



Town Council Meeting
May 20, 2021



The May 20, 2021 meeting of the Barnstable Town Council was physically closed to the public to avoid group congregation.

A quorum being duly present, President Matthew Levesque called the May 20, 2021, Town Council meeting to order at 7:04 PM from a remote location.

An announcement was made by President Levesque regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: (On Zoom) Nikolas Atsalis, David Bogan, Kristine Clark, Jennifer Cullum, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **BY PHONE:** Debra Dagwan

The Pledge of Allegiance was led by Councilor Cullum followed by a moment of silence. Councilor Levesque asked to keep Nicholas Eastman's family and friends in your thoughts and prayers.

PUBLIC COMMENT:

David Houghton spoke about the proactive program and trespass sign posting at Long Beach in Centerville. This issue of public beach access along Long Beach Road has been a contentious issue for many years. He explained trespass enforcement does not lead to loss of any public rights. He felt there was a need for uniform laws on all beach properties.

Tina Carey spoke about a petition to remove the barriers that were lining Main Street Downtown from Bassett Lane to Sea Street. She said 21 businesses had signed the document.

Councilor questions and comments:

(Clark) She agreed with David Houghton regarding private encroachment on public ways.

(Shaughnessy) She explained the garbage issue, people parting and leaving the garbage is what started this Long Beach Road issue.

(Atsalis) He spoke about the 440 feet of town owned beach land at Long Beach Road. He inquired about a more formal way for the Downtown Main Street businesses to have input.

(Ells) This was a unique challenge last summer regarding the beaches. Not aware we were policing private areas. Chief Sonnabend continues to be sensitive to our businesses and we will continue to evolve to meet any changes.

TOWN MANAGER COMMUNICATIONS:

- Baker-Polito Administration Update
- State of Emergency lifting on June 15, 2021
- Budget Fiscal Year 2022
- Sewer Assessment Ordinance
- American Rescue Plan Act funds
- Concerned Citizens of Centerville
- Barnstable Building Code Amendments submitted to the Massachusetts Board of Building Regulations and Standards

Councilor questions and comments:

(Bogan) The denial from the Massachusetts Board of Building Regulations and Standards regarding our Building Code Amendments what does it mean? Do we utilize stretch code? (Ells) Changing pending to energy efficiencies, could appeal process. We will be reviewing the 5 criterions which are the basis for the acceptance of the Building Code Amendments, Daniel Santos, Public Works Director has 4 areas and Brian Florence Building Commissioner has 1 area.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of May 6, 2021

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Cullum, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber. Dagwan (off zoom)

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

(Clark) Trash Train takes trash from Cape Cod to the Southeastern Massachusetts Resource Recovery facility (SEMASS) waste-to-energy facility. The train tracks need to do a better job of clearing of railroad tracks from debris.

(Levesque) Cynthia Lovell, Town Council Administrative Assistant please work with the Information Technology Department to add a disclaimer to vacancy appointment page. Also anyone who is thinking of applying please submit an application to be considered for a vacancy within a Town Council Board or Committee.

Five (5) minute break (7:55 PM)

Jump to Financial report

Mark Milne, Finance Director gave an overview of his PowerPoint presentation. He noted the Comprehensive Financial Advisory Committee will have the final report. He discussed Fiscal Year 2022 having a strong financial foundation. He mentioned: restructuring to promote operational efficiency, maintaining level of service, restoring budget reduction from Fiscal Year 2021, adding more staffing for Comprehensive Wastewater Management Plan, and relocation of resources with the school system. He added the need to discuss the reserves for Sandy Neck and Hyannis Youth and Community Center. He noted internal restructuring: Licensing Director to Deputy Director of Asset Management under Town Manager, and Weights and Measures under Inspectional Services. He spoke about the Fiscal Year 2022 estimated Town property allocations which excluded the Fire Districts. He discussed the upcoming projected tax rates, municipal operations by departments, educational budget and the fixed cost budget.

A motion was made and duly seconded to refer Town Council Orders 2021-141 thru 2021-159 and agenda items 2021-161 thru 2021-177 as written to individual public hearings to be held on each order on June 3, 2021.

