



# The Town of Barnstable

## Office of Town Manager

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December 6, 2023

To: Barnstable Town Councilors

From: Mark S. Ells, Town Manager

RE: Town Manager update for November 15 through December 6, 2023

1. We are proceeding with the budget action calendar for FY 2025 (attached). As a reminder the Town Manager Calendar Year Fee Hearing was held on Tuesday, November 14th via Zoom. The proposed calendar year fees have been taken under advisement and comments will be accepted through Thursday, December 14, 2023. After December 14th, the Town Manager will either approve the fees as proposed, reduce the proposed fee or not approve leaving the current fee unchanged. For information on our fiscal year budgets please view the Town's Open Budget website at <http://budget.townofbarnstable.us>.
2. Mark Milne, Finance Director, and Lane Partridge, Director of Assessing, presented the proposed tax levy shifting options for the Fiscal Year 2024 tax levy to the Town Council at the November 16<sup>th</sup> meeting. This includes an option to split the tax rate between the residential class of property and the commercial, industrial, and personal property classes (CIP). This option allows for shifting a larger portion of the tax levy to the CIP class from the residential class. The presentation included an illustration of the tax levy and tax bill impacts from the adoption of a residential exemption. This option shifts the tax burden within the residential class from owners of moderately valued residential properties to the owners of vacation homes, higher valued homes and residential properties not occupied by the owner. The votes on both these items are scheduled for the December 7<sup>th</sup> Town Council meeting. These votes are necessary to set the Fiscal Year 2024 tax rates and to issue the 3<sup>rd</sup> and 4<sup>th</sup> quarter tax bills by December 31, 2023.
3. The public comment period to weigh in on the proposed Dog Control regulations is open until Friday, December 8<sup>th</sup>. To date we have received around 80 comments that are both positive and negative. Staff has been reviewing the comments and responding to questions. Once the comment period is closed, the Town Manager will take the comments under advisement and evaluate potential revisions to the Dog Control Regulation language.
4. Eversource Energy is proposing to modify electric infrastructure located in Bourne, Sandwich, and Barnstable, Massachusetts. The following project

changes would enable the operation of a previously approved transmission line between Bourne and Barnstable known as the Mid Cape Reliability Project. The proposed Project includes: (a) operating and interconnecting the line between Bourne and Barnstable; (b) expanding the West Barnstable Substation for operation; and (c) constructing a new switching station in Bourne. The Siting Board conducted a public comment hearing on Tuesday, November 14, 2023. The Town Legal Department attended the hearing and filed written comments on November 28, 2023. The comments are attached. We will keep the Town Council advised of this proposed project as it proceeds through the permitting process.

5. In response to a question I received from a Town Councilor relative to the Park City Wind Energy Facilities Siting Board's permitting process I offer the following response prepared by our Legal Department:

The Vineyard Wind and Park City wind projects initially were being advanced by the same project proponent as one project with two phases: Phase I from Covell's Beach to Independence Park, and Phase II from Covell's to the Oak Street substation. The Town had intervened in Vineyard Wind on Phase I before the Energy Facilities Siting Board (EFSB) and expended significant staff resources pushing back on what were seen at the time as key issues for the Town. As contested hearings before the EFSB approached on the original Vineyard Wind petition, the Town and Vineyard Wind successfully concluded weeks of difficult negotiations in the form of a Host Community Agreement ("HCA"). The HCA covered Phase I, which was in the permitting process at that time, and clearly contemplated a subsequent Phase II.

The Town Council authorized the Town Manager to sign the Vineyard Wind HCA. The HCA essentially served as a comprehensive settlement agreement, outside of the EFSB proceedings, which resolved all issues between the parties. It addressed the key concerns of the Town to protect Nantucket Sound by banning any wind project in the Sound from using Vineyard Wind cables to connect to the grid. It also required the parties to develop protocols to maximize protection of groundwater from a potential release of hazardous materials at the electric substation. While the containment and mitigation commitments secured in the Vineyard Wind HCA may seem like commonsense measures now, at the time there was no guarantee that they would be secured in the state permitting process. In fact, the EFSB had rejected the Town's objections to Cape Wind's containment designs in the Cape Wind proceedings. The Vineyard Wind HCA helped avoid unknown outcomes associated with the EFSB hearing process and allowed the Town to secure contractually what it might not achieve otherwise.

