



Town of Barnstable  
 Town Council  
 James H. Crocker Jr. Hearing Room  
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BARNSTABLE TOWN CLERK  
 2025 APR 11 AM 0:18

**TOWN COUNCIL MEETING**

**April 17, 2025**

**6:00 pm**

**Councillors:**

Craig Tamash  
 President  
 Precinct 4

Kris Clark  
 Vice President  
 Precinct 11

Gordon Starr  
 Precinct 1

Dr. Kristin Terkelsen  
 Precinct 2

Betty Ludtke  
 Precinct 3

John Crow  
 Precinct 5

Paul C. Neary  
 Precinct 6

Seth Burdick  
 Precinct 7

Jeffrey Mendes  
 Precinct 8

Charles Bloom  
 Precinct 9

Matthew P. Levesque  
 Precinct 10

Paula Schnepf  
 Precinct 12

Felicia Penn  
 Precinct 13

Administrator:  
 Cynthia A. Lovell  
[Cynthia.lovell@town.barnstable.ma.us](mailto:Cynthia.lovell@town.barnstable.ma.us)

The April 17, 2025 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2<sup>nd</sup> Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

1. The meeting will be televised live via Xfinity Channel 8 or 1070 or High-Definition Channel 1072 or may be accessed via the Government Access Channel live stream on the Town of Barnstable's website:  
<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to: <https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/TownCouncil/Agenda-Comment.asp>

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/86842499650> Meeting ID: 868 4249 9650  
 US Toll-free 1-888- 475- 4499

**PUBLIC SESSION**

**1. ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

**3. MOMENT OF SILENCE**

**4. PUBLIC COMMENT**

**5. COUNCIL RESPONSE TO PUBLIC COMMENT**

**6. TOWN MANAGER COMMUNICATIONS (Pre-Recorded and available on Video on Demand on the Town website)**

**7. MINUTES**

- **ACT ON PUBLIC SESSION MINUTES: April 03, 2025**

**8. COMMUNICATIONS - from elected officials, boards, committees, and staff, commission reports, correspondence and announcements**

**9. ORDERS OF THE DAY**

- A. Old Business**
- B. New Business**

**10. ADJOURNMENT**

**NEXT REGULAR MEETING: May 01, 2025**

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**B. NEW BUSINESS**

2025-151 Appointments to a Board/Committee/Commission: **Historical Commission:** Andrew Fisher, as a regular member to a term expiring 06/30/2027; **Housing Committee:** Joseph Taccogna, as a regular member, to a term expiring 06/30/2026; **Human Services Committee:** Patrick Downey, as a regular member to a term expiring 06/30/2026; **Mid Cape Cultural Council:** Mary Bianco, as a regular member, to a term expiring 06/2026 **(First Reading) (Refer to Second Reading 05/01/2025)**..... 97

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**Please Note:** The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it votes, the Council may go into executive session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

**B. OLD BUSINESS (Public Hearing) (Roll Call Two-Thirds Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-062  
INTRO: 12/12/2024, 4/17/2025**

**2025-062 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY REPEALING THE ZONING OVERLAY DISTRICT KNOWN AS THE “REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES, AND TESTING LABORATORIES ZONING OVERLAY DISTRICT” AND CREATING A NEW OVERLAY DISTRICT KNOWN AS THE “CANNABIS OVERLAY DISTRICT” AND EXPANDING THE EXISTING MEDICAL MARIJUANA OVERLAY DISTRICT, IN THE FORM AS SUBMITTED BY PETITION OF TEN REGISTERED VOTERS**

**ORDERED:** That the Town Council does hereby approve the amendments to the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, as set forth in Attachment 1 of the petition submitted to the Town Council on December 2, 2024, by ten registered voters in accordance with MG.L. c. 40A, § 5, and attached hereto.

**SPONSOR:** Mark S. Ells, Town Manager, upon the petition of ten (10) registered voters

DATE	ACTION TAKEN
<u>12/12/2024</u>	<u>Refer to Planning Board</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2025-062**  
**INTRO: 12/12/2024, 4/17/2025**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** James S. Kupfer, Director of Planning and Development  
**DATE:** April 17, 2025  
**SUBJECT:** Amending the Code of the Town of Barnstable, Part 1 General Ordinances, Chapter 240 Zoning by repealing the zoning overlay district known as the “Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District” and creating a new overlay district known as “Cannabis Overlay District” and expanding the existing Medical Marijuana Overlay District, in the form as submitted by petition of ten registered voters.

**BACKGROUND:** On December 2, 2024, a resident of the Town submitted a proposed amendment to the Town’s zoning ordinance addressed to the Town Council, along with the signatures of at least ten registered voters of the Town. Section 5 of M.G.L. c. 40A, the state Zoning Act, provides that “[a]doption or change of zoning ordinances or by-laws may be initiated by the submission to the city council ... of a proposed zoning ordinance ... by ten registered voters in a city ... .” Section 5 further provides that the City Council “shall within fourteen days of receipt of such zoning ordinance amendment ... submit it to the planning board for review.”

On December 2, 2024, the Town Clerk certified that the petition was signed by ten certified registered voters of the Town. In accordance with G.L. c. 40A, section 5, the Town Council on December 12, 2024, voted to refer the proposal to the Planning Board.

This proposal seeks to establish a new zoning overlay district where recreational marijuana retail would be permitted by special permit. This district would include the existing Medical Marijuana Overlay District, the existing Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District, and the B Business District. Furthermore, the proposal seeks to expand the existing medical marijuana overlay district to be consistent with the new overlay district.

Under the Town’s current zoning, medical marijuana establishments are permitted by special permit in the Medical Marijuana Overlay District. Recreational marijuana establishments are prohibited.

Further in accordance with G.L. c. 40A, section 5, the Planning Board reviewed the petition at their meeting on February 10, 2025, and voted 4-0 to not recommend its adoption.

**FISCAL IMPACT:** Under state law, Marijuana Establishments (ME) and Medical Marijuana Treatment Centers (MTC) are required to execute Host Community Agreements (HCAs) with the municipalities in which they plan to operate. The town may elect to incorporate a community impact fee into the terms of the HCA. A municipality that elects to incorporate a community impact fee may collect a figure that represents no more than 3% of the annual gross sales of the ME or MTC. Such impact fees must be reasonably related to the actual operations of an ME/MTC. In addition, the State Department of Revenue empowers a municipality to impose an additional tax, referred to as the local tax option, of 3% on retail transactions for Marijuana or Marijuana Products. The amount of revenue that could be generated is unknown at this time.

**STAFF ASSISTANCE:** James S. Kupfer, Director of Planning and Development; Kate Connolly, Assistant Town Attorney



# The Commonwealth of Massachusetts

DATE and TIME the paper received  
by Registrar.

## PETITION

### TOWN OF BARNSTABLE

#### SUBJECT OR SUBJECTS REQUESTED

(To be filled in by petitioners. If space is insufficient, attach additional page of description to each petition form before signatures are gathered.)