VOTE: PASSES 13 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-141 APPROPRIATION ORDER IN THE AMOUNT OF \$6,612,196 FOR CAPE COD GATEWAY AIRPORT ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of \$6,612,196 be appropriated for the purpose of funding the Town's Fiscal Year 2022 Airport Enterprise Fund budget, and to meet such appropriation that \$6,612,196 be raised from current year revenues by the Airport Enterprise Fund, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-142 APPROPRIATION ORDER IN THE AMOUNT OF \$73,520,899 FOR BARNSTABLE PUBLIC SCHOOL'S FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of \$73,520,899 be appropriated for the purpose of funding the Town's Fiscal Year 2022 Barnstable Public Schools budget, and that to meet this appropriation that \$72,570,368 be raised from current year revenues, and that \$950,531 be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-143 APPROPRIATION ORDER IN THE AMOUNT OF \$15,373,934 FOR BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of \$15,373,934 be appropriated for the purpose of funding the Town's Fiscal Year 2022 Barnstable Police Department budget; and to meet such appropriation that \$15,373,934 be raised from current year revenues, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-144 APPROPRIATION ORDER IN THE AMOUNT OF \$2,135,301 FOR THE PLANNING AND DEVELOPMENT DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of \$2,135,301 be appropriated for the purpose of funding the Town's Fiscal Year 2022 Planning and Development Department budget, and that to meet this appropriation that \$1,913,001 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.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-145 APPROPRIATION ORDER IN THE AMOUNT OF \$2,395,834 FOR THE COMMUNITY SERVICES DEPARTMENT GENERAL FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$2,395,834** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Community Services Department General Fund budget; and to meet such appropriation that **\$2,395,834** be raised from current year revenues, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-146 APPROPRIATION ORDER IN THE AMOUNT OF \$3,368,382 FOR THE GOLF COURSE ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$3,368,382** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Golf Course Enterprise Fund budget; and to meet such appropriation that **\$2,990,457** be raised from Enterprise Fund revenues, that **\$286,500** be transferred from the set-aside for recreation and open space within the Community Preservation Fund, and that **\$91,425** be provided from the Golf Course Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-147 APPROPRIATION ORDER IN THE AMOUNT OF \$2,891,546 FOR THE HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of \$2,891,546 be appropriated for the purpose of funding the Town's Fiscal Year 2022 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that \$167,866 be raised from Enterprise Fund revenues, that \$1,391,458 be raised in the General Fund, that \$1,145,401 be transferred from the Capital Trust Fund, and that \$186,821 be provided from the Hyannis Youth and Community Center Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-148 APPROPRIATION ORDER IN THE AMOUNT OF \$1,261,370 FOR THE MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of \$1,261,370 be appropriated for the purpose of funding the Town's Fiscal Year 2022 Marine & Environmental Affairs Department General Fund budget, and to meet such appropriation, that \$913,370 be raised from current year revenue and that \$348,000 be provided from the Waterways Special Revenue Fund, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-149 APPROPRIATION ORDER IN THE AMOUNT OF \$714,586 FOR THE MARINA ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$714,586** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Marina Enterprise Fund budget; and to meet such appropriation that **\$626,716** be raised from Enterprise Fund revenues, that **\$46,981** be provided from the Capital Trust Fund, that **\$30,000** be raised in the General Fund, and that **\$10,889** be provided from the Marina Enterprise Fund reserves as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-150 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$27,465 FOR THE MARINA ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$27,465** be appropriated and transferred from the Marina Enterprise Fund reserves to the General Fund for the reimbursement of capital costs paid for by the General Fund on behalf of the Marina Enterprise Fund in Fiscal Year 2021.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-151 APPROPRIATION ORDER IN THE AMOUNT OF \$876,812 FOR THE SANDY NECK PARK ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$876,812** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Sandy Neck Park Enterprise Fund budget; and to meet such appropriation that **\$836,958** be raised from Enterprise Fund revenues, and that **\$39,854** be provided from the Sandy Neck Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-152 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$108,000 FOR THE SANDY NECK PARK ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$108,000** be appropriated and transferred from the Sandy Neck Park Enterprise Fund reserves to the General Fund for the reimbursement of capital costs paid for by the General Fund on behalf of the Sandy Neck Park Enterprise Fund in Fiscal Year 2021.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-153 APPROPRIATION ORDER IN THE AMOUNT OF \$2,353,579 FOR THE INSPECTIONAL SERVICES DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$2,353,579** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Inspectional Services Department budget, and to meet such appropriation, that **\$2,353,579** be raised from current year revenue as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-154 APPROPRIATION ORDER IN THE AMOUNT OF \$10,470,034 FOR THE PUBLIC WORKS DEPARTMENT GENERAL FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$10,470,034** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Public Works Department General Fund budget, and to meet such appropriation, that **\$10,390,393** be raised from current year revenue, that **\$54,640** be provided from the Embarkation Fee Special Revenue Fund, and that **\$25,000** be provided from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-155 APPROPRIATION ORDER IN THE AMOUNT OF \$3,407,469 FOR THE SOLID WASTE ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$3,407,469** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Solid Waste Enterprise Fund budget, and to meet such appropriation that **\$2,978,376** be raised from the Enterprise Fund revenues, and that **\$429,093** be provided from the Solid Waste Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-156 APPROPRIATION ORDER IN THE AMOUNT OF \$4,299,130 FOR THE WATER POLLUTION CONTROL ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$4,299,130** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Department of Public Works Water Pollution Control Enterprise Fund budget, and to meet such appropriation that **\$4,253,136** be raised from the Enterprise Fund revenues, and that **\$45,994** be provided from the Water Pollution Control Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-157 APPROPRIATION ORDER IN THE AMOUNT OF \$7,385,062 FOR THE WATER SUPPLY ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$7,385,062** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Department of Public Works Water Supply Enterprise Fund budget, and to meet such appropriation that **\$7,025,062** be raised from the Enterprise Fund revenues, that **\$318,229** be provided from the Comprehensive Water Management Stabilization Fund, that **\$41,771** be provided from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-158 APPROPRIATION ORDER IN THE AMOUNT OF \$1,202,939 FOR THE COMPREHENSIVE WASTEWATER MANAGEMENT PLAN FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$1,202,939** be appropriated for the purpose of funding the Fiscal Year 2022 Comprehensive Wastewater Management Plan operating budget, and to meet such appropriation, that **\$1,202,939** be provided from the Sewer Construction and Private Way Maintenance and Improvement Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-159 APPROPRIATION ORDER IN THE AMOUNT OF \$282,975 FOR THE TOWN COUNCIL DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$282,975** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Town Council budget and to meet such appropriation, that **\$282,975** be raised from current year revenue, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-161 APPROPRIATION ORDER IN THE AMOUNT OF \$1,192,789 FOR THE TOWN MANAGER DEPARTMENT GENERAL FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$1,192,789** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Town Manager General Fund budget and to meet such appropriation, that **\$1,192,789** be raised from current year revenue, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-162 APPROPRIATION ORDER IN THE AMOUNT OF \$799,097 FOR THE PUBLIC, EDUCATION & GOVERNMENT (PEG) ACCESS CHANNELS ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$799,097** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Public, Education & Government (PEG) Access Channels Enterprise Fund budget, and to meet such appropriation, that **\$799,097** be raised from the PEG Enterprise Fund revenues, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-163 APPROPRIATION ORDER IN THE AMOUNT OF \$6,456,364 FOR THE ADMINISTRATIVE SERVICES DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$6,456,364** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Administrative Services Department budget, and to meet such appropriation, that **\$6,456,364** be raised from current year revenue, as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-164 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE FISCAL YEAR 2022 TOWN COUNCIL RESERVE FUND INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$250,000** be appropriated for the purpose of funding the Town Council's Fiscal Year 2022 Reserve Fund and to meet such appropriation, that **\$250,000** be provided from the General Fund reserves.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-165 APPROPRIATION ORDER IN THE AMOUNT OF \$51,369,023 FOR THE OTHER REQUIREMENTS FISCAL YEAR 2022 OPERATING BUDGET INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$51,369,023** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Other Requirements budget, and to meet such appropriation, that **\$43,740,853** be raised from current year revenue, that **\$220,000** be provided from the Pension Reserve Trust Fund, that **\$6,295,178** be provided from the Capital Trust Fund, that **\$45,360** be provided from the Embarkation Fee Special Revenue Fund, that **\$41,040** be provided from the Bismore Park Special Revenue Fund, and that the sum of **\$1,026,592** be transferred from the General Fund reserves all for the purpose of funding the Town's Fiscal Year 2021 General Fund budget as presented to the Town Council by the Town Manager.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-166 APPROPRIATION ORDER IN THE AMOUNT OF 3,641,181 FOR THE COMMUNITY PRESERVATION COMMITTEE FISCAL YEAR 2022 ADMINISTRATIVE EXPENSE BUDGET AND MINIMUM PROGRAM SET-ASIDES INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of General Law Chapter 44B Section 6, for the fiscal year beginning July 1, 2021, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$522,873** for open space and recreation; **\$522,873** for historic resources; **\$522,873** for community housing; **\$1,872,562** for a budget reserve, and that the sum of **\$200,000** be appropriated from the annual revenues of the Community Preservation Fund for the administrative expenses 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.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-167 APPROPRIATION ORDER IN THE AMOUNT OF \$1,664,958 FOR THE COMMUNITY PRESERVATION FUND FISCAL YEAR 2022 DEBT SERVICE BUDGET INTRO: 5/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby appropriate the amount of **\$1,664,958** or the purpose of paying the Fiscal Year 2021 Community Preservation Fund debt service requirements, and to meet such appropriation, that **\$1,587,546** be provided from current year revenues of the Community Preservation Fund and that **\$77,412** be provided from the reserve for the historic preservation program within the Community Preservation Fund.

