



The Town of Barnstable

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To: Barnstable Town Councilors

From: Mark S. Ells, Town Manager

RE: Town Manager update for period May 7, 2021 thru May 20, 2021

1. This week the Baker-Polito Administration announced that the Commonwealth is on track to meet the goal of vaccinating 4.1 million residents by the first week of June and that all remaining COVID-19 restrictions will be lifted effective May 29. All industries will be permitted to open, all industry restrictions will be lifted, and gathering limits will be rescinded. Face coverings will still be required for individuals on public and private transportation, healthcare facilities, and congregate care settings; as well indoors for staff and students of K-12 schools and early education providers (DESE will be coming out with new guidelines in regards to K-12 and face coverings; so this requirement may change in the near future). Following State guidance I am issuing Town Manager Directive #3P rescinding all Town Facility Closures effective May 29, 2021. While all facilities will be open to the public, the delivery method of some Town services has changed. For example, some services previously provided at 200 Main Street have been partially moved on-line and some services previously located at 200 Main Street are now being conducted at our Town Hall. 200 Main Street will continue to be used for our Health Division's pandemic response efforts. Another example is that our MEA offices are open; however, all shellfish licenses are now sold on-line. Anywhere that efficiencies have been recognized by going to contactless service we intend to continue.
2. Governor Baker will lift the State of Emergency on June 15, 2021. The termination of the State of Emergency means that the Governor's Executive Order that suspended certain provisions of the Open Meeting Law (OML) will no longer be in effect as of that date. Assuming the Legislature does not amend the law before June 15, 2021 all meetings governed by the Open Meeting Law on or after June 15th will be in person. All board and committee members will be required to participate in person and all provisions of the OML will be in effect. The June 17, 2021 Town Council meeting and all subsequent Town Council meetings will be held in Town Hall. We are exploring the technological feasibility of allowing remote participation during these meetings for the public and for staff, but even if we do that, the public must be able to attend these meetings in person. One exception is that the Town's Commission on Disability can decide by majority vote whether to allow remote participation for its members in accordance with the provisions of the

OML. The lifting of the State of Emergency on June 15, 2021 raises the question of outdoor business spaces permitted for use on Main Street Hyannis this summer. Many people are asking if the Town plans on keeping the concrete barriers in place. While the outdoor spaces are permitted by the Town through the summer, we are in the process of determining how the State of Emergency lift will impact those spaces. A thorough, thoughtful approach is necessary considering the impact to businesses; both those businesses that have invested in the outdoor spaces in hopes of maximizing its use during this recovery period and those businesses that prefer Main Street be used for traffic and parking only. The Alcoholic Beverages Control Commission (ABCC) will be issuing an Advisory soon regarding the State of Emergency lift. It appears they will be providing a 60-day window for temporary extensions, moving the date to August 15th. We have requested clarification if the ABCC will be consider allowing either a municipality or establishment to request date extensions of the temporary expansions beyond August 15th. The ABCC is holding a Q&A zoom on May 26 which we will attend to request clarification on this issue. If extensions are not allowed, alcohol will not be allowed beyond the pre-COVID licensed area – food being served in those temporary spaces (without alcohol) would be subject to local Board of Health regulation. Once clarification from the State is received we will work with Hyannis Main Street businesses to gain consensus on the best plan forward; and I will keep you advised.

3. We are proceeding with the tasks in the budget action calendar for FY 2022 as scheduled. We distributed hardcopies of the FY 2022 proposed operating budget to the Town Council on Monday, May 10th. The electronic version of the document was also posted to the website on May 10th. The first reading of the budget appropriation orders will be later this evening at which time Mark Milne, Director of Finance will provide a summary of the proposed FY 2022 Operating Budget. Public hearings on the budget will commence June 3, 2021.
4. On April 29, 2021 the Town Council held a Special Town Council Meeting on a proposed Sewer Assessment Ordinance as part of the fiscal policy under consideration by Town Council to establish how to equitably distribute the remaining cost of the Comprehensive Wastewater Management Plan (CWMP). The Town Manager's proposal to Town Council includes the following:
 - First, review and approve the proposed Sewer Assessment Ordinance which includes a sewer assessment to each individual property receiving the planned sewer; and
 - Second discuss the use of general funds to pay for the remaining portion of cost associated with proceeding with the CWMP.

The second reading and public hearing on the proposed Sewer Assessment Ordinance is planned later in this evening's agenda.

5. Relative to the American Rescue Plan Act (ARPA) funds being distributed in Massachusetts, I have been asked by the Lieutenant Governor to participate in a working group to determine how ARPA funds will be distributed in Commonwealth

to best leverage local and state efforts. I have accepted and expect work to commence shortly. I will keep you advised as we progress on this matter.

6. On May 20, 2021 I met with the Concerned Citizens of Centerville (CCoC) and Councilor Nikolas Atsalis to discuss issues regarding electromagnetic radiation and the expanding use of technology that emits such radiation. After a healthy discussion I asked the CCoC to work with us in the following manner: (1) assist in public education and communication on electromagnetic radiation; (2) review and comment on a proposed modification to our general Ordinances Article X Personal Wireless Communication as we modernize that ordinance; and (3) actively participate in public discussion on the development of a section in the update (Fall 2021) of our Local Comprehensive Plan that addresses how Barnstable envisions the use of wireless technology in the future. I thank them for their continued efforts to address this important issue in our community in a cooperative and constructive manner. I will keep you advised of our progress.

7. On April 30, 2021 Brian Florence, Director of Inspectional Services and Building Commissioner, submitted to the Massachusetts Board of Building Regulations and Standards (BBRS) a request for Building Code Amendments. At last week's hearing, the BBRS denied Barnstable's requests. They did not provide comment as to the merits of the proposals but instead denied it on the basis that, "the request did not rise to the level of a life safety request". We disagree with the board's findings as a plain reading of the M.G.L. shows that there is no test for a "life safety" requirement written into the law in order for a community to submit a code amendment proposal. While we do not agree with the outcome we respect their authority and the broad discretion afforded to them in the M.G.L. We will take this decision under consideration as staff continues to work with its grant funded consultant through the Cape Light Compact to complete the other aspects of seeking Green Community designation. We will provide future updates as the plans evolve.