



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
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Original posted
05/08/2026@1:40
Updated on 5/12/06 to
add Full Council to
Vote on Items 2026-167
and 2026-168

TOWN COUNCIL MEETING
May 14, 2026
6:00pm

Councillors:

Craig Tamash
President
Precinct 4

Kris Clark
Vice President
Precinct 11

Gordon Starr
Precinct 1

Thomas Keane
Precinct 2

Betty Ludtke
Precinct 3

John Crow
Precinct 5

William Crocker
Precinct 6

Seth Burdick
Precinct 7

Lisa DaLuz
Precinct 8

Charles Bloom
Precinct 9

Matthew P. Levesque
Precinct 10

Barry Sheingold
Precinct 12

Felicia Penn
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.lovell@barnstable.gov

The May 14, 2026 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2nd 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:

<https://barnstable.cablecast.tv/internetchannel/watch-now>

2. Written Comments that will be distributed to the entire Town Council may be submitted to:

council@barnstable.gov

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/83937143354> Meeting ID: 839 3714 3354
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 and available on Video on Demand on the Town website)

7. MINUTES

- **ACT ON PUBLIC SESSION MINUTES: April 30, 2026**

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

- **Waterways Committee update: Paul Everson, Chair**

Workshop

- **SETTING SPEED LIMITS IN BARNSTABLE**

Daniel W. Santos, PhD, P.E. , Director of Public Works; James Kupfer, Director, Planning and Development; Jean Challies, Chief, Barnstable Police Department

9. ORDERS OF THE DAY

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

10. ADJOURNMENT

NEXT REGULAR MEETING: May 28, 2026

ITEM NO.	INDEX TITLE	PAGE
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A. OLD BUSINESS

2026-167	Appropriation and Loan Order in the amount of \$786,488 for a feasibility study and schematic design and associated project management for the Roof Replacement Projects at the Barnstable High School and Barnstable Intermediate School (Public Hearing) (Roll Call 2/3 Vote Full Council)	5-6
2026-168	Appropriation Order in the amount of \$320,000 for the purpose of funding outside counsel expenses of the Legal Department (Public Hearing) (Roll Call Majority Vote Full Council)	7-8
2026-169	Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and Seashore Homes, Inc. for sixteen (16) new market rate residential rental units and two (2) affordable rental units located at 83 Main Street, Hyannis, MA (May be acted upon) (Majority Vote)	9-21

B. NEW BUSINESS

Consent Agenda

Proposed Vote: To refer Items **2026-170; 2026-171** and **2026-173**, as written, to Second Readings at the Town Council meeting scheduled on May 28, 2026.

To refer Items **2026-174** and **2026-200** to individual Public Hearings at the Town Council meeting on May 28, 2026

2026-170	Appointments to a Board/Committee/Commission: Comprehensive Financial Advisory Committee: John Virgona, as a regular member to a term expiring 06/30/2028; Historical Commission: Megan Farrington Greenwell, as a regular member to a term expiring 06/30/2028; Housing Committee: Meaghan Mort, as a regular member to a term expiring 06/30/2027; Infrastructure and Energy Committee: Jignesh Amin, as a regular member to a term expiring 06/30/2028; (First Reading) (Refer to Second Reading 05/28/2026)	22
2026-171	Reappointments to a Board/Committee/Commission: Hyannis Main Street Waterfront Historic District Commission: Laura Cronin, as a regular member, to a term expiring 06/30/2028; Steamship Authority Port Council: Greg Egan, as a Town of Barnstable Representative member, to a term expiring 12/30/2028 (First Reading) (Refer to Second Reading 05/28/2026)	23
2026-172	Resolve approving Mark S. Ells’ outside employment with Cape Cod Community College (May be acted upon) (Majority Vote)	24
2026-173	Order authorizing an Intergovernmental Agreement between the Town of Barnstable and Barnstable County for Shared Regional Housing Services (First Reading) (Refer to Second Reading 05/28/2026)	25-26
2026-174	Appropriation Order in the amount of \$10,000 in Community Preservation Historic Preservation Funds for preservation work at the Rothwell Icehouse at the Dottridge Homestead, located at 1148 Main Street, Cotuit (Refer to Public Hearing 05/28/2026)	27-28
2026-199	Transfer Order in the amount of \$160,500 for the purpose of funding unanticipated operating expenditures in the Department of Public Works (May be acted upon) (Majority Vote)	28-29

2026-200 Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 86 Funds, Article III Revolving Funds to add a Revolving Fund for Electric Vehicle Charging Stations and to modify the Asset Management Fund **(Refer to Public Hearing 05/28/2026)**30-36

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 2/3 Vote Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-167

INTRO: 04/30/2026, 05/14/2026

2026-167 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$786,488 FOR A FEASIBILITY STUDY AND SCHEMATIC DESIGN AND ASSOCIATED PROJECT MANAGEMENT FOR THE ROOF REPLACEMENT PROJECTS AT THE BARNSTABLE HIGH SCHOOL AND BARNSTABLE INTERMEDIATE SCHOOL

ORDERED: That the amount of **\$786,488** be appropriated for the purpose of paying feasibility study and schematic design costs and associated project management for the potential roof replacement projects at the Barnstable High School (**\$588,874**), located at 744 West Main Street, Hyannis, MA, and the Barnstable Intermediate School (**\$197,614**), located at 895 Falmouth Road, Hyannis, MA, including the payment of all costs incidental or related thereto (the “Projects”), which proposed repair Projects would materially extend the useful life of the schools and preserve assets that otherwise are capable of supporting the required educational programs, and for which the Town of Barnstable, through the Barnstable School Committee, has applied for grants from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Barnstable School Committee. To meet this appropriation the Town Treasurer, with the approval of the Town Council, is authorized to borrow **\$786,488** under and pursuant to M.G.L. Chapter 44, Section 7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The Town of Barnstable acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on the proposed repair Projects, any project costs the Town of Barnstable incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town of Barnstable; and that, if invited to collaborate with the MSBA on the proposed repair Projects, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement(s) that may be executed between the Town of Barnstable, through the Barnstable School Committee, and the MSBA. It is further Ordered that the appropriation and loan order under Town Council agenda item 2026-068 for **\$350,000** for the purpose of paying feasibility study and schematic design costs and associated project management for the potential roof replacement project at the Barnstable High School, located at 744 West Main Street, Hyannis, MA, be rescinded, and the appropriation and loan order under Town Council agenda item 2026-069 for **\$350,000** for the purpose of paying feasibility study and schematic design costs and associated project management for the potential roof replacement project at the Barnstable Intermediate School, located at 895 Falmouth Road, Hyannis, MA, be rescinded.