VOTE: To a public hearing on 06/03/2021- unanimous

2021-177 APPROPRIATION ORDER IN THE AMOUNT OF \$400,000 FOR THE PURPOSE OF FUNDING DISPOSAL COSTS AT THE SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$400,000** be appropriated for the purpose of funding disposal costs at the Solid Waste Division of the Department of Public Works, and that to fund this appropriation that \$400,000 be provided from the Solid Waste Enterprise Fund reserves.

VOTE: To a public hearing on 06/03/2021- unanimous

Jump to 2021-160

2021-160 AMENDMENTS TO THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, AND CHAPTER 241, ARTICLE IV, MUNICIPAL ORGANIZATION INTRO: 05/20/2021

Upon a motion duly made and seconded it was

ORDERED:

SECTION 1

That the Town Council hereby amends the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, § 241-25, Licensing Authority, by striking subsection C. (2) in its entirety and inserting the following new subsection C. (2) in its place:

“C. Interrelationships

(2) Town Manager: The Licensing Authority interacts with the Town Manager for the purposes of receiving administrative support for its deliberations and responsibilities, to include but not be limited to the office of the Town Manager, including the Licensing program within that office, Legal and Health.”

SECTION 2

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-46, Offices and standards, by striking subsection B, Municipal organization, in its entirety and inserting the following new subsection B in its place:

“B. Municipal organization. The municipal agencies of the Town consist of the office of the Town Manager and the seven municipal departments under the jurisdiction of the Town Manager. The seven departments and their respective divisions are as follows:

(1) Administrative Services, encompassing Legal, Information Technology, Human Resources and Finance;

(2) Community Services, encompassing Recreation, Golf and Senior Services;

- (3) Inspectional Services, encompassing Building, Health and Weights and Measures;
- (4) Marine and Environmental Services, encompassing Harbormaster and Natural Resources;
- (5) Planning and Development, encompassing Regulatory Review, Comprehensive Planning, Community Development, Economic Development, Conservation and Parking;
- (6) Police; and
- (7) Public Works, encompassing Administration and Technical Support, Highway, Solid Waste, Structures and Grounds, Water Pollution Control and Water Supply.”

SECTION 3

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-47.1, Town Manager, subsection D, Department heads, by striking subsection (1)(l) in its entirety.

SECTION 4

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, by deleting § 241-47.29, Licensing Department, in its entirety.

SECTION 5

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-47.1, Town Manager, by adding the following new subsection E:

“E. Licensing program. There shall be placed within the office of the Town Manager a Licensing program, which seeks to protect the public interest through enforcement of laws and regulations relating to licensing of certain businesses. The Licensing program operates pursuant to applicable provisions of the Town Code and the following state laws: MGL Chapter 100 concerning auctions; and MGL Chapters 136, 138 and 140 concerning licensing. The Licensing program provides administrative support, conducts inspections and compliance activities, and enforces laws and regulations regulating business entities licensed by the Town Manager and the Licensing Authority. The Licensing program provides enforcement of all licensing and issues related to special events on Town-owned property and public ways, private parking lots, underground storage tanks, narrative bus tours, outdoor dining and Pedi cabs. The Licensing program interacts with the Police, Planning and Development and Inspectional Services departments concerning licensing activities. The Licensing program interacts with various boards and committees with concurrent jurisdiction, such as Site Plan Review, Board of Health and Zoning Board of Appeals, and provides administrative and compliance support for the Licensing Authority.”

