



The Town of Barnstable

Office of Town Manager

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June 1, 2023

To: Barnstable Town Councilors

From: Mark S. Ells, Town Manager

RE: Town Manager update for May 19 through June 1, 2023

1. We are proceeding with the Budget Action Calendar for Fiscal Year 2024 (FY2024) as scheduled. The Operating Budget for FY2024 has been submitted to the Town Council and public hearings are scheduled to begin on June 1, 2023. Mark Milne, Director of Finance, has provided a prerecorded summary of the FY2024 Operating Budget. <https://youtu.be/BhRI6442eVA> For information on our fiscal year budgets, please view the Town's Open Budget website at <http://budget.townofbarnstable.us>.
2. The Comprehensive Financial Advisory Committee has completed their review of the proposed Fiscal Year 2024 operating budget and have issued their report in accordance with the Town's Administrative Code. This year's report provides a comprehensive analysis of the School Department's operating budget and the associated impact on the budget as a result of the Student Opportunity Act. The report also includes comments on other significant components including the Police Department, Public Works Department, Fixed Costs and Enterprise Funds. The report is available on the Town's website and can be accessed using the following link:
https://www.townofbarnstable.us/BoardsCommittees/CFAC/Operating_Review/FY24-CFAC-Operating-Budget-Report.pdf?tm=5/30/2023%209:50:38%20AM
3. Summer season is upon us. Our beach facilities are manned on the weekend and our full staff will commence operation on June 24, 2023. We will start locking the beaches at 9:00 PM this weekend and that will continue through the summer season. If you have not obtained your beach sticker please do so using our convenient online purchasing system and keep your receipt because that will be used for entrance to our beaches until you receive the actual sticker.
4. I continue to receive inquiries as to the status of the various off shore wind projects. The Vineyard Wind Project continues with construction. We anticipate this construction concluding in June and VW is scheduled to commence construction again after Labor Day. The Park City Wind project is still in the final stages of permitting. It is our understanding from the legal counsel at the

Connecticut Department of Energy & Environmental Protection that Park City Wind's Power Purchase Agreement (PPA) remains in effect. Park City Wind has informed us that it is currently in the process of renegotiating its PPA and that those negotiations are proceeding well. We anticipate filings with the Barnstable Conservation Commission in the near future. The Commonwealth Wind project is in the permitting stages. It is our understanding that Commonwealth Wind will not fulfill its obligations under their existing Power Purchase Agreement. Unlike Connecticut, there is a statutory price cap in Massachusetts and, therefore, the PPA cannot be renegotiated. Accordingly, the state has undertaken a new procurement process and Commonwealth Wind plans to participate in that process and will respond to the request for proposals recently issued by the state. The results of the bid process are anticipated to be determined by summer of 2024. In the meantime, Commonwealth Wind continues with its permitting of the project. The Town of Barnstable has ceased Host Community Agreement negotiations. Depending on the outcome of the state's procurement process, negotiations will resume with Town Council authorization. We will keep you advised of the progress on these off shore wind projects.

5. As reported in previous Town Manager communications, Massachusetts Natural Heritage and Endangered Species Program notified the town in April 2023 of the requirement to file Massachusetts Endangered Species Act (MESA) permits in order to rake beaches that are located in nesting shorebird endangered species priority habitat. The south side beaches that fall into this category are Dowses, Kalmus, Craigville and Covell's. Fortes Beach also has endangered species protection requirements. To remain compliant with the Endangered Species Act the town will cease ranking these beaches until permits are secured. Specifically, the Town does not want to be cited for a "take" which includes harming, harassing or negatively affecting the habitat of an endangered species. The intent of the MESA permit is to clarify requested beach activities (such as raking, grading, planting, ball playing and events) and propose mitigation strategies so that the town cannot be accused of a "take." In other words the permit will protect the town from potential legal actions related to the Endangered Species Act, as all beach activities would be claimed under this permit. Each of our south side beaches are unique and some are more complicated than others to obtain the MESA permit. Therefore, we have selected Craigville as our first beach to pursue a permit. At this time we are actively writing the MESA permit for Craigville and we are working with National Heritage and Endangered Species Program (NHESP) to negotiate the terms of the permit in order to stay under the "take" threshold. In addition, we have embarked on an educational outreach program. Channel 18 has created a video on seaweed, endangered species and beach raking. The video can be found on the Channel 18 YouTube Channel <https://youtu.be/kCcFwifHPfI>. The intent of the video is to assure the public that our beaches, while not being perfectly groomed, will be taken care of this summer. As explained in the video, the active wrack at the tide line has never been raked or removed. The high wrack lines that were deposited by winter storms were removed this spring prior to communications with NHESP. If we have another storm deposited high seaweed line, we can potentially work with the state to remove excess seaweed for health reason. Our staff will also remove trash

from the beaches as in the past and your assistance to keep our beaches free of trash is always appreciated. In other words, our beaches will still be very desirable places to recreate this summer as we work through the MESA permitting processes. We will keep you advised as we progress on this effort.

6. We continue to meet with State Officials on the proposed regulatory changes to Title 5 and Watershed Permit regulations. My most recent discussion occurred early this week with the Deputy Commissioner of MassDEP (Department of Environmental Protection) regarding specific questions MassDEP has relative to MassDEP staff preparing a final draft document for the Administrations review and consideration. We will keep you advised of our progress on this matter.
7. The Town Manager's Office held a public hearing on proposed Green Burial Regulations on May 10, 2023. The full text of the proposed regulation is available on the Town of Barnstable website at <https://townofbarnstable.us/Departments/TownManager/> under Town Manager Hearings. Public comment will be accepted through June 9, 2023.
8. Elizabeth Jenkins, Director of Planning and Development will provide an update on the Local Comprehensive Plan.