SPONSOR: Mark S. Ells, Town Manager, at the request of the School Committee

DATE	ACTION TAKEN
<u>04/30/2026</u>	<u>Refer to Public Hearing 05/14/2026</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-167

INTRO: 04/30/2026, 05/14/2026

SUMMARY

TO: Town Council
FROM: Town Manager Mark Ells and Superintendent Sara Ahern
THROUGH: Chris Dwelley, Deputy Finance Director for School Operations/ School Committee Members
DATE: April 30, 2026
SUBJECT: Appropriation and Loan Order in the amount of **\$786,488** for a feasibility study and schematic design and associated project management for the Roof Replacement Projects at the Barnstable High School and Barnstable Intermediate School

BACKGROUND: The Town of Barnstable has been invited to participate in the Massachusetts School Building Authority's (MSBA) Accelerated Repair Program to replace the roof of Barnstable High School and Barnstable Intermediate School. The Town Council, in conjunction with the School Committee, voted in November 2025 to appropriate \$700,000 to begin this process.

Since that appropriation vote, the MSBA and the Town have finalized Project Manager and Designer Selection. The total contract cost for both efforts came to \$786,488, necessitating a request for an additional \$86,488. Along with requesting additional funds, this request rescinds the original appropriations and combines them into a single appropriation.

FINANCIAL IMPACT: The financial impact associated with this vote is \$86,488. There is no further financial impact expected with this phase of the project. The MSBA reimburses districts for project management and schematic design costs at an estimated rate of 35%.

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

STAFF ASSISTANCE: Chris Dwelley, Deputy Finance Director for School Operations, Doug Boulanger, Director of School Facilities

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-168
INTRO: 04/30/2026, 05/14/2026

2026-168 APPROPRIATION ORDER IN THE AMOUNT OF \$320,000 FOR THE PURPOSE OF FUNDING OUTSIDE COUNSEL EXPENSES OF THE LEGAL DEPARTMENT

ORDERED: That the amount of **\$320,000** be appropriated from the General Fund Reserves for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger LLP, which is serving as outside counsel to the Town with respect to the lawsuit filed against the Town in July 2024 by the Conservation Law Foundation (CLF), as amended to add certain claims under state law.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/30/2026</u>	<u>Refer to Public Hearing 05/14/2026</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-168
INTRO: 04/30/2026, 05/14/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Karen L. Nober, Town Attorney
DATE: April 30, 2026
SUBJECT: Appropriation Order in the amount of **\$320,000** for the purpose of funding outside counsel expenses of the Legal Department

BACKGROUND: In February 2021, the Conservation Law Foundation (“CLF”) filed a lawsuit against the Town of Barnstable alleging violation of the federal Clean Water Act for operating the Town’s wastewater treatment facility without obtaining a National Pollutant Discharge Elimination System permit for discharges from the facility. In October 2021, the Town filed a motion to dismiss the Clean Water Act lawsuit, and in July 2022, U.S. District Court Judge Burroughs granted the Town’s motion and issued an Order of Dismissal. CLF then filed a motion for reconsideration, which Judge Burroughs denied in January 2023. However, she amended her Order of Dismissal to be a dismissal without prejudice, meaning that CLF could file a new lawsuit against the Town.

In February 2023, CLF sent the Town a new Notice of Intent to Sue, and in July 2024, CLF filed a new suit in federal district court against the Town for alleged violations of the Clean Water Act. The Town filed a motion to dismiss, and on June 5, 2025, the Town’s motion was granted in part and denied in part. On July 31, 2025, Judge Burroughs denied the Town’s motion for an interlocutory appeal, and the lawsuit is now in the discovery phase. On November 6, 2025, CLF sent the Town a Notice of Intent to Sue for environmental claims under state law. On February 19, 2026, Judge Burroughs approved CLF’s motion to amend its complaint to add the state law claims.

The funding in this requested appropriation order, in addition to funds remaining from the most recent appropriation approved at the end of December 2025, would be used to continue to pay the costs of this litigation through September 2026, which is when expert discovery ends under the current schedule. Fact discovery, and particularly depositions, will be intensive in April and May. Fact discovery currently has a May 22, 2026 deadline, but it is possible that deadline may be extended. Once that is complete, the expert discovery process will begin.

FISCAL IMPACT: With respect to its federal claims, CLF is seeking to shut down the Town’s wastewater treatment facility and is seeking more than \$100 million in civil penalties. With respect to its state law claims, CLF is seeking to accelerate the implementation of the Town’s Wastewater Comprehensive Management Plan. The relief and penalties sought by CLF under the Clean Water Act and under its state law claims would have a potentially substantial financial impact on the Town, and it is therefore critically important that the Town continue to have the benefit of representation by counsel with significant experience and expertise in these types of matters as well as guidance from technical experts.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-169
INTRO: 04/30/2026, 05/14/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development
DATE: April 13, 2026
SUBJECT: Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and Seashore Homes, Inc. for sixteen (16) new market rate residential rental units and two (2) affordable rental units located at 83 Main Street, Hyannis, MA

RATIONALE: The Tax Increment Financing and Tax Increment Exemption Advisory Committee of the Town Council recommends approval of the Housing Development Incentive Program Tax Increment Exemption request from developer Seashore Homes for the property located at 83 Main Street, Hyannis. The project will create sixteen (16) market rate units, and two (2) deed restricted affordable unit for a total of ten (18) units.

In January 2018, the Town Council approved the proposed Downtown Hyannis HD Zone and Plan and in March 2018 the Town received approval of its Zone from the Department of Housing and Community Development (now EOHLC). Approval of this Zone allows the Town to enter into Tax Increment Exemption Agreements with property owners within the Zone.