SECTION 6

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-47.21, Inspectional Services Department, by adding the following new subsection C:

“C. Weights and Measures Division.

1. Purpose. The Weights and Measures Division seeks to protect the public interest through enforcement of laws and regulations relating to weights and measures of certain businesses.
2. Authorities and Responsibilities.

The Weights and Measures Division operates pursuant to applicable provisions of the Town Code and the following state laws: MGL Chapters 94 through 99 concerning weights and measures. The Weights and Measures Division is responsible for code compliance and enforcement of all laws pertaining to the sale of commodities by weight or measure, the inspection and testing of weighing and measuring devices, the operation and use of electronic retail checkout systems, the method of sale of commodities and the labeling of prepackaged commodities.

3. Interrelationships.

- (1) Town Manager. The Weights and Measures Division interacts with the office of the Town Manager, including the Licensing program within that office, concerning administrative support, code compliance and enforcement of all issues relating to weights and measures.
- (2) Other departments. The Weights and Measures Division interacts with the Police and Planning and Development concerning the provision of measurement devices for various purposes. Other interaction is with the Town Clerk, Public Works and Tax Collector in provision of measurement devices activities for various purposes.
- (3) Other. The Weights and Measures Division interacts with community groups and agencies, private enterprises, state agencies and other municipalities to seek effective accomplishment of goals and objectives.”

VOTE: Refer To Second Reading on 06/03/2021 - PASSES 13 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-168 FISCAL YEAR 2022 REVOLVING FUND SPENDING LIMITATIONS INTRO: 05/20/2021
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Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes the following spending limitations for Fiscal Year 2022 Revolving Funds:

Senior Services Classroom Education Fund - **\$100,000**

Recreation Program Fund - **\$525,000**

Shellfish Propagation Fund - **\$200,000**

Consumer Protection Fund - **\$600,000**

Geographical Information Technology Fund - **\$10,000**

Arts and Culture Program Fund - **\$50,000**

Asset Management Fund - **\$500,000**

VOTE: Refer To Second Reading on 06/03/2021 - PASSES 13 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-169 ACCEPTANCE OF PROVISION OF GENERAL LAWS CH. 40, § 3 RELATING TO TOWN REVENUE INTRO: 05/20/2021
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Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts the proviso in General Laws Chapter 40, Section 3, allowing monies received from the rental or lease of any public building or property, or space within a building or property, other than a building or property under the control of the School Committee, to be held in a revolving fund and expended for the upkeep and maintenance of any facility under the control of the board, committee or department head in control of the building or property.

VOTE: Refer To Second Reading on 06/03/2021 - PASSES 13 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

Jump to 2021-139

2021-139 ORDER AMENDING CHAPTER 184 SEWERS AND WATER OF THE GENERAL ORDINANCES INTRO: 04/15/2021, 05/20/2021

Mark Ells, Town Manager gave the rationale. He gave an overview with a shared PowerPoint presentation. He discussed how the Town along with a citizenry group developed the Comprehensive Wastewater Management Plan (CWMP). He addressed this issue with Barnstable's CWMP the Clear Water Act, federal law and that the Title 5 systems do not mitigate urine/nitrogen in the wastewater. He spoke about the 30-year CWMP Plan and how it is adaptive to change and will be reviewed every 5 years to ensure time for adaption. He spoke about the proposed fiscal policy – where we are now by amending Chapter 184 Sewers and Water of the General Ordinance. He noted the per cost for the sewer expansion would be approximately \$17,000 per household with a \$4,000 to \$10,000 connection fee.

Open Public Hearing

Cheryl Powell supported the proposed Sewer Proposal. She felt the proposal was a good idea.

Tina Carey felt the Wastewater Treatment Plant was the reason for the rising nitrogen levels. She questioned the pricing for every sewer hookup. She wondered why there were no other cheaper or better options available.

Jill Torok supported this sewer project. But she questioned how will people pay for their hook ups due to the high price tag?

Jim Home had questions regarding the projected cost versus the real cost of the sewer hookups. He inquired about the cost differential if you lived near a pumping district?

Paul Gerety probed the question of annual adjustment language – 2 percent amortization can it be less?

Gillian Hollands had concerns with the \$17,000 sewer cost to owner. She feared people would pay more now than over the next 30 years. She felt she was not contributing to the nitrogen issue. She worried what would happen to her huge trees near septic if she had to get sewer.

Councilor questions and comments:

(Ells) We have discussed varying sewer assessment amounts, adding in the connection fees for a total cost. Please go to the Barnstable Water Resources website read the information. The Town has looked at innovative ideas and we will look at all ideas. The Conservation Law Foundation has filed but the Town has not been served with a lawsuit and the Hyannis Water Pollution Control facility needs a redial permit not a National Pollutant Discharge Elimination System (NPDES). The Town does not have an outfall pipe. We have a sand filtration bed and we have all the permits we need.

Mark Milne explained the interest rate for 30 years will be fixed at 5 percent and a zero percent to 2 percent more than the borrowing cost for the project. We will adjust for inflation every year look at Consumer Cost Index. Council will have the ability to adjust every year. The projects are subject to the public procurement process.