#### PETITION FOR AN ORDINANCE CHANGE AND ZONING PROPOSAL TO ESTABLISH A CANNABIS DISTRICT OVERLAY AND EXPAND THE EXISTING MEDICAL MARIJUANA DISTRICT

To the Honorable Members of the Barnstable Town Council:

We, the undersigned residents of the Town of Barnstable, hereby submit this petition for a zoning map amendment and text amendment to regulate and manage the placement of marijuana establishments within our town. We respectfully request that the Town Council consider the following proposal:

#### 1. Establish a Cannabis Overlay District

We propose that the Town of Barnstable adopt a Cannabis Overlay District regulating the siting of adult-use and medical marijuana establishments. This district will overlay the following areas:

- a. The existing Medical Marijuana Overlay District.
- b. The existing Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District, and
- c. The B Business District.

The Cannabis Overlay District will permit the controlled and responsible placement of marijuana cultivators, research facilities, testing laboratories, marijuana product manufacturers, and retail marijuana establishments. The overlay will ensure that these businesses operate in locations that are appropriate and away from sensitive uses such as schools and residential areas, while maintaining access to key commercial areas.

#### 2. Expand the Existing Medical Marijuana Overlay District

In conjunction with the establishment of the Cannabis Overlay District, we propose the expansion of the areas in which Medical Marijuana establishment can be located to include the same areas designated within the Cannabis Overlay District. This expansion will allow for a unified approach to the siting of medical and adult-use marijuana establishments within Barnstable.

By expanding the Medical Marijuana Overlay District, the Town will benefit from a streamlined zoning framework that encompasses both medical and adult-use marijuana establishments, ensuring consistent regulation and enforcement across all cannabis-related businesses.

#### SIGNER INFORMATION

#### INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the town and your signature should be written substantially as registered. Do NOT sign more than one petition for the same subject.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1 of this year, you need complete only columns I and II.

If you HAVE moved since January 1 of this year, you must complete columns I, II and III.

#### SIGNER'S STATEMENT

We, the undersigned, are qualified voters of the Town of Barnstable, and in accordance with the provisions of law, request a special town meeting for the purposes above.

Attachment 1: Proposed Text Change

AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY REPEALING THE ZONING OVERLAY DISTRICT KNOWN AS THE "REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES, AND TESTING LABORATORIES OVERLAY DISTRICT" AND CREATING A NEW OVERLAY DISTRICT KNOWN AS THE "CANNABIS OVERLAY DISTRICT" AND EXPANDING THE EXISTING MEDICAL MARIJUANA OVERLAY DISTRICT

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

By amending the Zoning Map of Barnstable, Mass. Dated September 1, 1998, as previously amended, as referenced in Article II, Section 240-6, to repeal the "Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District" and "Medical Marijuana Overlay District" and create a "Cannabis Overlay District" as shown on maps dated October 1, 2024, prepared by the Town of Barnstable Geographical Information System Unit, and entitled: proposed amendment to the town zoning map.

SECTION 2

A. By amending Article II, Section 240-5, Establishment of districts, by deleting: "Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District" under the heading "Overlay Districts" and inserting, "COD Cannabis Overlay District."

SECTION 3

By amending Article XVI Amendment, Definition; Moratorium to add:

**CRAFT MARIJUANA COOPERATIVE** — A marijuana cultivator composed of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to marijuana establishments, but not to consumers.

**INDEPENDENT TESTING LABORATORY** — A laboratory that is licensed by the Cannabis Control Commission and is:

- (a) Accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (b) Independent financially from any medical marijuana treatment center (RMD), marijuana establishment or licensee for which it conducts a test, and
- (c) Qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

**MARIJUANA COURIER** — An entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G, § 4(b)(1) that

allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

**MARIJUANA CULTIVATOR** — An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A craft marijuana cooperative is a type of marijuana cultivator.

**MARIJUANA ESTABLISHMENT (ME)** — A marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, independent testing laboratory, marijuana research facility, marijuana transporter, marijuana courier, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

**MARIJUANA MICROBUSINESS** — A co-located marijuana establishment that can be either a Tier 1 marijuana cultivator or product manufacturer or both, in compliance with the operating procedures for each license. A microbusiness that is a marijuana product manufacturer may purchase no more than 2,000 pounds of marijuana per year from other marijuana establishments.

**MARIJUANA PRODUCT MANUFACTURER** — An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other marijuana establishments, but not to consumers.

**MARIJUANA RESEARCH FACILITY** — An entity licensed to engage in research projects by the Cannabis Control Commission.

**MARIJUANA RETAILER** — An entity licensed to purchase, Repackage, White Label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to Transfer or otherwise Transfer this product to Marijuana Establishments and to sell to Consumers. Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment. An entity licensed to purchase and transport cannabis or marijuana products from marijuana establishments and to sell or otherwise transfer this product to marijuana establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers, and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a marijuana establishment.

**MARIJUANA TRANSPORTER** — An entity, not otherwise licensed by the Cannabis Control Commission, which is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments, but not to consumers. Marijuana transporters may be an existing licensee transporter or third-party transporter.

#### SECTION 4.

By amending Article III District regulations to repeal Section 240-31 Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District and replace it with:

##### § 240-31 Cannabis Overlay District.

A District established. A Cannabis Overlay District is hereby established, and shall be considered as superimposed over any other districts established by this chapter, and is shown as an overlay on the Official Zoning Map established pursuant to § 240-6, Zoning Map, herein.

Use. Notwithstanding the use limitations of the base zoning district or any other overlay zoning district, Marijuana Establishments shall be allowed within the Cannabis Overlay District upon the granting of a special permit, subject to the requirements set forth in this section. Within the Cannabis Overlay District, and only within the Cannabis Overlay District, Marijuana Establishments may be permitted, provided that a special permit is first obtained from the Zoning Board of Appeals, subject to the following standards and conditions.

#### C. Purposes

(1) To provide for the placement of marijuana establishments in appropriate places and under strict conditions in accordance with MGL c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, and the Cannabis Control Commission regulations promulgated thereunder, 935 CMR 500.000.

(2) To minimize the adverse effects of marijuana establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said establishments.

(3) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of marijuana establishments.

#### D. Applicability

(1) No ME shall be established except in compliance with the provisions of this section.

(2) Pursuant to MGL c. 94G, §3(a)(2), the number of Marijuana Retailers shall be limited to fewer than 20 percent of the number of licenses issued within the town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under section 15 of Chapter 138.

(3) Nothing in this bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

#### E. General requirements for marijuana establishments.

(1) A ME shall be contained within a building or structure, except open-air marijuana cultivators which may be allowed in accordance with § 164-13, Schedule of use regulations. Marijuana plants, products, and paraphernalia shall not be clearly visible to a person from the exterior of a ME.

(2) No ME shall be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the ME is or will be located.

(3) The hours of operation of a Marijuana Retailer shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses.

(4) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a ME.

(5) A ME shall provide the Zoning Board of Appeals with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated

with the establishment. The applicant shall also provide a statement from the Barnstable Police Department verifying completion of background checks by the Cannabis Control Commission.

(6) Special permits shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. The special permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.