The goals of the Housing Development Incentive Program, which authorizes Tax Increment Exemption Agreements, are to increase residential growth, expand diversity of housing supply, support economic development and promote neighborhood stabilization.

The Housing Development Program (HDIP) staff review committee, and the Town Council Tax Incentive Committee reviewed the application from Seashore Homes and found it to be complete and that the development meets the objectives of the HDIP Plan including increasing residential stock and diversity of housing choice. The Operating Pro Forma is reasonable and in line with industry standards. Based on limited availability of comparable development in the HDIP Zone, the proposed rents, at \$2,300 per month for a 2-bedroom unit and \$1,800 per month for a 1-bedroom, are priced consistently lower than prevailing rents. The development will have a positive impact on housing supply and, in turn, support economic development.

The TIE Agreement is a contract between the property owner and the municipality which sets forth the amount of tax exemption and the duration of the benefits. The Tax Increment Financing and Tax Increment Exemption Advisory Committee recommends a 80% Tax Exemption for years 1-5, 50% Tax Exemption for years 6-10 on increased value of the market rate units estimated to be \$2,876,722.00.

If approved by the Town, this project and TIE Agreement must also be approved by the State Executive Office of Housing and Livable Communities.

FISCAL IMPACT: The estimated assessed value of the property when developed as proposed is \$3,565,222 resulting in an estimated increase of \$2,876,722 in assessed value subject to TIE. As

proposed, the total estimated value of the TIE is \$144,638.25. This includes an estimated \$140,425.48 in property tax savings and \$4,212.76 in Community Preservation Tax savings for the developer. By approving the TIE Agreement, the Town agrees to forgo this estimated tax revenue over 10 years in exchange for the redevelopment of this property that creates sixteen (16) new year-round Market Rate rental housing units and two (2) affordable unit deed restricted to 65% Area Median Income.

STAFF ASSISTANCE: Mark Milne, Finance Director; John Curran, Director of Assessing; Corey Pacheco, Senior Planner, Planning and Development; Arden Cadrin, Consultant.

HOUSING DEVELOPMENT INCENTIVE PROGRAM

TAX INCREMENT EXEMPTION (TIE) AGREEMENT

Between
Town of Barnstable
and
Seashore Homes, Inc.

This AGREEMENT is made this ____ day of ____, 20____ by and between the Town of Barnstable (“Municipality”) and Seashore Homes, Inc. a Massachusetts Corporation with an address at 10 Embassy Lane, Yarmouthport, MA 02675

Section 1 – Agreement

The Municipality and the Sponsor, for good and valuable consideration and in consideration of the covenants and agreements herein contained, hereby make this agreement regarding a tax increment exemption pursuant to the Housing Development (HD) Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 (HD TIE), with respect to the Property as herein defined.

Section 2 – Definitions

Each reference in this Agreement to the following terms shall be deemed to have the following meanings:

- Act: M.G.L. c. 40V as may be amended from time to time.
- Completion: Certificates of occupancy have been issued for the entire Project.
- EOHLC: Executive Office of Housing and Livable Communities.
- DHCD: Department of Housing and Community Development.
- Event of Default: An “Event of Default” as defined in Section 5 below.
- Final Certification: Determination by EOHLC that the Sponsor has completed the new construction or substantial rehabilitation of the Property, consistent with the New Construction or Rehabilitation Plans, including the creation of MRRUs, as set forth in the Act and the Regulations.
- Fiscal Year: An annual period of July 1 through June 30.
- HD Project: A Certified Housing Development Project as defined in the Act and the Regulations.
- HD Zone: The Housing Development Zone adopted by the Town of Barnstable on January 18, 2018 and approved by EOHLC (formerly DHCD) as evidenced by a Certificate of Approval dated March 9, 2018, and recorded in the Barnstable County Registry of Deeds on February 20, 2020, in Book 32703, Page 1, as amended on January 21, 2021, and approved by EOHLC as evidenced by a Certificate of Approval dated March 2, 2021 and recorded in the Barnstable County Registry of Deeds in Book 36252, Page 251.

Lead Municipality: Town of Barnstable

MRRU: Market Rate Residential Unit(s) as defined at Section 3.B.1.

Property: 83 Main Street, Hyannis, MA as shown in Exhibit 1, "Map of Property" and further described in Exhibit 2, "Legal Description of Property".

Regulations: 760 CMR 66.00.

New Construction or Rehabilitation Plans: The material submitted for Conditional Certification pursuant to 760 CMR 66.05(3)(a) and approved by EOHLIC.

Sponsor: Seashore Homes, Inc. a Massachusetts corporation, with a principal office located at 10 Embassy Lane, Yarmouth Port, MA02675, its successors and assigns.

Section 3 – Sponsor’s Covenants

A. New Construction or Substantial Rehabilitation of the Property. Sponsor will undertake the new construction or substantial rehabilitation of the Property in accordance with the work and schedule set forth in the New Construction or Rehabilitation Plans.

B. Market Rate Residential Units.

1) There shall be a total of 18 residential rental units created in the Project of which 16 shall be MRRUs comprised of 8 one bedroom 1 bath and 10 two bedroom 1 ½ bath residential rental units. The monthly rent for such units shall be priced- consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the Department, as set forth in Exhibit 3, "Market Rate Residential Units – Pricing Plan".

2) Sponsor shall use good faith efforts to maintain the units as MRRUs for a minimum of 20 years.

C. Marketing. Sponsor shall cause the MRRU to be marketed in a manner that is consistent with the strategies, implementation plan and affirmative fair housing efforts set out in the New Construction or Rehabilitation Plans.

D. HD Project Certification. Sponsor shall take all actions reasonably necessary to obtain Final Certification of the Property as an HD Project including but not limited to submitting applications to EOHLIC for Conditional Certification and Final Certification consistent with the requirements of the Act and the Regulations.

Section 4 – Tax Increment Exemption

Municipality agrees to grant Sponsor an exemption to the real property taxes due on the Property pursuant to G.L. c.59 according to the following terms.