Close the Public Hearing

(Ells) We have Ruth Weil to act as a facilitator to help with the Sewer Ordinance language.

(Weil) Karen Nober, Town Attorney has amendments to the proposed text.

(Rapp Grassetti) She felt that all property owners about 32,000 build out properties should share equally in the distribution of costs.

(Schnepp) Was questioning commercial use and multi-family use and their calculation with regards to cost. (Nober) Commercial does not include residential sewer units. Single family is residential equivalent and commercial is commercial property. (Schnepp) What is a semi-private use? (Nober) referenced treated same as treated commercial but broken out. There is an abatement appeal process but the property owner must pay first then abate? (Bogan) How are rental properties and/or 2 family homes treated?

(Ells) Amendment proposed by Staff need action of Council.

(Levesque) Vote as we go Section 2 Subsection 10 amendment

Upon a motion duly made and seconded it was to amend Item 2021-139, Section 2, subsection (10), by deleting the definition of “Residential Sewer Units” and inserting the following in its place:

“(10) Residential Sewer Units: Shall be equivalent to the number of existing Dwelling Units, including, but not limited to, Accessory Dwelling Units, affordable accessory apartments and family apartments as defined by the Zoning Ordinance,

and the number of potential Dwelling Units on the property as permitted under the Zoning Ordinance for the district in which the property is located; provided that any Accessory Dwelling Unit, affordable accessory apartment or family apartment that did not exist at the time of assessment shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section 4F hereof; provided further, that a Half Dwelling Unit shall be assessed as one half of one Sewer Unit.”

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber. 1 ABSTAIN Rapp Grassetti

Upon a motion duly made and seconded it was to amend Item 2021-139, Section 2, by deleting “(8) Multifamily Use: Occupancy of premises with two or more dwelling units” and renumbering definitions (9) through (17) as (8) through (16).

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber 1 ABSTAIN Rapp Grassetti

(Starr) What are the pumping Districts?

(Santos) The pumping districts are not established yet – it is a self-contained unit pumping station. (Clark) Section 4E not assessed when unbuildable when the property is buildable it will be assessed.

Section 4B – Nober Amendment

Upon a motion duly made and seconded it was to move to amend Item 2021-139, Section 4B, by inserting after the words “Accessory Dwelling Unit” the following: “, affordable accessory apartment or family apartment”

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber. 1 ABSTAIN Rapp Grassetti

(Schnepf) Section 4C should it be divided or subdivided? (Milne) Will need to check Assessor’s records for each parcel. (Bogan) Parcels assessed as one unit until subdivided? (Nober) Utilize Zoning Ordinance. (Starr) Is this build out? What properties? (Milne) This level of analysis has not yet been done. (Rapp Grassetti) Sewer program is needed but wanted it to be stacked out equally. (Hebert) Need to look at the entire project and how the General Fund will pay into this project.

(Bogan) Section 4F Intensify? What is it we are trying to capture? (Nober) Using as same function but intensify. (Santos) We are looking to generating additional flow.

Section 5A – Nober Amendment

Upon a motion duly made and seconded it was to accept Amendment Section 5A language

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber. 1 ABSTAIN Rapp Grassetti

(Steinhilber) The \$17,000 should be reduced to \$10,000 the pricing does not take in to account true cost/equitable number. We discussed projected estimates regarding the sewer costs. Speaking with people/residents in Phase I \$17,000 is a lot of money. We need to take in to account the true cost to home owners. (Bogan) Everyone should contribute supports amendment. (Atsalis) Supports amendment but questioning how will property assessment increase? (Levesque) Sewer is more of an impact to other areas of Barnstable. Comprehensive Financial Advisory Committee (CFAC) approved \$17,000 Saw value in it. I support \$10,000 amendment. (Starr) People do not have to pay out tomorrow

can be over time payments. (Cullum) This can be revised, there is room for flexibility. Supports \$10,000 (Neary) Sewering Town cannot skirt it. How do we pay for it? Taxes go up cost to maintain and run Town. This could outpace residents on a fixed income. The requirement must be done but hesitant on \$17,000. Will support \$10,000. (Starr) How about \$7,000 like the lower number.

Upon a motion duly made and seconded it was to go past 11 o'clock PM

VOTE: PASSES 11 YES Atsalis, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber 2 NO Bogan, Clark

(Dagwan) Everyone paying something toward sewer costs. (Steinhilber) People are concerned with paying \$17,000 listen to them.

Five (5) minute break (11:15 PM)

(Neary) We need to protect on lower end. First hook up is 2 years away still uncomfortable with looking at higher number. (Schnepf) Thought \$17,000 was good number Town Staff and CFAC members had good rationale. I have concerns with residential sewer units and additional Accessory Dwelling Unit (ADU). I think \$13,000 could be good compromise.

Upon a motion duly made and seconded it was to amend Steinhilber's amendment and change sewer expansion per household fee to \$13,000

VOTE: FAILS 6 YES Bogan, Clark, Dagwan, Schnepf, Shaughnessy, Starr, 6 NO Atsalis, Cullum, Hebert, Levesque, Neary, Steinhilber 1 ABSTAIN Rapp Grassetti

Upon a motion duly made and seconded it was to amend Item 2021-139, Section 5A, by deleting "Seventeen Thousand Dollars (\$17,000.00)" and inserting "Ten Thousand Dollars (\$10,000.00)" in its place and by inserting after the words "as determined by the Town Manager" the following: ", subject to approval by the Town Council"

VOTE: PASSES 9 YES Atsalis, Bogan, Cullum, Hebert, Levesque, Neary, Schnepf, Starr, Steinhilber. 3 NO Clark, Dagwan, Shaughnessy 1 ABSTAIN Rapp Grassetti

(Neary) Is there a larger cost for a grinder pump? Is it included in ordinance language?