(7) Special permits shall be valid for a period of three (3) years from the date of the decision. A special permit shall be renewed for successive three-year periods provided that a written request for renewal is made to the Board of Appeals not less than three (3) months prior to the expiration of the then-existing three-year period. Publication of notice of said request shall be made in the same manner as would be required for an original application for a special permit. Said notice shall state that the renewal request will be granted unless, prior to the expiration of the then-existing permit, a written objection to the renewal, stating reasons, is received by the Board of Appeals. In the event of such an objection, a hearing on the renewal shall be held and shall proceed in a manner identical to the course of proceedings in connection with an original permit application. The special permit shall remain in effect until the conclusion of the public hearing and decision of the Board of Appeals either granting or denying the special permit renewal, including the outcome of any appeal under MGL c. 40A, § 17. In granting the renewal, the Board of Appeals may impose additional conditions, including, without limiting the foregoing, time limits to correct violations and hours of operation, upon which a specific lapse of time without correction or compliance shall result in a denial of the renewal.

#### F. Special permit requirements.

(1) A ME shall only be allowed by special permit from the Zoning Board of Appeals in accordance with M.G.L. c. 40A, § 9, and §24B-125 herein, subject to the following statements, regulations, requirements, conditions and limitations.

(2) A special permit application for a ME shall include the following:

a. The name and address of each owner of the ME;

b. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the marijuana establishment;

c. Evidence of the applicant's right to use the site of the ME for the ME use, such as a deed, or lease;

d. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of each such entity until the disclosure contains the names and addresses of individuals;

e. Proposed security measures for the ME, including lighting, fencing, gates and alarms, surveillance cameras, etc., to ensure safety and security from theft or fire. Such measures shall be sent by the applicant to the Police and Fire Chiefs for review and comment.

#### G. Mandatory findings.

(1) The Zoning Board of Appeals shall not issue a special permit for a ME unless it finds that:

a. The facility is designed to address any environmental, visual, noise, odor, traffic or economic impacts on abutters and other "parties in interest," as defined in M.G.L. c. 40A, § 11;

b. The facility demonstrates that it has met all the permitting requirements; and

c. The applicant has satisfied all of the general and special permit requirements of this section and § 164-44.

#### H. Severability

The invalidity of any section or provision of this section shall not invalidate any other section or provision thereof.

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-085  
INTRO: 04/03/2025, 04/17/2025**

**2025-085 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$990,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND CONSTRUCTION OF AIRCRAFT HARDSTANDS FOR TERMINAL APRONS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 - FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$990,000** be appropriated for the purpose of funding the Design and Construction of Aircraft Hardstands for Terminal Aprons Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$24,750** be provided from the Airport Enterprise Fund surplus, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$965,250** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Cape Cod Gateway Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-086  
INTRO: 04/03/2025, 04/17/2025**

**2025-086 APPROPRIATION ORDER IN THE AMOUNT OF \$150,000 FOR THE PURPOSE OF FUNDING THE INFORMATION TECHNOLOGY DEPARTMENT NETWORK INFRASTRUCTURE UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$150,000** be appropriated for the purpose of funding the Information Technology Department Network Infrastructure Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$150,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- 
- Read Item
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Vote



**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-087**  
**INTRO: 04/03/2025, 04/17/2025**

**2025-087 APPROPRIATION ORDER IN THE AMOUNT OF \$95,000 FOR THE PURPOSE OF FUNDING THE INFORMATION TECHNOLOGY DEPARTMENT SERVER REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$95,000** be appropriated for the purpose of funding the Information Technology Department Server Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$95,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- 
- Read Item
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-088**  
**INTRO: 04/03/2025, 04/17/2025**

**2025-088 APPROPRIATION ORDER IN THE AMOUNT OF \$416,000 FOR THE PURPOSE OF FUNDING THE PATROL VESSEL PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$416,000** be appropriated for the purpose of funding the Patrol Vessel Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$416,000** be provided from the Waterways Improvement Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- 
- Read Item
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-089  
INTRO: 04/03/2025, 04/17/2025**

**2025-089 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,500,000 FOR THE PURPOSE OF FUNDING THE PIPE REPLACEMENT AND UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of \$1,500,000 be appropriated for the purpose of funding the Pipe Replacement and Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,500,000 under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the “Trust”) and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-090**

**INTRO: 04/03/2025, 04/17/2025**

**2025-090 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE WELLS, PUMP STATIONS, TREATMENT PLANT REPAIR AND UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Wells, Pump Stations, Treatment Plant Repair and Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the Water Supply Enterprise Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-091  
INTRO: 04/03/2025**

**2025-091 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,300,000 FOR THE PURPOSE OF FUNDING WATER POLLUTION CONTROL PUMP STATION REHABILITATION PROGRAM AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$3,300,000** be appropriated for the purpose of funding Water Pollution Control Pump Station Rehabilitation Program as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$3,300,000** under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the “Trust”) and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-092  
INTRO: 04/03/2025, 04/17/2025**

**2025-092 APPROPRIATION ORDER IN THE AMOUNT OF \$165,000 FOR THE PURPOSE OF FUNDING THE WATER POLLUTION CONTROL BEARSES WAY FENCE REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$165,000** be appropriated for the purpose of funding the Water Pollution Control Bearses Way Fence Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$165,000** be provided from the Water Pollution Control Enterprise Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- Read Item
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-093  
INTRO: 04/03/2025, 04/17/2025**

**2025-093 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE PRINCE COVE MARINA BUILDING IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Prince Cove Marina Building Improvements Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the Marina Enterprise Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-094  
INTRO: 04/03/2025, 04/17/2025**

**2025-094 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$447,400 FOR THE PURPOSE OF FUNDING THE OLDE BARNSTABLE FAIRGROUNDS MAINTENANCE BUILDING PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of \$447,400 be appropriated for the purpose of funding the Olde Barnstable Fairgrounds Maintenance Building Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$447,400 under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote



**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-095  
INTRO: 04/03/2025, 04/17/2025**

**2025-095 APPROPRIATION ORDER IN THE AMOUNT OF \$189,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE POLICE DEPARTMENT SECURITY MODERNIZATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$189,000** be appropriated for the purpose of funding the Barnstable Police Department Security Modernization Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$189,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-096  
INTRO: 04/03/2025, 04/17/2025**

**2025-096 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$258,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE POLICE DEPARTMENT BOILER REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$258,000** be appropriated for the purpose of funding the Barnstable Police Department Boiler Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$258,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-097  
INTRO: 04/03/2025, 04/17/2025**

**2025-097 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,820,000 FOR THE PURPOSE OF FUNDING THE HYANNIS YOUTH AND COMMUNITY CENTER MECHANICAL IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,820,000** be appropriated for the purpose of funding the Hyannis Youth and Community Center Mechanical Improvements Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,820,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-098  
INTRO: 04/03/2025, 04/17/2025**

**2025-098 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$394,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE ADULT COMMUNITY CENTER MECHANICAL UPGRADES PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$394,000** be appropriated for the purpose of funding the Barnstable Adult Community Center Mechanical Upgrades Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$347,639** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the remaining funds in the amounts of **\$18,162** in Town Council Order 2016-112 and **\$28,199** in Town Council Order 2018-076 be transferred to this project, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-099  
INTRO: 04/03/2025, 04/17/2025**

