



The Town of Barnstable

Office of Town Manager

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April 30, 2024

To: Barnstable Town Councilors

From: Mark S. Ells, Town Manager

RE: Town Manager update for April 24 through April 30, 2024

1. We are proceeding with the budget action calendar for FY 2025. The FY25 proposed capital program and FY25 to FY29 Capital Plan has been submitted to the Town Council and is available on the town's website for viewing. Public hearings on the Capital Improvements Plan (CIP) orders began on April 25, 2024, and will continue at the May 2, 2024 Town Council meeting. For information on our fiscal year budgets please view the Town's Open Budget website at <http://budget.townofbarnstable.us>.
2. As previously reported and in response to requests by Town Council and the public regarding monitoring the activation of the Vineyard Wind cable landing at Covell's Beach, the Town continues discussions with Vineyard Wind regarding regular communication with the Town of Barnstable on safe and compliant operation of their project. Vineyard Wind has developed informational signage to be installed at the site to illustrate location and other project information so that those who visit Covell's Beach may have access to such information. The informational signage will be installed in spring 2024. Vineyard Wind is preparing a means of public access to information regarding issues of concern such as Electromagnetic Frequency (EMF) as well as other safety compliance aspects so that the public will know that the system is functioning in a safe and compliant manner. I had a telephone conversation with the Assistant Secretary for Government Affairs at the Executive of Energy and Environmental Affairs regarding my request that state officials provide verification that the Vineyard Wind project is in fact safe and in compliance with all state permitting requirements. We also met with Senator Cyr this week and requested his support for having state officials communicate with the town and the public on the safety and compliance of wind projects. We will keep you informed of the progress on this matter.
3. Town staff continues their discussions with state officials, most recently Senator Cyr, regarding the letter sent on April 4, 2024 to our Governor regarding concerns the Town of Barnstable has regarding the safety and compliance of wind projects as they land in and traverse through communities such as Barnstable, as well as other large-scale electric generating projects. In recent conversations with state officials, the Town has raised concerns regarding a community's liability and risk in the event of a

catastrophic failure of any of the physical components of these large-scale electric generating projects, particularly their substations, which use large volumes of oil and hazardous materials. We believe the state, as the permitting entity for these energy generating projects, should be responsible for taking an active role in ensuring project compliance with all permitting requirements, including designating a state compliance officer for such projects. We further believe that the state should affirmatively agree to back-stop the project owner by being prepared to undertake an immediate emergency response and be responsible for the costs of responding to and remediating any catastrophic event in the event the project owner does not or cannot do so. In following up to a call we received from the Governor's Office asking for specifics as to the types of assurances the Town was requesting, we met with Senator Cyr to strategize on this request. We expect further discussion with the Senator's Office and will share our progress on this matter with the Town Council.

4. At the Town Council meeting on March 7, 2024, we conducted a workshop regarding private roads. The presentation included a brief history, a summary of private roads, and potential future action to be taken regarding taking of private roads. At the Town Council meeting on April 25, 2024, further discussion arose regarding policy questions on how we will proceed with the taking of private roads. The Town staff has proceeded as follows based on past and the most recent discussions with Town Council:
 - a. At the last workshop the Town Manager committed to a discussion with Town Council during the FY 2025 Capital Budget hearings as to whether to proceed with use of Special Revenue Funds created by Special Legislation (2014) for Sewer Construction and Private Way Maintenance and Improvement or to proceed with the layout and acceptance of private roads proposed in the FY 2025 CIP and once accepted included as public roads in the Town Pavement Management Program. On April 25, 2024, the Town Council voted to approve the order to utilize the Special Revenue Funds.
 - b. Proceed with conducting a pavement conditions assessment of public and private roads to better understand the financial implications of taking private roads and adding said roads into the public road inventory.
 - c. Notify Town Council when/if a new road is being proposed in Barnstable so that a further discussion can occur regarding whether said road should be accepted as a public road.
 - d. Continue to bring to the Council for approval batches of roadway easements for sewer installation on private roads in the continuing efforts to secure State Revolving Fund eligibility for any and all sewer construction projects as outlined in the Town Council approved Comprehensive Wastewater Management Plan.
 - e. Conduct another Private Roads workshop with Town Council following budget hearings to further discuss details and impacts of implementing a "Taking of Private Roads" policy. Town Manager's Office, Legal, and DPW will continue to compile needs information to advance this discussion with Town Council.

5. Elizabeth Jenkins, Director of Planning and Development, will provide an update on the Local Comprehensive Plan.