Facilities

**B. NEW BUSINESS (First Reading) (Refer to Second Reading 06/20/2024)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-228  
INTRO: 06/06/2024**

**2024-228 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Board of Assessors:** William Garreffi as a regular member to a term expiring 06/30/2027; **Community Preservation Committee:** Deborah Converse, as a Barnstable Housing Authority representative member to a term expiring 06/30/2027; F.P. Tom Lee, as a Conservation Commission representative member to a term expiring 06/30/2027; Katherine Garofoli, as a regular member to a term expiring 06/30/2027; **Conservation Commission:** William Hearn, as a regular member to a term expiring 06/30/2027; **Elderly & Disabled Taxation Aid Committee:** William Garreffi, as a Board of Assessors member, to a term expiring 06/30/2027; **Golf Committee:** Jason Aubee, as a regular member to a term expiring 06/30/2027; Keith Hochstein, as a regular member to a term expiring 06/30/2027; **Historical Commission:** Cheryl Powell, as a regular member to a term expiring 06/30/2027; Marilyn Fifield, as a regular member to a term expiring 06/30/2027; **Human Services Committee:** Sheree Kay, as a representative member, to a term expiring 06/30/2027; **Hyannis Main Street Waterfront Historic District Appeals Committee:** Aaron Webb as a resident of Hyannis member, to a term expiring 06/30/2025; Alison Alessi as an Architectural Representative member, to a term expiring 06/30/2025; **Infrastructure and Energy Committee:** John Solomon, as a regular member, to a term expiring 06/30/2027; Peter Doyle, as a regular member, to a term expiring 06/30/2027; **Licensing Authority:** Larry Decker, as a regular member to a term expiring 06/30/2027; **Open Space Committee:** Lev Malakhoff, as a regular member to a term expiring 06/30/2027; Tracy Pratt, as a regular member to a term expiring 06/30/2027; Ann Canedy, as a regular member to a term expiring 06/30/2027; Anne Rowland, as a regular member to a term expiring 06/30/2027; **Shellfish Committee:** Robert Lancaster, as a member holding a family permit to a term expiring 06/30/2027; Doug Crook, as a regular member to a term expiring 06/30/2027; Jacob Angelo, a member-at-large to a term expiring 06/30/2027; Paul Hendricks Jr., as a professional fisheries trained member to a term expiring 06/30/2027; **Youth Commission:** Isabelle Rudy, a student member to a term expiring 06/30/2025; Michaela Stampfl, a student member to a term expiring 06/30/2025; Shalanda Grant, a student member to a term expiring 06/30/2025; Madeleine Boyle, a student member to a term expiring 06/30/2025; Mary Steinhilber, a student member to a term expiring 06/30/2025; Sophia Machnik, as a student member to a term expiring 06/30/2025; Cameron Levesque, as a student member to a term expiring 06/30/2025; Jaden Jeffries, as a student member to a term expiring 06/30/2025; Daniel Gomes; as a student member to a term expiring 06/30/2025; Megan Garthee, as a student member to a term expiring 06/30/2025;

**SPONSORS:** Appointments Committee Members: Councilor Jeffrey Mendes, Chair; Councilor Kris Clark, Vice Chair; Councilor Kristin Terkelsen; Councilor Charles Bloom; and Councilor Seth Burdick

DATE            ACTION TAKEN

\_\_\_\_\_

\_\_\_\_\_

- Read Item
- Rationale
- Council Discussion
- Vote

**B. NEW BUSINESS (First Reading) (Refer to Second Reading 06/20/2024)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2024-229  
INTRO: 06/06/2024**

**2024-229 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Hyannis Main Street Waterfront Historic District Commission:** Peri Wentworth, as an alternate member to a term expiring 06/30/2026; Conrad Watson, as an alternate member to a term expiring 06/30/2026; **Disability Commission:** Eileen Elias, as a regular member to a term expiring 06/30/2027; Inna Podgornaya, as a regular member to a term expiring 06/30/2027; **Housing Committee:** Eileen Elias as an alternate member to a term expiring 06/30/2025

**SPONSORS:** Appointments Committee Members: Councilor Jeffrey Mendes, Chair; Councilor Kris Clark, Vice Chair; Councilor Kristin Terkelsen; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
_____	_____
_____	_____

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