A. Base Value. Consistent with 760 CMR 66.06(c), the Base Value is \$688,500 and equal to the assessed value (or aggregate thereof) of the parcel(s) that comprise the property as of the fiscal year in which a HD Tax Increment Exemption Agreement is executed by the Sponsor and the Municipality with respect to the parcel or parcels, as the case may be, and prior to the start of any new construction or Substantial Rehabilitation activities, including demolition, minus the assessed value attributable to any portion of the property that was assessed as other than residential in the applicable fiscal year and remains non-residential after

completion of new construction or Substantial Rehabilitation.

B. MRRU Percentage. 88.89 % per cent. The MRRU Percentage shall be confirmed as required in paragraph F, below.

C. Exemption Percentage. Commencing on the Effective Date which shall be Fiscal Year 1: 80% Years 1-5, 50 % Years 6-10

D. The Increment. As defined at 760 CMR 66.06(1)(b)(1).

E. Calculation. For each Fiscal Year during the term of this Agreement, the HD TIE shall be determined by applying the Exemption Percentage to the property tax on the Increment.

F. Confirmation or Amendment of Calculation. Upon Completion, and prior to applying for Final Certification of the Project, the Sponsor and Municipality shall file a "Tax Increment Exemption – Confirmation of Calculation" in the form attached as Exhibit 4 ("TIE Confirmation"). To the extent that the dates or figures in the TIE Confirmation differ from those set forth in this Agreement, the contents of the TIE Confirmation shall control and shall be deemed to have amended this Agreement.

Section 5 – Default

A. Event of Default. An "Event of Default" shall arise under this Agreement upon the occurrence of any one or more of the following events:

1) Breach of Covenant Prior to Final Certification. Subject to the limitations set forth in the Regulations at section 66.05(4)(b), Sponsor defaults in the observance or performance of any material covenant, condition or agreement to be observed or performed by Sponsor pursuant to the terms of this Agreement, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

2) Breach of Covenant Subsequent to Final Certification. Sponsor's conduct is materially at variance with the representations made in its New Construction or Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

3) Misrepresentation. Any representation made herein or in any report, certificate, financial statement or other instrument furnished in connection with this Agreement shall prove to be false in any material respect.

B. Rights on Default.

1) Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final Certification, then this Agreement shall become null and void.

- 2) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:
- a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that EOHLC revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which EOHLC determines that a material variance commenced.
 - b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.
 - c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.
- 3) Other Remedies. The Municipality's rights upon the occurrence of an Event of Default are in addition to those granted to EOHLC and the Massachusetts Commissioner of Revenue under the terms of the Act.

Section 6 – Miscellaneous

- A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following EOHLC's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations. The Effective Date shall be confirmed as required under Section 4.F above.
- B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.
- C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:
- 1) Until Completion, the status of construction in relation to the schedule contained in the New Construction or Rehabilitation Plan;
 - 2) Until Completion, the status of marketing in relation to the New Construction or Rehabilitation Plans; and
 - 3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.
- D. Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.
- E. Notices. In conjunction with concurrent electronic submission as provided for below or, if reasonable efforts can determine that such information is no longer current, otherwise reasonably obtainable and verifiable electronic contact information, any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and, unless general measures for electronic receipt as a substitute are in place at such time or can otherwise be reasonably assumed due to publicized or immediately foreseeable remote working conditions, shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

1) Municipality: Town Manager
Town of Barnstable, 367 Main Street, Hyannis, MA 02601

Email: mark.ells@town.barnstable.ma.us

2) Sponsor: Seashore Homes, Inc. , 10 Embassy Lane, Yarmouth Port, MA 02675

Email: deb@seashorehomescapecod.com

3) Copy to EOHLC: All such notices shall be copied to EOHLC at:

HDIP Program Coordinator
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
eohlchdip@mass.gov

4) Change of Address. Either party may change the address to which notices are to be sent to it by giving written notice of such change of address to the other party in the manner herein provided for giving notice.

F. Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose for which given. No failure or delay on the part of Municipality in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege.

IN WITNESS WHEREOF, the Sponsor has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, and the Municipality has caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Town Manager, Mark Ells as of the day and year first above written.

[SIGNATURES ON NEXT PAGE]

Town of Barnstable

Seashore Homes Inc.

By: Mark S. Ells, Town Manager.

By: Deborah A. Mason President

By:

By:

EXHIBIT 1

MAP OF PROPERTY

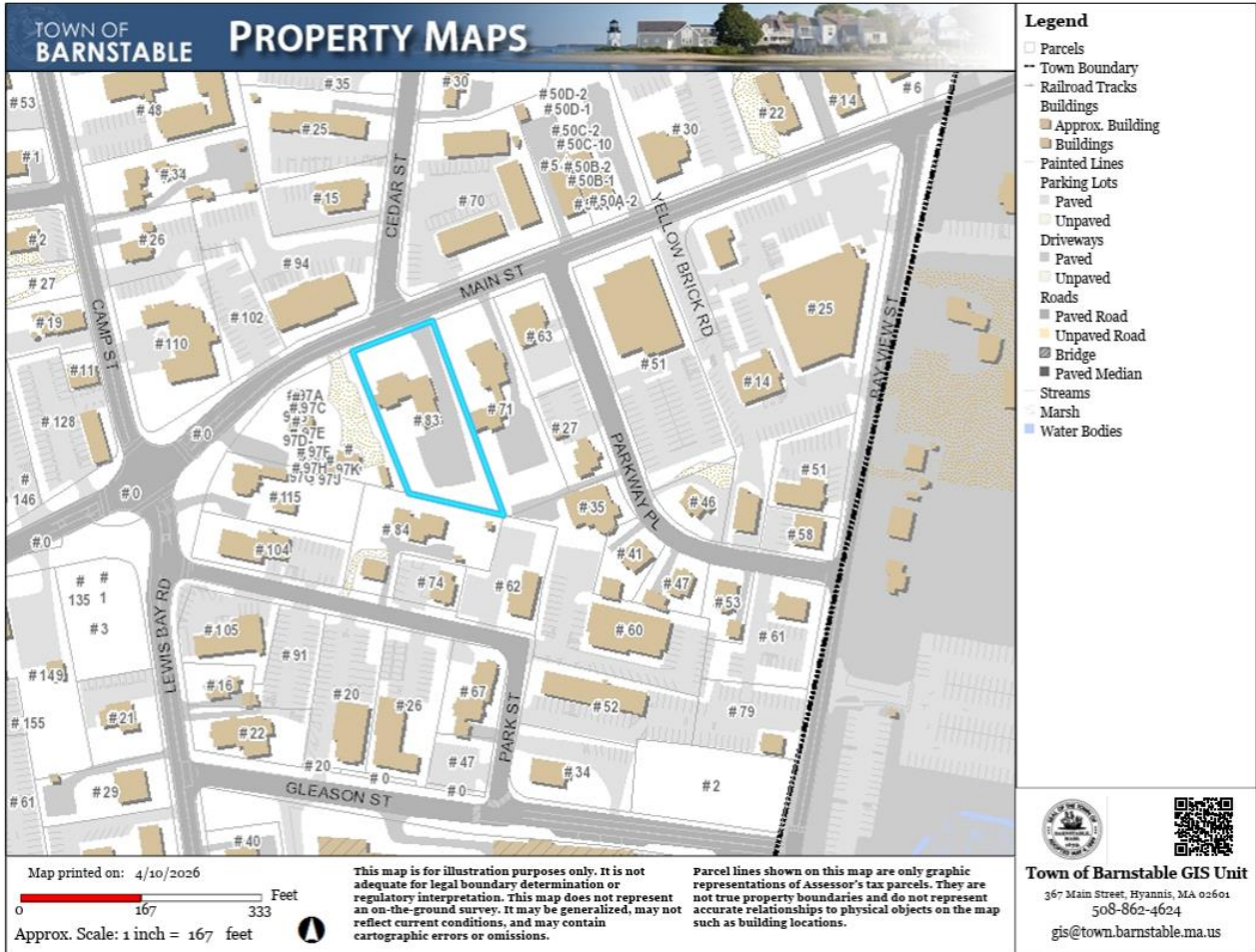


EXHIBIT 2

DESCRIPTION OF PROPERTY

Bk 37291 Pg9 #46170
11-07-2025 @ 10:57a

NOT AN OFFICIAL COPY NOT AN OFFICIAL COPY

NOT AN OFFICIAL COPY NOT AN OFFICIAL COPY

QUITCLAIM DEED

PROPERTY ADDRESS: 83 MAIN STREET, HYANNIS MA 02601

I, ERIN C. AIKEN, SUCCESSOR TRUSTEE of the A.P.B. REALTY TRUST under a Declaration of Trust dated May 25, 1983, and recorded with the Barnstable County Registry of Deeds in Book 3764, Page 301 (the "Trust"), see Appointment of Successor Trustee dated September 10, 2025 and Resignation of Steven L. Aiken, the original Trustee, dated September 10, 2025 recorded herewith, of Hyannis, MA 02601,

For consideration paid of ONE MILLION and 00/100 DOLLARS (\$1,000,000.00).

Grant to SEASHORE HOMES, INC, a Massachusetts business corporation with an address of 10 Embassy Lane, Yarmouth Port, MA 02675,

With QUITCLAIM COVENANTS,

The land together with the buildings contained thereon, situated in that part of the Town of Barnstable, Barnstable County, Massachusetts known as Hyannis, and located on the Southerly side of Main Street, and now numbered 83 Main Street, being more particularly bounded and described as follows, viz:

- NORTHERLY by said Main Street, there measuring one hundred fifteen (115) feet;
- EASTERLY by land now or formerly of Marston Woodbury and Lillian W. Woodbury, there measuring two hundred eighty-four (284) feet;
- SOUTHERLY by land now or formerly of Frank P. Hallett, there measuring one hundred forty-four (144) feet; and
- WESTERLY by land now or formerly of Eliza B. Homer, there measuring two hundred five (205) feet.

Containing 28,400 square feet of land, be any and all of said measurements, more or less.

For title, see Deed recorded with the Barnstable Registry of Deeds in Book 3764, Page 306.

MASSACHUSETTS STATE RECORD TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 11-07-2025 @ 10:57am
Ch# 167 Doc# 46170
Tax: \$3,400.00 Fees: \$1,000,000.00

BARNSTABLE COUNTY RECORD TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 11-07-2025 @ 10:57am
Ch# 167 Doc# 46170
Tax: \$3,400.00 Fees: \$1,000,000.00

EXHIBIT 3

MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Proposed Initial

Monthly Rent(s)*: one bedroom - \$1800
 two bedroom - \$2300

*units shall be priced in compliance with DHCD’s HDIP Guidelines and 760 CMR 66.04(2)(f)

EXHIBIT 4

TAX INCREMENT EXEMPTION – CONFIRMATION OF CALCULATION

[FORM TO REMAIN BLANK UNTIL PROJECT COMPLETED AND ELIGIBLE FOR FINAL CERTIFICATION]

In connection with the Tax Increment Exemption Agreement dated _____, 20____ by and between the MUNICIPALITY, and _____, a STATE FORM OF ORGANIZATION with an address at _____, with respect to the property at _____ (the “Agreement”), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

1. The effective date of the Agreement is: _____
2. The MRRU Percentage is: _____
3. The assessed value of the residential portion of the Property upon Completion is: _____

To the extent that the dates or figures in this “Tax Increment Exemption – Confirmation of Calculation” differ from those set forth in the Agreement, the contents of this document shall control and shall be deemed to have amended the Agreement.

MUNICIPALITY SPONSOR

By: [CHIEF EXECUTIVE OFFICER]
Its:

By:

Dated: _____

B. NEW BUSINESS (First Reading) (Refer to Second Reading 05/28/2026)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-170
INTRO: 05/14/2026**

2026-170 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:** John Virgona, as a regular member to a term expiring 06/30/2028; **Historical Commission:** Megan Farrington Greenwell, as a regular member to a term expiring 06/30/2028; **Housing Committee:** Meaghan Mort, as a regular member to a term expiring 06/30/2027; **Infrastructure and Energy Committee:** Jignesh Amin, as a regular member to a term expiring 06/30/2028; **(First Reading) (Refer to Second Reading 05/28/2026)**

SPONSOR: Appointments Committee Members: Councilor Seth Burdick, (Chair); Councilor Thomas Keane; Councilor John Crow; Councilor Charles Bloom; and Councilor Gordon Starr