**2025-099 APPROPRIATION ORDER IN THE AMOUNT OF \$148,000 FOR THE PURPOSE OF FUNDING THE COVELLS BEACH HOUSE IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$148,000** be appropriated for the purpose of funding the Covell’s Beach House Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$148,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- Read Item
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-100  
INTRO: 04/03/2025, 04/17/2025**

**2025-100 APPROPRIATION ORDER IN THE AMOUNT OF \$240,000 FOR THE PURPOSE OF FUNDING THE SALTWATER BEACH HOUSE IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$240,000** be appropriated for the purpose of funding the Saltwater Beach House Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$180,342** be provided from the General Fund Reserves, and that the remaining funds in the amounts of **\$9,743** in Town Council Order 2014-111, **\$49,875** in Town Council Order 2021-117, and **\$40** in Town Council Order 2022-117 be transferred to this project, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-101**

**INTRO: 04/03/2025, 04/17/2025**

**2025-101 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,250,000 FOR THE PURPOSE OF FUNDING THE TOWN HALL ELEVATOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,250,000** be appropriated for the purpose of funding the Town Hall Elevator Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,217,042** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the remaining funds in the amounts of **\$5,460** in Town Council Order 2017-069 and **\$27,498** in Town Council Order 2021-113 be transferred to this project, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- 
- Read Item
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-102  
INTRO: 04/03/2025, 04/17/2025**

**2025-102 APPROPRIATION ORDER IN THE AMOUNT OF \$105,076 FOR THE PURPOSE OF FUNDING THE CAPE COD AIRFIELD HANGER REPAIR DESIGN PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$105,076** be appropriated for the purpose of funding the Cape Cod Airfield Hanger Repair Design Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$105,076** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote



**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-103  
INTRO: 04/03/2025, 04/17/2025**

**2025-103 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$16,000,000 FOR THE PURPOSE OF FUNDING THE CENTERVILLE VILLAGE SOUTH SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$16,000,000** be appropriated for the purpose of funding the Centerville Village South Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$16,000,000** under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the “Trust”) and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-104  
INTRO: 04/03/2025, 04/17/2025**

**2025-104 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$45,600,000 FOR THE PURPOSE OF FUNDING THE PHINNEY’S LANE NEIGHBORHOODS SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$45,600,000** be appropriated for the purpose of funding the Phinney’s Lane Neighborhoods Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$45,600,000** under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the “Trust”) and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-105  
INTRO: 04/03/2025, 04/17/2025**

**2025-105 APPROPRIATION ORDER IN THE AMOUNT OF \$125,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OF THE MUNICIPAL PROPERTY SEWER CONNECTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$125,000** be appropriated for the purpose of funding the Design and Permitting of the Municipal Property Sewer Connection Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$125,000** be provided from the Capital Trust Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- 
- Read Item
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-106  
INTRO: 04/03/2025, 04/17/2025**

**2025-106 APPROPRIATION ORDER IN THE AMOUNT OF \$750,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OF THE LONG POND CENTERVILLE AREA SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$750,000** be appropriated for the purpose of funding the Design and Permitting of the Long Pond Centerville Area Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$750,000** be provided from the Capital Trust Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-107  
INTRO: 04/03/2025, 04/17/2025**

**2025-107 APPROPRIATION ORDER IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF FUNDING THE PRELIMINARY DESIGN AND SURVEY OF THE PRINCE COVE AREA SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,000,000** be appropriated for the purpose of funding the Preliminary Design and Survey of the Prince Cove Area Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$1,000,000** be provided from the Capital Trust Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- 
- Read Item
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-108**  
**INTRO: 04/03/2025, 04/17/2025**

**2025-108 APPROPRIATION ORDER IN THE AMOUNT OF \$2,250,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OF THE GREAT MARSH ROAD SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$2,250,000** be appropriated for the purpose of funding the Design and Permitting of the Great Marsh Road Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$2,250,000** be provided from the Capital Trust Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- 
- Read Item
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-109**

**INTRO: 04/03/2025, 04/17/2025**

**2025-109 APPROPRIATION ORDER IN THAT THE AMOUNT OF \$350,000 FOR THE PURPOSE OF FUNDING THE PRELIMINARY DESIGN AND SURVEY OF THE HUCKINS NECK ROAD SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$350,000** be appropriated for the purpose of funding the Preliminary Design and Survey of the Huckins Neck Road Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$350,000** be provided from the Capital Trust Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-110  
INTRO: 04/03/2025, 04/17/2025**

**2025-110 APPROPRIATION ORDER IN THE AMOUNT OF \$635,000 FOR THE PURPOSE OF FUNDING THE ASA MEIGS ROAD REPAIR PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$635,000** be appropriated for the purpose of funding the Asa Meigs Road Repair Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$635,000** be provided from the Sewer Construction and Private Way Improvement Fund reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote



**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-111  
INTRO: 04/03/2025, 04/17/2025**

**2025-111 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$337,500 FOR THE PURPOSE OF FUNDING THE COTUIT TOWN DOCK REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$337,500** be appropriated for the purpose of funding the Cotuit Town Dock Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$337,500** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

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**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-112**

**INTRO: 04/03/2025, 04/17/2025**

**2025-112 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,000,000 FOR THE PURPOSE OF FUNDING THE OYSTER HARBOR BRIDGE IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$3,000,000** be appropriated for the purpose of funding the Oyster Harbor Bridge Improvements Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$3,000,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-113**

**INTRO: 04/03/2025, 04/17/2025**

**2025-113 APPROPRIATION ORDER IN THE AMOUNT OF \$2,950,000 FOR THE PURPOSE OF FUNDING THE PUBLIC ROADS MAINTENANCE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$2,950,000** be appropriated for the purpose of funding the Public Roads Maintenance Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$2,929,386** be provided from the Capital Trust Fund Reserves, and that the remaining funds of **\$20,614** in Town Council Order 2021-108 be transferred to this project, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-114**

**INTRO: 04/03/2025, 04/17/2025**

**2025-114 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,700,000 FOR THE PURPOSE OF FUNDING THE HAWES AVENUE CULVERT RECONSTRUCTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,700,000** be appropriated for the purpose of funding the Hawes Avenue Culvert Reconstruction Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,455,745** under and pursuant to M.G.L. c. 44, §7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the remaining funds in the amounts of **\$68,500** in Town Council Order 2019-046, **\$30,716** in Town Council Order 2019-117, **\$125,239** in Town Council Order 2019-124, **\$3,251** in Town Council Order 2019-125, and **\$16,549** in Town Council Order 2019-126 be transferred to this project, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-115  
INTRO: 04/03/2025, 04/17/2025**

**2025-115 APPROPRIATION ORDER IN THE AMOUNT OF \$150,000 FOR THE PURPOSE OF FUNDING THE FRESHWATER PONDS MONITORING AND MANAGEMENT PLAN PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$150,000** be appropriated for the purpose of funding the Freshwater Ponds Monitoring and Management Plan Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$138,952** be provided from the General Fund Reserves, and that the remaining funds of **\$11,048** in Town Council Order 2021-109 be transferred to this project, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- 
- Read Item
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-116  
INTRO: 04/03/2025, 04/17/2025**