The Vineyard Wind HCA was signed on October 3, 2018, and then filed in the EFSB case. It required the Town to support the project. Vineyard Wind and the Town agreed that the Town would not pursue objections to the project at the EFSB. Thereafter, the Town did not take any continuing formal role as an intervenor in the Vineyard Wind hearings.

When Vineyard Wind announced on November 19, 2021 that Phase II of the project had been handed off to Park City Wind, the parties agreed that a separate HCA specific to the Park City Wind project would be signed given that Vineyard Wind and Park City Wind were two separate companies. In recognition of the fact that the first HCA had originally contemplated two phases of one project, the Town did not attempt to renegotiate the HCA with Park City Wind. A separate HCA was prepared that was closely modeled on the Vineyard Wind HCA, primarily changing the name of the developer to Park City Wind and relocating the landfall site to the west end of Craigville Beach at the suggestion of the Town. The Council authorized the Town Manager to sign the Park City Wind HCA, and the Town Manager signed it on May 6, 2022.

Like the Vineyard Wind HCA, the Park City Wind HCA required the Town to support the Park City Wind project before all agencies. As with Vineyard Wind, it was expected that the Town would not further engage in the EFSB process.

The Town's participation in the Vineyard Wind case was resolved through an HCA that had favorable terms to the Town. The Town got what it wanted, avoided a repeat of years of litigation experienced in the Cape Wind matter, and the Park City Wind HCA was essentially treated as an extension of the Vineyard Wind HCA. In both cases, the Town agreed to support the projects. Active participation and intervention in EFSB hearings didn't seem necessary after executing the Host Community Agreements, but there have been unanticipated changes in the offshore wind industry and to the Park City Wind project since then, for which intervenor status may have been useful. Going forward, particularly with Commonwealth Wind, a project that the Town currently does not support and for which there is no Host Community Agreement, we will absolutely file for intervenor status as soon as it is feasible to do so.

6. The Town has contracted with consultant (Sky Freyss-Cole) to assist with the development and implementation of a public outreach program relative to the use of opioid funds that we received from drug manufacturers and distributors (\$379K to date). A "Design Team" consisting of the Chair of the Human Services Committee, Deputy Chief of Police, Hyannis Fire Chief, Inspectional Services Director, the town's Communications Director, and Barnstable Public Schools' Director of Social-Emotional Learning and Student Services has been created to work with the consultant. In order to carry out this work in a way that is effective, long-lasting and meaningful for the Town of Barnstable, the consultant along with the Design Team will work closely together from the start to the finish. Their first meeting was conducted on November 21<sup>st</sup>. They will meet weekly or bi-weekly, as needed, to plan and execute the efforts of this process. This group will be responsible for honing the process and determining if other elements or events are needed and how the efforts will be rolled out. Some important actions the consultant and Design Team will implement include identifying key stakeholders, developing a communications strategy, and conducting public meetings in the form of workshops and focus groups. The first public meeting is expected to occur in late January 2024.

7. The Department of Public Works contractor plans to begin site preparation and sewer installation on West Main Street, from Route 28 to Strawberry Hill Road on Friday, December 8, 2023. The anticipated duration of the work is three weeks. The first day of work will require single-lane alternating traffic before transitioning to a full road closure during work hours. Work will occur Monday through Friday, from approximately 7:30AM to 5:00PM, weather permitting. Local resident and emergency access will be maintained throughout construction, with traffic control onsite to assist motorists. Businesses on West Main Street will remain accessible via Route 28. Additional information about the Route 28 East Sewer Expansion Project and the Town's Comprehensive Wastewater Management Plan (CWMP), can be found on [barnstablewaterresources.com](https://barnstablewaterresources.com). Town-wide roadwork impacts and real-time road closures will continue to be shared via Barnstable e-News, the Town's Facebook Page, the MyBarnstable Mobile App, and through the Town's Waze for Cities partnership.
8. The Town of Barnstable has been awarded 'Community of the Year' by the Massachusetts Chapter of the American Planning Association. The recognition is given annually to a municipality that provides an outstanding contribution to the field of planning. The Planning & Development Department's efforts in support of the ongoing revitalization of Downtown Hyannis were noted, including drafting comprehensive revisions to the zoning ordinance. The Massachusetts Chapter of the American Planning Association enhances and supports planning in Massachusetts through education, advocacy, outreach, communication, and provision of services and resources to the planning community.
9. Elizabeth Jenkins, Director of Planning & Development, will provide an update on the Local Comprehensive Plan