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read Item
- _____ Rationale
- _____ Council Discussion
- _____ Vote

B. NEW BUSINESS (First Reading) (Refer to Second Reading 05/28/2026)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-171
INTRO: 05/14/2026**

2026-171 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Hyannis Main Street Waterfront Historic District Commission:** Laura Cronin, as a regular member, to a term expiring 06/30/2028; **Steamship Authority Port Council:** Greg Egan, as a Town of Barnstable Representative member, to a term expiring 12/30/2028

SPONSOR: Appointments Committee Members: Councilor Seth Burdick, (Chair); Councilor Thomas Keane; Councilor John Crow; Councilor Charles Bloom; and Councilor Gordon Starr

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-172
INTRO: 05/14/2026**

**2026-172 RESOLVE APPROVING MARK S. ELLS’ OUTSIDE EMPLOYMENT WITH
CAPE COD COMMUNITY COLLEGE**

RESOLVED: That, in accordance with Section 7 of the Employment Agreement between the Town of Barnstable and Mark S. Ells effective July 1, 2021, the Barnstable Town Council does hereby approve Mark S. Ells’ outside employment with Cape Cod Community College (the “College”) to allow him to continue teaching at the College for the period of July 1, 2026, through June 30, 2027.

SPONSOR: Craig Tamash, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

B. NEW BUSINESS (Refer to Second Reading 05/28/2026)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-173
INTRO: 05/14/2026**

**2026-173 ORDER AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN OF BARNSTABLE AND BARNSTABLE COUNTY FOR
SHARED REGIONAL HOUSING SERVICES**

ORDERED: That the Town Council authorizes the execution and delivery by the Town Manager of an Intergovernmental Agreement, pursuant to M.G.L. c. 40, § 4A, under which Barnstable County shall perform shared regional housing services for the Town for a term not-to-exceed two years in an amount not-to-exceed **\$132,990**.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ____ Read Item
- ____ Rationale
- ____ Council Discussion
- ____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-173
INTRO: 05/14/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development
DATE: May 14, 2026
SUBJECT: Order authorizing an Intergovernmental Agreement between the Town of Barnstable and Barnstable County for Shared Regional Housing Services

BACKGROUND: The Town of Barnstable, through its Planning & Development Department, seeks to enter into an Intergovernmental Agreement (IGA) with Barnstable County for Shared Regional Housing Services (SRHS). The IGA would run from July 1, 2026, through June 30, 2027, with total payments not to exceed \$88,660. The contract also offers an option to renew for one additional year at \$44,330. The program is administered by Barnstable County and delivered by a consultant team led by Barrett Planning Group (BPG).

The SRHS program provides the Town of Barnstable with shared, regionally coordinated affordable housing planning and technical assistance services. These services are structured under three tiers:

- Tier 1 – Regional Support Activities: Program administration, maintenance of the Regional Affordable Housing Database and stakeholder contact list, bi-weekly virtual office hours, quarterly progress reports, and at least two annual virtual workshops.
- Tier 2 – Community Support Activities: Direct technical assistance to municipal staff on affordable housing matters, including review of bylaws and regulations, developer proposal review, affirmative fair housing marketing plan preparation, deed restriction monitoring and preservation, and liaison with the Executive Office of Housing and Livable Communities (EOHLC) on Subsidized Housing Inventory (SHI) matters.
- Tier 3 – Monitoring Services: Monitoring of deed-restricted affordable housing units, preparation of compliance reports for Local Initiative Program (LIP) certifications to EOHLC, and general tracking of all deed-restricted units.

This contract supports the Town's ongoing efforts to expand affordable housing opportunities, maintain compliance with state affordable housing requirements, and provide professional-level housing planning services in a cost-effective regional model.

FISCAL IMPACT: Funding in the amount of \$44,330 will be expended from the Affordable Housing Growth and Development Trust Board fund and \$44,330 will be expended from the Planning and Development Department operating budget. If the option year is exercised, the additional \$44,330 will be expended from the Planning and Development Department Operating Budget.

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

STAFF ASSISTANCE: James S. Kupfer, Director of Planning and Development; Corey Pacheco, Senior Planner, Planning and Development.

B. NEW BUSINESS (Refer to Public Hearing 05/28/2026)

BARNSTABLE TOWN COUNCIL

**ITEM#2026-174
INTRO: 05/14/2026**

2026-174 APPROPRIATION ORDER IN THE AMOUNT OF \$10,000 IN COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS FOR PRESERVATION WORK AT THE ROTHWELL ICEHOUSE AT THE DOTTRIDGE HOMESTEAD, LOCATED AT 1148 MAIN STREET IN COTUIT

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of **\$10,000** be appropriated to the Historical Society of Santuit and Cotuit, Inc. for preservation work on the historic resource known as the Rothwell Icehouse located at the Dottridge Homestead, 1148 Main Street, Cotuit, as shown on Assessor’s Map 034, Parcel 051; and that to meet this appropriation that the remaining funds in the amount of **\$10,000** in Town Council Order 2025-032, passed October 10, 2024, be transferred to this project. It is furthered ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to the oversight of the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-174
INTRO: 05/14/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee on behalf of the Community Preservation Committee
DATE: May 14, 2026
SUBJECT: Appropriation Order in the amount of **\$10,000** in Community Preservation Historic Preservation Funds for preservation work at the Rothwell Icehouse at the Dottridge Homestead, located at 1148 Main Street, Cotuit

BACKGROUND: In 2024, under Town Council Order 2025-032, the Barnstable Town Council appropriated \$33,000 in Community Preservation Historic Preservation Funds to the Historical Society of Santuit and Cotuit, Inc. (HSSC) for installation of an HVAC system in the attic of the Dottridge Homestead Museum and restoration of the buttery. The completed work included in the Community Preservation Application cost less than the original budget, resulting in \$10,000 of unspent grant funds.

At the April 27, 2026, Community Preservation Committee meeting, the 7 members present voted unanimously to support and recommend HSSC's request to use the remaining portion of the HSSC's Community Preservation Historic Preservation grant in the amount of \$10,000 for a new roof and cedar shingles for the Rothwell Icehouse located at the Dottridge Homestead.