(Nober) No it is not in ordinance language) (Ells) Ordinance has same commitment fulfilled as Stewart's Creek.

Section 8 Nober Amendment 30 years versus 20 years:

Upon a motion duly made and seconded it was to amend Item 2021-139, Section 8, by numbering the first paragraph as Section 8A and adding the following new Section 8B: "Section 8B. The provisions of section 15D of Chapter 83 of the General Laws, with respect to the apportionment of payments of the assessment over a 30 year period, are hereby accepted by reference as a part of the general ordinances of the Town."

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber. 1 ABSTAIN Rapp Grassetti

(Starr) this is differed payments. (Nober) Yes. (Milne) Yes correct eligible home owner can defer until property is sold.

Upon a motion duly made and seconded it was to amend Item 2021-139, Section 9, by numbering the first paragraph as Section 9A and adding the following new Section 9B: "Section 9B. The provisions of section 16G of Chapter 83 of the General Laws, with respect to the ability of certain eligible property owners to defer payments of sewer assessments, are hereby accepted by reference as a part of the general ordinances of the Town."

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber. 1 ABSTAIN Rapp Grassetti

Upon a motion duly made and seconded it was

ORDERED: That Chapter 184 General Ordinances of the Code of the Town of Barnstable be amended by inserting the following new Article II, Sewer Assessments, and renumbering the current Articles II and III as Articles III and IV:

ARTICLE II SEWER ASSESSMENTS

Section 1: Purpose and Authorization

The purpose of this Article II is to assess all properties receiving benefit or advantage from public sewerage construction within a limited and determinable area, including, but not limited to, as set forth in the Comprehensive Wastewater Management Plan approved by vote of the Town Council on November 7, 2019, and in accordance with Section 1 of Chapter 83 of the General Laws, any other applicable section of said Chapter 83 and any other applicable general or special law.

Section 2: Definitions

For the purpose of this Article II, the following words shall be considered to have the following meanings:

(1) Commercial Use: Occupancy of premises for financial gain including profit such as business and industrial uses.

(2) Commercial Sewer Unit: Shall be equivalent to 330 gallons of actual or reasonably anticipated daily sewage volume, as determined by the Director of the Department of Public Works based on Title 5 of the State Environmental Code, 310 CMR 15.203, System Sewage Flow Design Criteria. For purposes of determining the number of Commercial Sewer Units to be assessed, volume in an amount up to and including 330 gallons shall be deemed one Commercial Sewer Unit. An additional Commercial Sewer Unit shall be assessed for each additional 330 gallons of volume.

(3) Compensatory Sewer Privilege Fee: A fee that is assessed in lieu of a sewer assessment to reflect the increased use of a property in situations where: (a) a sewer assessment has been assessed to an undeveloped property based on the number of potential Sewer Units and said property is ultimately developed to accommodate a greater number of Sewer Units than that originally assessed; or (b) a sewer assessment has been assessed to a developed parcel and subsequently the use of that parcel has changed or intensified to accommodate a greater number of Sewer Units than that originally assessed;

or (c) no sewer assessment was assessed to an Unbuildable Lot and that lot subsequently is issued a building permit.

(4) Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including room or rooms for living, sleeping, and eating; provided that, solely for the purposes of this Article II, such complete living facilities that contain one bedroom or fewer shall be a Half Dwelling Unit.

(5) Force Main: A line without access from individual properties providing access from pumping station to pumping station or to trunk and sewer main.

(6) General Benefit Facilities: Improvements, such as pumping stations, trunk and force mains, acquisition of land or interests in land, which will provide benefit or advantage to an area exceeding that served by the Special Benefit Facilities. Ordinarily, General Benefit Facilities will serve a major part of a Pumping District.

(7) Lateral Line: Sewer conduit from a house to a street.

(8) Multifamily Use: Occupancy of premises with two or more dwelling units.

(9) Pumping District: An area, as identified by the Department of Public Works, which consists of a collection of sewer mains that connect to generally used infrastructure, such as pump stations, trunk mains and force mains that moves sewage from said collection of sewer mains to a treatment facility.

(10) Residential Sewer Units: Shall be equivalent to the number of existing Dwelling Units, including Accessory Dwelling Units as defined by the Zoning Ordinance, and the number of potential Dwelling Units on the property, as permitted under the Zoning Ordinance of the Town of Barnstable for the district in which the property is located; provided, that any Accessory Dwelling Unit that did not exist at the time of assessment shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section 4F hereof; provided further, that a Half Dwelling Unit shall be assessed as one half of one Sewer Unit.

(11) Semi-public Use: Occupancy of premises by private non-profit organizations, including without limitation private schools, hospitals, and religious institutions.

(12) Sewer Main: The line serving as a conduit for sanitary sewerage from the lateral lines from each individual property.

(13) Special Benefit Facilities: The sewer main to which a lateral line from an individual abutting property can be connected, acquisition of land or interests in land, pumping stations that are required to service a specific project area and any other costs of improvements required to service a specific project area.

(14) Trunk Main: The line serving as a conduit for sanitary sewerage from a number of sewer mains and lateral lines. Trunk mains shall be considered as those lines ten (10) inches and over in diameter.

(15) Unbuildable Lot: At the time at which a sewer assessment would have been imposed, a lot, as determined by the assessors of the Town, on which there is no apparent legal

way to build a legal residence or commercial building because the lot does not conform to the Town's building regulations or Zoning Ordinance.