**2025-116 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$925,000 FOR THE PURPOSE OF FUNDING THE NORTH STREET SIDEWALK EXTENSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$925,000** be appropriated for the purpose of funding the North Street Sidewalk Extension Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$582,875** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the remaining funds in the amounts of **\$1,645** in Town Council Order 2017-073, **\$320,923** in Town Council Order 2017-074, **\$15,957** in Town Council Order 2018-095, and **\$3,600** in Town Council Order 2022-039 be transferred to this project, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-117  
INTRO: 04/03/2025, 04/17/2025**

**2025-117 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$368,000 FOR THE PURPOSE OF FUNDING THE CURB RAMP AND SIDEWALK ADA TRANSITION IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$368,000** be appropriated for the purpose of funding the Curb Ramp and Sidewalk ADA Transition Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$368,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-118  
INTRO: 04/03/2025, 04/17/2025**

**2025-118 APPROPRIATION ORDER IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF FUNDING THE PUBLIC BRIDGE REPLACEMENT STUDY PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$500,000** be appropriated for the purpose of funding the Public Bridge Replacement Study Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$475,345** be provided from the General Fund Reserves, and that the remaining funds of **\$16,000** in Town Council Order 2010-111 and **\$8,655** in Town Council Order 2018-093 be transferred to this project, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- 
- Read Item
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Vote



**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-119**

**INTRO: 04/03/2025, 04/17/2025**

**2025-119 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$750,000 FOR THE PURPOSE OF FUNDING THE INTERSECTION IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$750,000** be appropriated for the purpose of funding the Intersection Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$750,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- Read Item
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-120  
INTRO: 04/03/2025, 04/17/2025**

**2025-120 APPROPRIATION ORDER IN THE AMOUNT OF \$125,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OLD STAGE ROAD PEDESTRIAN IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$125,000** be appropriated for the purpose of funding the Design and Permitting Old Stage Road Pedestrian Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$125,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-121**

**INTRO: 04/03/2025, 04/17/2025**

**2025-121 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING MAIN STREET CENTERVILLE PEDESTRIAN IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$250,000** be appropriated for the purpose of funding the Design and Permitting Main Street Centerville Pedestrian Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$250,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

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Read Item

Rationale

Public Hearing

Close Public Hearing

Council Discussion

Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-122**

**INTRO: 04/03/2025, 04/17/2025**

**2025-122 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING CRAIGVILLE BEACH ROAD PEDESTRIAN IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Design and Permitting Craigville Beach Road Pedestrian Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-123**

**INTRO: 04/03/2025, 04/17/2025**

**2025-123 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE UNITED ELEMENTARY SCHOOL HVAC EQUIPMENT REPLACEMENT DESIGN PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,000,000** be appropriated for the purpose of funding the Barnstable United Elementary School HVAC Equipment Replacement Design Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,000,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-124**

**INTRO: 04/03/2025, 04/17/2025**

**2025-124 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL GYM FLOOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$500,000** be appropriated for the purpose of funding the Barnstable High School Gym Floor Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$500,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-125  
INTRO: 04/03/2025, 04/17/2025**

**2025-125 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$550,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL CULINARY KITCHEN PHASE II PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$550,000** be appropriated for the purpose of funding the Barnstable High School Culinary Kitchen Phase II Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$550,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-126**

**INTRO: 04/03/2025, 04/17/2025**

**2025-126 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,000,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL PERFORMING ARTS CENTER UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$3,000,000** be appropriated for the purpose of funding the Barnstable High School Performing Arts Center Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$3,000,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

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**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-127  
INTRO: 04/03/2025, 04/17/2025**

**2025-127 APPROPRIATION ORDER IN THAT THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE WEST BARNSTABLE ELEMENTARY SCHOOL GYMNASIUM FLOOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Barnstable West Barnstable Elementary School Gymnasium Floor Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

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Read Item  
Rationale  
Public Hearing  
Close Public Hearing  
Council Discussion  
Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-128**

**INTRO: 04/03/2025, 04/17/2025**

**2025-128 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOLS DISTRICT WIDE MECHANICAL UPGRADES PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$250,000** be appropriated for the purpose of funding the Barnstable Public Schools District Wide Mechanical Upgrades Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-129**  
**INTRO: 04/03/2025, 04/17/2025**

**2025-129 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$350,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOLS DISTRICT WIDE HVAC REPAIRS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$350,000** be appropriated for the purpose of funding the Barnstable Public Schools District Wide HVAC Repairs Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$350,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-130**

**INTRO: 04/03/2025, 04/17/2025**

**2025-130 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE INTERMEDIATE SCHOOL GYM FLOOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$250,000** be appropriated for the purpose of funding the Barnstable Intermediate School Gym Floor Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

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Read Item

Rationale

Public Hearing

Close Public Hearing

Council Discussion

Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-131**

**INTRO: 04/03/2025, 04/17/2025**

**2025-131 APPROPRIATION ORDER IN THE AMOUNT OF \$162,700 FOR THE PURPOSE OF FUNDING THE BARNSTABLE INTERMEDIATE SCHOOL LIBRARY FLOOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$162,700** be appropriated for the purpose of funding the Barnstable Intermediate School Library Floor Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$162,700** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-132**

**INTRO: 04/03/2025, 04/17/2025**

**2025-132 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,100,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE INTERMEDIATE SCHOOL ROOFTOP UNIT REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$2,100,000** be appropriated for the purpose of funding the Barnstable Intermediate School Rooftop Unit Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$2,100,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-133**

**INTRO: 04/03/2025, 04/17/2025**

**2025-133 APPROPRIATION ORDER IN THE AMOUNT OF \$80,000 FOR THE PURPOSE OF FUNDING THE DEMOLITION OF OLD PORTABLES PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$80,000** be appropriated for the purpose of funding the Demolition of Old Portables Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$80,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

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- Read Item
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-134**

**INTRO: 04/03/2025, 04/17/2025**

**2025-134 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$507,600 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL EXHAUST FAN REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$507,600** be appropriated for the purpose of funding the Barnstable High School Exhaust Fan Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$507,600** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote



**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-135  
INTRO: 04/03/2025, 04/17/2025**

**2025-135 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$900,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE UNITED ELEMENTARY SCHOOL BUILDING ENVELOPE UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$900,000** be appropriated for the purpose of funding the Barnstable United Elementary School Building Envelope Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$900,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-136  
INTRO: 04/03/2025, 04/17/2025**

**2025-136 APPROPRIATION ORDER IN THE AMOUNT OF \$50,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL LOCKER ROOM RENOVATIONS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$50,000** be appropriated for the purpose of funding the Barnstable High School Locker Room Renovations Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$50,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_
- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-137**

**INTRO: 04/03/2025, 04/17/2025**

**2025-137 APPROPRIATION ORDER IN THE AMOUNT OF \$160,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOL NETWORK INFRASTRUCTURE REPLACEMENT AND UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$160,000** be appropriated for the purpose of funding the Barnstable Public School Network Infrastructure Replacement and Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$160,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- Read Item
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-138**  
**INTRO: 04/03/2025, 04/17/2025**