ANALYSIS: The use of Community Preservation Historic Preservation funds for a new roof and cedar shingles for the Rothwell Icehouse is an eligible use of Community Preservation Act funds. The existing preservation restriction for the Dottridge Homestead includes the Rothwell Icehouse building.

FISCAL IMPACT: There is no impact on the General Fund Operating Budget.

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

VOLUNTEER ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-199
INTRO: 05/14/2026**

2026-199 TRANSFER ORDER IN THE AMOUNT OF \$160,500 FROM THE FISCAL YEAR 2026 DEPARTMENT OF PUBLIC WORKS PERSONNEL OPERATING BUDGET TO THE FISCAL YEAR 2026 DEPARTMENT OF PUBLIC WORKS OPERATING EXPENSE BUDGET

ORDERED: That the amount of **\$160,500** be transferred from the Fiscal Year 2026 personnel operating budget in the Department of Public Works to the Fiscal Year 2026 operating expense budget in the Department of Public Works for the purpose of funding unanticipated expenses incurred in Fiscal Year 2026, including the septic system failure at Barnstable Police Department, the breakdown of the ammonia plant at the Hyannis Youth & Community Center, and other expenses.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-199
INTRO: 05/14/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: May 14, 2026
SUBJECT: Transfer Order in the amount of **\$160,500** from the Fiscal Year 2026 Department of Public Works Personnel Operating Budget to the Fiscal Year 2026 Department of Public Works Operating Expense Budget

BACKGROUND: The Structures & Grounds (S&G) Division of the Department of Public Works (DPW) is responsible for the maintenance of municipal buildings, facilities and grounds, including the Hyannis Youth & Community Center (HYCC). Due to the number and cost of unanticipated expenses this fiscal year, including the septic system failure at Barnstable Police Department (BPD) and the significant breakdown of the ammonia plant at the HYCC, their budgets have been depleted. There are still significant issues that need to be addressed including rebuilding one of the compressors for the ammonia plant at the HYCC, replacing the chiller coil in a BPD HVAC unit, replacing the batteries in two of the Town's Zambonis, as well as other items. As such, the DPW proposes utilizing a portion of its salary savings to supplement the Fiscal Year 2026 operating expenses for the S&G Division.

FISCAL IMPACT: Due to vacancies in salaried positions throughout the fiscal year in the DPW, the Department currently has approximately \$460,000 in unencumbered salary funds. If approved, this request will reduce the estimated amount of unexpended Fiscal Year 2026 appropriations that would be returned to the General Fund surplus at the close of the Fiscal Year.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this transfer order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director

B. NEW BUSINESS (Refer to Public Hearing 05/28/2026)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-200
INTRO: 05/14/2026**

**2026-200 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 86 FUNDS, ARTICLE III REVOLVING
FUNDS TO ADD A REVOLVING FUND FOR ELECTRIC VEHICLE
CHARGING STATIONS AND TO MODIFY THE ASSET MANAGEMENT
FUND**

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 86 Funds, Article III, Revolving Funds, be amended as follows:

SECTION 1

By amending Section 86-7(B) by adding at the end the following paragraph:

“(8) Electric Vehicle Charging Station Fund operated by Town Manager Department.”

SECTION 2

By amending paragraph (6) of Section 86-8(A) by deleting the words: “tax foreclosed property and other Town owned-property” and inserting in place thereof the following:

“Town-owned property, and fees, expenses, charges and costs incurred by the Town and not considered “excess equity” under M.G.L. c. 60, § 1,”.

SECTION 3

By amending Section 86-8(A) by adding at the end the following paragraph:

“(7) Advertising and sales revenue from electric vehicle charging stations on Town property.”

SECTION 4

By amending Section 86-8(B)(2) by adding at the end the following:

“, and expenses related to the support and maintenance of the Town’s electric vehicle charging stations.”

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# 2026-200
INTRO: 05/14/2026

SUMMARY

TO: Town Council
THROUGH: Sean Hogan, Environmental Sustainability Manager; David Anthony, Director of Asset Management; Gareth Markwell, Deputy Finance Director
FROM: Mark S. Ells, Town Manager
DATE: May 14, 2026
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 86 Funds, Article III Revolving Funds to add a Revolving Fund for Electric Vehicle Charging Stations and to modify the Asset Management Fund

BACKGROUND: The purpose of this item is to establish a dedicated Electric Vehicle (EV) Charging Station Revolving Fund to support the ongoing operation, maintenance, and expansion of Town-owned EV charging infrastructure, and to modify the Asset Management Fund to reflect changes in the law.

Regarding the EV Charging Station Fund, Hyannis is underserved by public vehicle charging locations. A major effort to expand the number of charging stations in the Town was begun nearly three years ago. On December 7, 2023, the Town Council authorized the Town Manager to contract for and expend \$279,606 in Massachusetts Electric Vehicle Incentive Program (MassEVIP) grant funds to build out 70 new charging ports across Hyannis. This build-out is part of an Eversource initiative that funds the installation of make-ready heavy infrastructure to install EV Chargers. Eversource will pay for \$1,369,019 in infrastructure and installation costs on top of the MassEVIP funds, with the Town paying less than \$37,000 after reimbursements.

This effort includes several Hyannis public parking lots, the Hyannis Youth and Community Center (HYCC), as well as expanding the number of stations at the High School, the Intermediate School, and Town Hall. The first installation of eight charging ports at the HYCC is nearly complete.

The proposed changes to the Asset Management Fund reflect changes to state law following the United States Supreme Court's decision in Tyler v. Hennepin County, 598 U.S. 631 (2023). That decision addresses that former property owners of tax foreclosed property are entitled to the excess equity in the property, after accounting for the tax debt, interest, penalties and actual costs associated with the foreclosure and sale of the property. Prior to this decision, cities and towns generally retained the property or all proceeds from the foreclosure sale. Recent changes to state law respond to the Supreme Court's decision. The amendment to the Asset Management Fund follows those changes and would allow the Fund to retain the fees, expenses, charges and costs incurred by the Town in connection with the foreclosure and the sale of the property, such as legal fees, marketing, realtor and auction costs, and appraisal costs, with the excess equity not being included in the fund but instead being handled in accordance with current state law.