(16) Uniform Unit Method: A means by which sewerage construction costs shall be equally divided between the total number of existing and potential Sewer Units to be served after having proportioned the costs resulting from the construction of Special and General Benefit Facilities.

(17) Zoning Ordinance: The Zoning Ordinance in effect in the Town of Barnstable at the time the sewerage assessment is levied.

Section 3: Basic Requirements

The Town Manager shall assess sewerage construction costs to all properties receiving benefit or advantage on the basis of the Uniform Unit Method. The Town Manager shall separate the costs of the General Benefit Facilities from those of the Special Benefit Facilities. The proportional cost of the Special and General Benefit Facilities shall be assessed in accordance with Section 5 hereof.

Section 4: Determination of Sewer Units

Section 4A: Each parcel of land in a Pumping District shall be converted into permanent Residential or Commercial Sewer Units, as defined herein, by the DPW for the purpose of proportionally dividing the construction costs equitably among such parcels of land.

Section 4B: Developed Residential Lots

A residential lot that contains one Dwelling Unit shall be assessed as one Sewer Unit. If such residential lot contains more than one Dwelling Unit, the number of assessed Residential Sewer Units shall equal the number of Dwelling Units. Single family dwellings shall comprise one Residential Sewer Unit; single family dwellings which have an Accessory Dwelling Unit as defined by the Zoning Ordinance within the single family residence or in a detached building on the same lot shall comprise two Residential Sewer Units; duplex dwellings shall comprise two Residential Sewer Units; three-family dwellings shall comprise three Residential Sewer Units; four-family dwellings shall comprise four Residential Sewer Units; and multiple family dwellings (in excess of four dwelling units) shall comprise one Residential Sewer Unit for each apartment in a rental property and one Residential Sewer Unit for each dwelling unit in a condominium complex; provided that the number of Residential Sewer Units in the foregoing list shall be adjusted accordingly for Half Dwelling Units. A Dwelling Unit that occupies two residential lots in such a way that only one Dwelling Unit is allowed shall be assessed as one Residential Sewer Unit.

Section 4C: Lots Capable of Division or Sub-Division

1. Residential Lots Capable of Division or Sub-Division

Residentially zoned land which is capable of being divided or sub-divided according to the Zoning Ordinance shall be assessed as currently used plus one additional Sewer Unit for each lot which could be created in accordance with the Zoning Ordinance. At the property owner's request, the time for payment of such additional assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon.

2. Commercial, Industrial, Business and Semi-public Lots Capable of Division or Sub-Division

Commercial, industrial, business, and semi-public lots which could be divided or sub-divided according to the Zoning Ordinance shall be assessed as currently used plus one additional Commercial Sewer Unit for each additional 330 gallons of reasonably anticipated daily sewage volume which could be generated from the use in accordance with the Zoning Ordinance. At the property owner's request, the time for payment of such additional assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon.

Section 4D: Improved Commercial, Industrial, Business, and Semi-public Lots and Uses

Improved commercial, industrial, business, and semi-public lots and uses shall be assessed according to the reasonably anticipated sewage volume to be generated from the use. 330 gallons of actual or anticipated daily sewage volume shall equal one Commercial Sewer Unit.

Section 4E: Unbuildable Lots

An Unbuildable Lot shall not be assessed any Sewer Units, provided that upon the issuance of a building permit, said lot shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section 4F below.

Section 4F: Changes in Use or Intensity of Use

In the event that existing uses on a parcel of land are changed or intensified under any circumstance, including without limitation issuance of a building permit for what had been classified as an Unbuildable Lot at the time a sewer assessment otherwise would have been imposed, changes in zoning, variance from the Zoning Ordinance, new construction and changes in use or reconfiguration, resulting in greater actual or potential sewage output than that established at the time of the original assessment or at the time the decision was made not to assess, the Town Manager or his or her designee shall assess a Compensatory Sewer Privilege Fee to reflect the new or increased use. The Compensatory Sewer Privilege Fee shall be computed based on the number of Sewer Units attributable to the new or increased use; provided that the amount of the fee for each such Sewer Unit shall be no greater than the initial maximum amount, as adjusted and most recently in effect, in accordance with Section 5A hereof. The Compensatory Sewer Privilege Fee shall be levied either at the time of connection of new or additional flow to the public sewer or upon Town of Barnstable approval of the change in use. Payment of the Compensatory Sewer Privilege Fee shall be made in accordance with the process for payment of assessments set forth in Section 8 hereof; provided that if the property owner chooses to apportion the payments, the Town will apply the same interest rate as that which would have been imposed for a sewer assessment on the property. Compensatory Sewer Privilege Fees collected by the Town shall be placed into a Sewer Privilege Fee Fund to be established by the Town and such monies shall be used to pay costs associated with the operation and maintenance costs of the Town's sewer system and wastewater treatment facility.

Section 5: Cost Determination and Apportionment Using the Uniform Unit Method

Section 5A: Sewer Cost Determination and Apportionment for Residential Land and Uses

Sewer assessments shall be based on one hundred percent (100%) of the cost of Special and General Benefit Facilities, as determined in accordance with the formulas set forth below. The actual assessment per Residential or Commercial Sewer Unit shall be the allocated cost or Seventeen Thousand Dollars (\$17,000.00) (the "initial maximum amount"), whichever is lower. This initial maximum amount will remain in effect until June 30 of the year following the calendar year in which the first sewer assessments are made. Thereafter, the initial maximum amount may be adjusted annually as of July 1 of each year by the percentage change in the construction cost index as calculated by the Gordian Company for the immediately preceding year ending June 30, as determined by the Town Manager. In the event that Gordian ceases to publish such index, the Department of Public Works will select an index which most closely resembles the Gordian index and the substitute index shall then be used for so long as the Director of the Department of Public Works determines that the substitute index accurately reflects market conditions.