**2025-138 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOL SECURITY CAMERA UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Barnstable Public School Security Camera Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

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- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-139**

**INTRO: 04/03/2025, 04/17/2025**

**2025-139 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$500,500 FOR THE PURPOSE OF FUNDING THE BARNSTABLE WEST BARNSTABLE ELEMENTARY SCHOOL ROOF REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$500,500** be appropriated for the purpose of funding the Barnstable West Barnstable Elementary School Roof Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$500,500** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-147**

**INTRO: 04/03/2025, 04/17/2025**

**2025-147 APPROPRIATION ORDER IN THE AMOUNT OF \$100,000 IN COMMUNITY PRESERVATION FUNDS FOR THE PURPOSE OF ACQUIRING A CONSERVATION RESTRICTION ON TWO CONTIGUOUS OPEN SPACE TRACTS OF LAND TOTALING 5.46± ACRES AND LOCATED AT 564 MAIN STREET AND 0 MAIN STREET (ROUTE 6A), WEST BARNSTABLE**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c. 44B, the sum of **One Hundred Thousand Dollars (\$100,000)** shall be appropriated and transferred first from the amount set-aside for Open Space and Recreation within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund to Orenda Wildlife Land Trust, Inc. (“Orenda”) for the purpose of Orenda acquiring the fee interest in two contiguous parcels totaling 5.46± acres, with the first parcel located at 564 Main Street, West Barnstable, being Assessors Map 133, Parcel 011, and shown as Lot 2 on a plan entitled “Plan of Land in West Barnstable, Mass Belonging to the Estate of Miriam H. Rice” and recorded with the Barnstable County Registry of Deeds in Plan Book 166, Page 141, and with the second parcel located at 0 Main Street, West Barnstable, being Assessors Map 157, Parcel 004/002, and shown as Lot 2 on Land Court Plan 38226-B filed with the Registry District of Barnstable County; provided, a Conservation Restriction (“CR”) shall be recorded thereon for open space and conservation and passive recreation purposes pursuant to G.L. c. 184, sections 31-32, said CR to be granted to the Town of Barnstable, acting through its Town Manager, as the primary grantee, and The Compact of Cape Cod Conservation Trusts, Inc., as the secondary grantee. The Town Council hereby approves the CR pursuant to G.L. c. 184, section 32, authorizes the Town Manager to negotiate the terms of the final CR in substantially the form attached hereto and subject to minor changes to be made by the Secretary of Energy and Environmental Affairs, and authorizes the Town Council President to sign the CR on the Town Council’s behalf. It is hereby further ordered that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition of the CR, subject to oversight by the Community Preservation Committee, and to accept, negotiate, execute, receive, deliver and record any written instruments to effectuate this Order and complete this transaction.

**SPONSOR:** Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee.

DATE	ACTION TAKEN
<u>04/03/2025</u>	<u>Refer to Public Hearing 04/17/2025</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2025-147

INTRO: 04/03/2025, 04/17/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee on behalf of the Community Preservation Committee  
**DATE:** April 03, 2025  
**SUBJECT:** Appropriation order in the amount of **\$100,000** in Community Preservation Funds for the purpose of acquiring a conservation restriction on two contiguous open space tracts of land totaling 5.46± acres and located at 564 Main Street and 0 Main Street (Route 6A), West Barnstable

**BACKGROUND:** At the September 16, 2024, Community Preservation Committee (CPC) meeting, the five members present voted unanimously to recommend to the Town Council through the Town Manager, Orenda Wildlife Land Trust, Inc's application for \$100,000 in Open Space/Recreation Community Preservation Funds for the acquisition and preservation of a 5.46±-acre property comprised of two parcels located on the east side of Smith's Creek and addressed 564 and 0 Main Street, West Barnstable; Assessors Map 133, Parcel 011 and Assessors Map 157, Parcel 004-002 respectively. This request represents a portion of the total purchase price of \$400,000 with matching funds to be provided through a State Conservation Partnership Grant and private fundraising. The property is a priority habitat for rare species and its preservation would protect the freshwater and tidal wetlands lying within 300 feet of development. The Town of Barnstable would co-hold the Conservation Restriction with the Compact of Cape Cod Conservation Trust, which will provide monitoring and enforcement of the Conservation Restriction.

**ANALYSIS:** Acquisition of this property will continue the decades-long effort by the Town of Barnstable, state Department of Fish and Game, Barnstable Land Trust and Orenda to preserve this major Cape Cod Bay embayment.

**FISCAL IMPACT:** This appropriation shall be provided first from the amount set-aside for Open Space and Recreation within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund. There is no impact on the General Fund Operating Budget.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval

**VOLUNTEER ASSISTANCE:** Lindsey Counsell, Chair, Community Preservation Committee

**GRANTOR: ORENDA WILDLIFE LAND TRUST, INC.**

**PRIMARY GRANTEE: TOWN of BARNSTABLE**

**SECONDARY GRANTEE: THE COMPACT OF CAPE COD CONSERVATION TRUSTS, INC.**

**ADDRESS OF PREMISES: 564 and 0 Main Street (Route 6A), (West) Barnstable, MA 02668**

**FOR GRANTOR'S TITLE SEE:** Barnstable County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_, and Barnstable Registry District of the Land Court Certificate # .

**FOR GRANTOR'S PLAN SEE:** Barnstable County Registry of Deeds at Plan Book 166, Page 141 and Land Court Plan 38226-B.

## **GRANT OF CONSERVATION RESTRICTION**

### **I. STATEMENT OF GRANT**

**ORENDA WILDLIFE LAND TRUST, INC.**, a Massachusetts nonprofit corporation with an office address at 4011 Main Street, Cummaquid, MA 02637 and a mailing address of P.O. Box 669, West Barnstable, MA 02668, being the sole owner of the Premises as defined herein, for its successors and assigns ("Grantor"), acting pursuant to Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws, grants, with QUITCLAIM COVENANTS, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES and subject to Article 97 of the Amendments to the Massachusetts Constitution to the **TOWN OF BARNSTABLE**, a Massachusetts municipal corporation with principal offices at Town Hall, 367 Main Street, (Hyannis), Town of Barnstable, Barnstable County, Massachusetts 02601-3907, acting by and through its **TOWN MANAGER**, pursuant to Item No. 2025-XXX of the Barnstable Town Council, passed [insert date], its permitted successors and assigns ("**Primary Grantee**"), for consideration of One Hundred Thousand and 00/100 Dollars (\$100,000.00) paid, and to **THE COMPACT OF CAPE COD CONSERVATION TRUSTS, INC.**, a Massachusetts nonprofit corporation with an office address at 36 Red Top Road, Brewster, MA 02631 and a mailing address of P.O. Box 443, Barnstable, MA 02630, its permitted successors and assigns ("**Secondary Grantee**"), for nominal consideration, the following Conservation Restriction on two tracts of adjoining land located in the Town of Barnstable, Barnstable County, Commonwealth of Massachusetts containing a total of 5.46 acres, more or less, ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copies of survey plans in Exhibit B, both of which are incorporated herein and attached hereto. As used herein, the terms "Grantee" and "Grantees" shall refer to the Primary Grantee and the Secondary Grantee collectively.