ANALYSIS: As the Town continues to invest in capital improvements that support environmental sustainability, energy efficiency, and greenhouse gas reduction, including initiatives reflected in the Capital Improvement Plan, a growing need exists for a self-sustaining financial mechanism to manage EV charging assets over time. The proposed EV Charging Station Revolving Fund would allow revenues

generated from user fees at Town-operated charging stations to be retained and reused for related expenses, rather than reverting to the General Fund at year-end.

Under M.G.L. c.44 § 53E½, revolving funds may be authorized by the Town Council to allow departments to retain and expend receipts for specific purposes, subject to an annual spending limit. Consistent with the Town's financial structure, revolving funds are recognized as separate funding mechanisms outside the traditional operating budget, similar to other receipt-reserved or special revenue accounts.

From an operational perspective, this new fund will:

- Enable efficient management of **user-fee-supported infrastructure**, similar in concept to enterprise activities where costs are recovered through fees;
- Provide flexibility to respond to **maintenance, software, and utility cost fluctuations**;
- Position the Town to leverage **grants, rebates, and partnerships** tied to EV infrastructure; and,
- Support upgrades to the **chargers dedicated to the growing municipal EV fleet**. As of this date, the town owns and operates 4 electric vehicles in our Town fleet, with future opportunities being considered where practicable to Town operations.

The creation of the revolving fund also supports the Town Manager's responsibility to maintain sound financial practices and long-term planning under the Charter's financial provisions, including capital planning and financial management standards.

Attached to this summary is a redline version of Chapter 86 of the Town Code showing the changes that would be made by this item.

FINANCIAL IMPACT:

Establishing the EV Charging Station Fund aligns with municipal finance best practices by:

- Creating a **dedicated revenue stream** tied directly to the service provided;
- Reducing reliance on the tax levy for ongoing operating and maintenance costs;
- Supporting lifecycle replacement and future expansion of charging infrastructure; and,
- Providing transparency and accountability for program revenues and expenditures.

Staff projects annual operating costs for all chargers at typical and expected usage rates on an annual basis to be approximately **\$288,000**. The fees to cover this amount are set through the fee hearings process under Town Manager regulations and will cover the cost of the electricity that passes through the chargers, the software costs, and a small amount to cover replacements costs for breakage or damage. There would be no fiscal impact to the General Fund. Staff is recommending a charge of \$0.28 per KWH at the outset of this program.

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

STAFF ASSISTANCE: Sean Hogan, Environmental Sustainability Manager; Gareth Markwell, Deputy Finance Director; David Anthony, Director of Asset Management

Redline Showing Proposed Changes to Section 86-7 and 86-8 of Chapter 86 of the Town Code

§ 86-7 Establishment; authorized revolving funds.

A. Establishment. The Town hereby establishes revolving funds, pursuant to Chapter 44, § 53 E 1/2 of the General Laws, within the special revenue accounts of the Town of Barnstable and for use by the designated Town departments and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

B. Authorized revolving funds.

(1) Classroom Education Fund, Senior Services Division operated by the Community Services Department.

(2) Recreation Program Fund, Recreation Division operated by Community Services Department.

(3) Shellfish Propagation Fund, Natural Resources Division operated by the Marine and Environmental Affairs Department.

(4) Consumer Protection Fund operated by Licensing Department.

(5) Geographical Information Technology Fund, Information Technology Department operated by Administrative Services Department.

(6) Arts and Culture Program Fund operated by Planning and Development Department.

(7) Asset Management Fund operated by Town Manager Department.

(8) **Electric Vehicle Charging Station Fund operated by Town Manager Department.**

§ 86-8 Operation and procedures.

The Senior Services Division and the Recreation Division of the Community Services Department, the Licensing Department, the Information Technology Department of the Administrative Services Department, the Planning and Development Department, the Marine and Environmental Affairs Department and the Town Manager Department are hereby authorized to operate said funds in the following manner:

A. Revenues. The Finance Director shall account for all funds separately from all other monies of the Town and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Receipts credited to each of these revolving funds shall mean the following:

(1) For the Classroom Education Fund and the Recreation Program Fund: program registration fees to participate in these programs.

(2) For the Shellfish Propagation Fund: fees generated from the sale of commercial and recreational shellfish permits and the sale of shellfish-related merchandise.

(3) For Consumer Protection Fund: fees generated for services performed under the weights and measures program.

(4) For the Geographical Information Systems Fund: fees generated for the production of GIS maps and reports.

(5) For the Arts and Culture Program Fund: lease payments received from the rental of artist shanties, gifts or contributions received for the support or promotion of arts and culture programs and any revenue generated from Town-sponsored arts and culture programming.

(6) For the Asset Management Fund: proceeds from the sale of ~~tax foreclosed property and other~~ Town-owned property, and fees, expenses, charges and costs incurred by the Town and not

considered “excess equity” under M.G.L. c. 60, § 1, not specifically required to be accounted for subject to any other general law for the support and promotion of any expenditure related to the Town’s comprehensive asset management program.

(7) Advertising and sales revenue from electric vehicle charging stations on Town property.

B. Expenditures. Expenditures may be made from the revolving funds established and authorized by this article without further appropriation, subject to the following:

(1) Expenditures shall not be made or liabilities incurred from any of the revolving funds in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund. Expenditures from such revolving funds shall be at the approval of the Town Manager or their designee.

(2) Expenditures from said fund shall not be made for the purpose of paying any wages or salaries for full-time employees unless the fringe benefits associated with such wages or salaries are also charged to the fund. Subject to the foregoing, the funds may be expended for payment of teachers, recreational instructors, shellfish propagation officers, weights and measures inspectors, and other expenses of programs providing classroom education to participating senior citizens, programs providing recreational activities to participating residents of the Town, shellfish seed stock and related shellfish propagation equipment and shellfish merchandise purchased for resale, weights and measures enforcement, production of GIS reports and expenses related to the promotion of arts and culture programs and expenses related to the support and promotion of the Town’s asset management program, **and expenses related to the support and maintenance of the Town’s electric vehicle charging stations.**

(3) The total amount spent during a fiscal year shall not exceed the amount authorized by the Town Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Town Council.

C. Interest earned on any revolving fund balance shall be treated as general fund revenue of the Town.