



The Town of Barnstable

Office of Town Manager

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July 15, 2021

To: Barnstable Town Councilors

From: Mark S. Ells, Town Manager

RE: Town Manager update for period July 2, 2021 thru July 15, 2021

1. We are preparing the budget action calendar and budget instruction for FY 2023 with a planned distribution in late summer 2021. For information on our fiscal year budgets please view the Town's Open Budget website at <http://budget.townofbarnstable.us>.
2. The Governor has extended certain special allowances regarding the Open Meeting Law that were tied to the COVID-19 state of emergency. Certain items will require further discussion, but the legislation extends the allowance for public bodies to hold remote meetings through April 1, 2022. We have taken this information under review and are working on developing the ability to effectively hold virtual meetings (in person and remote). We will keep you advised of our progress on this matter.
3. Work is progressing on the Town's Local Comprehensive Plan. Procurement staff has finalized the Request for Proposals (RFP) for the first phase of consultant work involving data collection and community visioning. The RFP was posted on July 12th with the responses due on August 2nd. Planning & Development staff continues to work on background, history, and existing conditions reports to give the community access to the objectives and results of past planning efforts. These efforts are being conducted in conformance with the Cape Cod Commission's local comprehensive plan guidance and regulations [https://www.capecodcommission.org/resource-library/file/?url=/dept/commission/team/Website/Resources/regulatory/LCP Guidance Document.pdf](https://www.capecodcommission.org/resource-library/file/?url=/dept/commission/team/Website/Resources/regulatory/LCP%20Guidance%20Document.pdf), with the goal of having the plan certified by the Commission upon completion. Commencing in August and monthly thereafter Elizabeth Jenkins, Director of Planning and Development, will provide an update on our progress on the Local Comprehensive Plan.
4. People of Action, the Barnstable Police Department and the Town of Barnstable are proud to announce the 5th Annual Barnstable Unity Day Celebration on the Hyannis Village Green on Friday, August 6, 2021, from 4:00-7:00 PM. The event is intended to welcome and engage the community and local police together in a fun, inclusive, and memorable celebration. Come show everyone that Barnstable is a

special and unique place with strong and caring community bonds. We are excited that the Breakaway X-GRILL will be on hand again this year to cook up burgers and hot dogs. The event is free and open to all and will include food (and ice-cream!), music, dancing, and fun activities for all ages. Please bring your own chairs and blankets and join us for a beautiful summer evening on the Hyannis Village Green. After last year's hiatus due to the pandemic, we are looking forward to reintroducing this important event.

5. We would like to remind all property owners about the provisions of the Town's Fertilizer Nitrogen and Phosphorous Control Regulations, identified as Chapter 78 of the Town of Barnstable Code. This Chapter may be viewed at this link: <https://ecode360.com/29942609?highlight=fertilizer&searchId=12631012758877147#29942609>. Excessive nutrient enrichment of the region's groundwater and waterbodies, caused by improper or excessive applications of fertilizer, may result in significant public health ramifications. Some of these ramifications include detrimental effects on drinking water sources by increased concentrations of nitrates. This can have a negative impact on economic, environmental, and recreational resources and values in the Town and region. We will be communicating directly to our residents through multiple media channels to reinforce the need for adherence to this Regulation.
6. The Natural Heritage Division of MassWildlife, has requested a meeting(s) with appropriate representatives of the Towns of Barnstable and Yarmouth to discuss Take of Least Terns (State-listed, Special Concern) and Piping Plovers (State- and federally listed, Threatened) at Great Island-Smith's Point that occurred as a result of the fireworks display in Lewis Bay on July 4, 2021. Those meeting commenced on July 14, 2021 and will continue until we resolve this matter. Guidelines (<https://www.fws.gov/northeast/pipingplover/pdf/fireworks.pdf>) to avoid Take of Plovers. Staff is working with State officials to address this occurrence. We will keep you advised of our progress on matter.
7. We continue to have regular conversations with Vineyard Wind (VW) regarding the status of the Phase I and Phase II projects. Vineyard Wind continues to work with Barnstable staff regarding both Phases of the project. They have commenced construction on Phase I and are proceeding with permitting on Phase II. We have continued our discussion with Vineyard Wind regarding an update to the Host Agreement for Phase II and a Host Agreement for a potential Phase III. I offer the following itemized update from Vineyard Wind regarding their ongoing efforts:
 - VW has begun permitting for Vineyard Wind Phase II and they anticipate the permitting processes to continue for about two years.
 - The Federal process happens somewhat independent of the State process, the latter involve Massachusetts Environmental Policy Act Office (MEPA) and Energy Facilities Siting Board (EFSB) separately and concurrently.
 - The State's MEPA process must be completed before the project seeks state and local permits.
 - Vineyard Wind has submitted its permitting using the envelope approach that was used with Vineyard Wind I - with preliminary permitting capturing

a wide range of options, and narrowing that set of options (the “envelope”) based on technical, community, regulator and stakeholder input.

- The Federal permitting process includes evaluation of a Phase III landing in Barnstable. State permitting has not begun yet for Phase III.
- Phase III is likely to be in the vicinity of Craigville Beach or west, due to the location of the substation they need to connect to. Vineyard Wind anticipates discussions regarding potentially feasible options with the town in the coming months, as well as to continue the dialogue with town staff to maximize coordination with town infrastructure, to minimize community disturbance, etc.

I plan to bring forward a resolve authorizing the Town Manager to commence negotiations with Vineyard Wind to amend the existing Host Community Agreement between the Town and Vineyard Wind to update Phase II and to include a potential Phase III.

8. On May 20, 2021 the Town Council held a public hearing on a proposed Sewer Assessment Ordinance as part of the fiscal policy under consideration by Town Council to establish how to equitably distribute the costs of the Comprehensive Wastewater Management Plan. The modified draft of the proposed Sewer Assessment Ordinance was posted on the Town web site <https://www.townofbarnstable.us/Departments/TownManager/> and provided to Town Council on June 14, 2021 and approved on July 1, 2021. The initial Town Manager’s proposal to Town Council back in October 2020 involved a two-step approach to the proposed fiscal policy under consideration:
 - 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.

We have a scheduled workshop with Town Council on August 5, 2021 to engage in the second part of the proposed fiscal policy discussion which focuses on use of general funds to address any remaining costs beyond those covers by existing revenue sources.