The Primary Grantee acquired this Conservation Restriction utilizing, in part, Community Preservation Act funds pursuant to Chapter 44B of the Massachusetts General Laws, which funds were authorized for such purposes by a vote of the Barnstable Town Council held on , on Agenda Item . An attested copy of the Town Council Order is attached hereto as Exhibit C.

### **II. PURPOSES:**

This Conservation Restriction is defined in and authorized by Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction ("Purposes") are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and available for passive outdoor recreational use, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

**Conservation Partnership.** The fee interest in the Premises was acquired by Grantor utilizing, in part, assistance from the Conservation Partnership program which requires, pursuant to Item #2000-7056 of



Section 2A of Chapter 286 of the Acts of 2014 and/or Item #1599-2030 of Chapter 102 of the Acts of 2021, the conveyance of this Conservation Restriction.

**The Conservation Values protected by this Conservation Restriction include the following:**

- Open Space. The Premises contributes to the protection of the scenic and natural character of Barnstable and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts land already conserved, including 17 acres± of privately-owned conservation restriction-protected land to the northeast. The protection of the Premises will continue the decades-long effort by the Town of Barnstable, Department of Fish and Game, the Barnstable Land Trust and the Grantor to preserve ecologically important areas within the 3,700+ acre Barnstable Great Marsh.
- ACEC. The Commonwealth of Massachusetts, through the authority of the Secretary of Energy and Environmental Affairs under Massachusetts General Law Chapter 21A, § 2(7), designated the Sandy Neck Barrier Beach System as an Area of Critical Environmental Concern (ACEC) in 1978. The Premises includes 1.75 acres± of area located within the ACEC.
- Floodplain. The Premises includes 1.9 acres± of area designated within the Federal Emergency Management Agency (FEMA) 100-year Special Flood Hazard Area with a Base Flood Elevation of 13-14 feet along Smiths Creek. The protection of the Coastal Floodplain can slow down flood waters and allow them to flow across a natural landform surface, providing frictional resistance and reducing their energy and destruction potential, allow flood waters to spread over a wide area without obstructions, allow flood waters to be detained, absorbed into the ground, or evaporated into the atmosphere, and protect the land from storm erosion by providing a substrate for vegetation that helps to stabilize sediments and slow down flood waters.
- Soils and Soil Health. The Premises includes 2.25 acres± of Farmland of Statewide Importance and 4.4 acres± of Prime Forest Land, Forest of Statewide and Local Importance, and Wetland of State and Local Importance as identified by the USDA Natural Resources Conservation Service (source: MassGIS, MassMapper). The protection of the Premises will promote healthy soils and healthy soils practices as such terms are defined in Section 7A of Chapter 128 of the Massachusetts General Laws.
- Wildlife Habitat. The Premises is in close proximity (175 feet±) to areas designated by the MA Division of Fisheries and Wildlife, acting by and through its Natural Heritage and Endangered Species Program (NHESP), as “Priority Habitats of Rare and Endangered Species,” the protection of which aligns with NHESP’s wildlife and habitat protection objectives.
- Public Access. Public access to the Premises will be allowed for passive outdoor recreation, education and nature study.
- Biodiversity. The Premises is designated as BioMap Wetland Core Habitat and Wetland Core Buffer Critical Natural Landscape, 0.15 acres± of the Premises is designated as BioMap Critical Natural Landscape Blocks, and 1.9 acres± of the Premises is designated as Critical Natural Landscape Coastal Adaptation Area, as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap, last updated in 2022, was designed to guide strategic biodiversity conservation in Massachusetts by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap is also

designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.

- Habitat Connectivity and Ecosystem Integrity. The Premises includes areas identified by the UMass Conservation Assessment and Prioritization System (CAPS) as Freshwater Wetland and Aquatic Landscape of high ecological integrity. CAPS measures the ecosystem integrity of land and can be used to demonstrate the value of land as having outstanding unfragmented habitat value.
- Water Quality. All of Cape Cod is a high-yield aquifer, designated as a Sole Source Aquifer by the United States Environmental Protection Agency (USEPA) in 1982. All of the Premises lies within 300 feet of freshwater and tidal wetlands, including 900 feet of streambank on Smiths Creek. Protection of the Premises will help protect the coast from additional development and associated septic systems whose leachate would contribute nitrogen to Barnstable Harbor and contribute to eutrophication and possible algal blooms.
- Wetlands. The wooded and shrub swamp wetlands on the Premises provide valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws).
- Climate Change Resiliency. The Premises is identified as an area of above average Terrestrial Resilience according to The Nature Conservancy's (TNC) Resilient Land Mapping Tool, including above average Landscape Diversity and slightly above average Local Connectedness. TNC's Resilient Land Mapping Tool was developed in order to map 'climate-resilient' sites that are 'more likely to sustain native plants, animals, and natural processes into the future.' The protection of these climate resilient sites is an important step in both reducing human and ecosystem vulnerability to climate change and adapting to changing conditions.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan*, amended in 1996, 2002, 2009, 2012, and 2018 which provided, *inter alia* (references are to the 2018 RRP, amended in 2021 to accommodate climate change goals and objectives):
  - "To maintain a sustainable supply of high quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources." (Water Resources Goal, p. 54) and
    - Protect and preserve groundwater quality
    - Protect, preserve and restore fresh water resources
    - Protect, preserve and restore marine water resources
  - "To protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers" (Wetland Resources Goal, p. 61); and
    - "Protect wetlands and their buffers from vegetation and grade changes"
    - "Protect wetlands from changes in hydrology"
    - "Protect wetlands from stormwater discharges"
  - "To protect, preserve, or restore wildlife and plant habitat to maintain the region's natural diversity" (Wildlife and Plant Habitat Goal, p. 61); and
    - "Maintain existing plant and wildlife populations and species diversity."

- Protect and preserve rare species habitat, vernal pools, 350-foot buffers to vernal pools.
- "To conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems" (Open Space Goal, p. 61);
  - "Protect and preserve natural, cultural, and recreational resources;"
  - "Maintain or increase the connectivity of open space;"
  - "Protect or provide open space appropriate to context."
- "To prevent or minimize human suffering and loss of life and property or environmental damage resulting from storms, flooding, erosion, and relative sea level rise, including but not limited to that associated with climate change" (Coastal Resiliency Goal, p.62); and
  - "Minimize development in the floodplain"
  - "Plan for sea level rise, erosion, and floods"
  - "Reduce vulnerability of built environment to coastal hazards".

This Conservation Restriction will advance each of these objectives. The Water Resources Goal will be served by protecting ground and coastal waters from detrimental impacts of development, the Wetland Resources Goal will be served by protecting coastal wetlands and their buffers from detrimental impacts of development. Wildlife and Plant Habitat Goal will be served because the protection of the Premises will protect BioMap-designated habitat areas. The Open Space Goal will be served by protecting a scenic area with public access. The Coastal Resiliency Goal will be met by preventing man-made disturbance within the FEMA Special Flood Hazard Area and by preserving coastal areas suitable for habitat migration in response to climate change impacts.