Section 5B: Cost and Assessment of General Benefit Facilities

1. The cost of General Benefit Facilities and of Special Benefit Facilities shall be determined separately from each other.
2. The cost of General Benefit Facilities for a Pumping District shall be divided by the number of Sewer Units in such Pumping District. The result of such calculation shall be the General Benefit Facility Unit Cost.
 - a. The General Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets and have the capability to connect to the sewer system so that the property will receive a direct benefit and advantage upon connection to the sewer system.
 - b. The General Benefit Facility Unit Cost shall not be assessed to Sewer Units that do not currently abut existing streets to be sewered but shall be assessed at such later time as such Sewer Units shall have the capability to connect to the sewer system and directly benefit from the General Benefit Facilities.

Section 5C: Cost and Assessment of Special Benefit Facilities

1. The cost of Special Benefit Facilities for a Pumping District shall be divided by the number of Sewer Units in such Pumping District. The result of such calculation shall be the Special Benefit Facility Unit Cost.
 - a. The Special Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets and have the capability to connect to the sewer system so that the property will receive a direct benefit and advantage upon connection to the sewer system.
 - b. The Special Benefit Facility Unit Cost shall not be assessed to Sewer Units that do not currently abut existing streets to be sewered but shall be assessed at such later time as such Sewer Units shall have the capability to connect to the sewer system and directly benefit from the Special Benefit Facilities.

Section 6: Estimated Assessments

The Town may assess and collect estimated sewer assessments in connection with the construction of water pollution collection, pumping, treatment and disposal facilities. The total amount of such estimated sewer assessments shall not exceed the lesser of: (i) one-

half of the Town's liability under all contracts it has entered into for the construction of such facilities or (ii) the amount of any cap on sewer assessments as determined under Section 5 multiplied by the total number of Residential and Commercial Sewer Units. The total of such estimated assessments shall be determined by the same method to be used for the determination of the actual assessments upon the completion of the work. When the final costs of construction of the facilities have been determined, the Town may assess and collect actual sewer assessments for the balance owed. The interest rate on estimated sewer assessments will be the rate as determined under Section 8.

Section 7: Sewer Connection Costs

The cost of connecting the abutter to the completed section of sewer will be assessed back to the property abutter at one hundred percent (100%) of the cost. Property abutters may elect to pay the entire cost of connection upon completion or may choose to have it added to their sewer assessment. Alternatively, property abutters may elect to privately arrange and pay for the connection to the completed section of sewer.

Section 8: Interest Rate on Apportioned Sewer Assessments (NOTE: Ability to make payments over 30 years is subject to acceptance by the Town of G.L. c. 83, sec. 15D)

At the time of assessment, the property owner will have the option to pay the full amount of the assessment within thirty (30) days, or to make a partial payment on the assessment and apportion the unpaid balance over future tax bills for a period of their choosing, up to 30 years, or to apportion the full assessment over future tax bills for a period of their choosing, up to 30 years. The Town will apply an interest rate to the sewer assessment at an annual fixed rate of two percent (2.0%) above the borrowing costs the Town incurs on the loan. If multiple loans are issued, a blended rate will be used to calculate the Town's borrowing cost. The property owner may pay the total remaining principal amount due at any time without a prepayment penalty.

Section 9: Deferral of Charges (NOTE: Section c. 83, sec 16G needs to be accepted by the Town)

In accordance with and subject to the provisions of Section 16G of Chapter 83 of the General Laws, the Department of Public Works shall, upon application of the owner of real property served by the common sewers, if such owner is receiving an exemption from property taxes under clause Forty-first A of Section 5 of Chapter 59 of the General Laws with respect to such property, defer charges for said use of the common sewers. An application for deferral may be filed with the Department of Public Works within the time limit established for the filing of an application for exemption under said clause Forty-first A.

Section 10: Abatements

A property owner aggrieved by a sewer assessment imposed under this Article II may apply for abatement thereof by filing a request for abatement with the Town Manager on a form provided by the Department of Public Works within six months of the date of notice of such Assessment. The Town Manager shall make a final ruling on the application within 45 days from the date of filing. The filing of the application does not stay the payment of the sewer assessment, which must be paid as assessed. If the abatement request is allowed, the appropriate refund will be made by the Town. A property owner who is aggrieved by the refusal of the Town Manager to abate an assessment in whole or in part may within thirty days after notice of the decision of the Town Manager appeal therefrom

by filing a petition for the abatement of such assessment in the superior court in accordance with Section 7 of Chapter 80 of the General Laws.”

(Levesque) Asked Attorney Nober on how to proceed with this agenda item
(Nober) It would make sense to continue this item to whichever future meeting you would like to continue it to and then we could bring it back in its final form with all the amendments included in the ordinance, then Council could vote on it and public could see it in its final form. **(Ells)** Have concern depending on the level of discussion that would be associated with the approval of this item during operating budget discussions. At the Town Council’s suggestion we could hold a Special Town Council Meeting beyond the June meetings due to FY 2022 operating budget meetings in June. Could begin next June meeting one hour earlier but depends on level of discussion on agenda item 2021-139?

VOTE: CONTINUE AGENDA ITEM 2021-139 TO THE TOWN COUNCIL MEETING ON JULY 1st 2021. PASSES 12 YES Atsalis, Bogan, Clark, Cullum, Dagwan, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber. 1 ABSTAIN Rapp Grassetti

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 11:45 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk/Town of Barnstable

NEXT MEETING: June 3, 2021

Exhibits:

A. Town Manager Update for period May 7, 2021 thru May 20, 2021