- Consistency with Clearly Delineated Town of Barnstable Conservation Policy. Protection of the Premises will further the Town of Barnstable’s documented goals regarding conservation land. The Town outlined its conservation goals in its *Open Space and Recreational Plan* (1984, amended 1987, 1998, 2005, 2010, 2018), identifying goals, policies, and actions to guide conservation efforts, among them the goal of preserving “quality open spaces throughout the Town which protect and enhance its visual heritage.” Additional objectives include (*references are to the 2018 Plan*):

- 1) "Preservation of open space for protection of drinking water resources, and for protection of other natural, historic and scenic resources is a community-wide priority; and,
- 2) Protection of open space should continue to be an integral component of the Town's efforts." (p. 6)

To achieve this vision, the Plan sets several goals for the town including:

- 1) "To protect and maintain the maximum amount of open space to enhance environmental protection, recreational opportunities, and community character; and,
- 2) "Plan, coordinate and execute open space protection measures that complement community efforts to protect water supply, protect fresh and marine surface waters, [and] preserve historic, scenic and cultural resources..." (pp. 10-11).

Additionally, the Barnstable Town Council’s Strategic Plan for fiscal year 2024-2025 identified the goal to “*conserve and protect areas in the town that are most significant as natural and historical resources for water supply, visual quality, outdoor recreation, public access, wildlife habitat and cultural history.*”

Moreover, in 1981, the Town of Barnstable adopted a Conservation Restriction Program consisting of policies and guidelines, in particular an *Open Space Policy*, approved by the Board of Selectmen, Assessors, and Conservation Commission, which encourages the use of conservation restrictions in perpetuity to protect natural resources in accordance with the purposes of the *Open Space and Recreation Plan*, and which further specified that purposes of a conservation restriction could include the following:

- preserve scenic view;
  - prevent disturbance of wetlands;
  - preserve a shoreline;
  - prevent the cutting of trees or forests;
  - preserve open space;
  - preserve important natural habitats of fish, wildlife or plants; and,
  - limit or prevent construction on land of natural resource value.
- Consistency with Clearly Delineated State Conservation Policy. The protection of the Premises will advance the goals of the Massachusetts Clean Energy and Climate Plan for 2050, published in 2022. The Commonwealth aims to permanently conserve at least 40% of Massachusetts lands and waters by 2050.
  - Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of “conservation purposes” as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: promote protection of state-recognized habitats, as well as preserve open space, provide for passive public recreation, and maintain the scenic and rural character of the village of West Barnstable for enjoyment by the public.
  - Historic Resources. The Premises includes 65 feet of frontage on State Route 6A, also known as the Old King’s Highway. In 1973, the Massachusetts legislature adopted the Old Kings’ Highway Historic District to protect the historical integrity of the route. In 1981 the Mass. Department of Environmental Management (now the Department of Conservation and Recreation) identified the Barnstable Great Marsh as one of the few Noteworthy Landscapes in the state. The protection of the Premises will prevent a new curb cut, driveway and forest cutting along the scenic roadway.

### **III. PROHIBITED and PERMITTED ACTS AND USES**

#### **A. Prohibited Acts and Uses**

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, parking area, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, wind turbine, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;

3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantees;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Hunting and Trapping. Hunting and trapping are strictly prohibited on the Premises;
12. Residential, Commercial, or Industrial Uses. Using the Premises for residential, commercial or industrial purposes; and,
13. Inconsistent Uses. Any other uses of the Premises that are inconsistent with the Purposes or that would materially impair the Conservation Values.

**B. Permitted Acts and Uses**

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A, the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use,

Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that no stockpiling or composting shall occur within 100 feet of a wetland;
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantees, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantees. A copy of the results of any such investigation on the Premises is to be provided to the Grantees;
6. Trails. Maintaining and constructing trails as follows:
  - a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to six (6) feet in width overall, with a treadway up to four (4) feet in width.
  - b. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
  - c. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
7. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantees' interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;

8. Motorized Vehicles. Using motorized mobility vehicles, including Other Power-Driven Mobility Devices as defined in federal law, by persons with mobility impairments and as otherwise permitted herein for land management purposes; and,
9. Outdoor Passive Recreational and Educational Activities. Hiking, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational and educational activities.

### **C. Site Restoration**

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

### **D. Compliance with Permits, Regulations, Laws**

The exercise of any Permitted Acts and Uses under Paragraph III.B shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Reserved Right requiring a permit, license or other approval from a public agency does not imply that the Grantees or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

### **E. Notice and Approval**

1. Notifying Grantee. Whenever notice to or approval by Grantees is required, Grantor shall notify or request approval from Grantees, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
  - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
  - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
  - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals; and,
  - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantees to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, the Secondary Grantee, within thirty (30) days of receipt of Grantor's request, shall notify the Primary Grantee of the Secondary Grantee's decision. Within sixty (60) days of the Primary Grantee's receipt of Grantor's request, the Primary Grantee shall either affirm, amend or reverse the decision of the Secondary Grantee, shall notify the Secondary Grantee thereof in writing, and shall issue its decision to the Grantor in writing. The Primary Grantee's decision shall in all cases be the final and controlling decision binding on both Grantees. In the event that no decision is received from the Secondary Grantee within thirty (30) days, the Primary Grantee shall proceed to issue its decision within sixty (60) days of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values.

Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.

3. Resubmittal. Grantees' failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

#### **IV. INSPECTION AND ENFORCEMENT**

##### **A. Entry onto the Premises**

The Grantor hereby grants to the Grantees, and their duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

##### **B. Legal and Injunctive Relief**

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantees will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantees for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantees determine that a violation of this Conservation Restriction has occurred and intend to exercise any of the rights described herein, the Grantees shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantees may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantees determine that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantees may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantees all reasonable costs and expenses (including counsel fees) incurred by the Grantees in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.
4. Coordination between Primary and Secondary Grantee. Whenever there is a question of whether there is a violation of this Conservation Restriction, or how to proceed in addressing



the violation, the Primary Grantee shall consult with the Secondary Grantee. The Primary Grantee shall then determine whether there is a violation and how to proceed in addressing the violation. The Primary Grantee's decision shall in all cases be the final and controlling decision binding on both Grantees. In the event that no response is received from the Secondary Grantee within thirty (30) days, the Primary Grantee shall notify Grantor and proceed as provided in Paragraph IV.B.2.

### **C. Non-Waiver**

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of the Grantees. Any election by the Grantees as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

### **D. Disclaimer of Liability**

By acceptance of this Conservation Restriction, the Grantees do not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantees or their agents.

### **E. Acts Beyond the Grantor's Control**

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantees to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantees will cooperate in the restoration of the Premises, if desirable and feasible.

## **V. PUBLIC ACCESS**

Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.9 provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.9. The Grantees may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. This grant of public access to the Premises is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantees hereto express their intent to benefit from exculpation from liability to the extent provided in such section.

## **VI. TERMINATION/RELEASE/EXTINGUISHMENT**

### **A. Procedure**

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official (“Secretary”), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

### **B. Grantor’s and Grantees’ Right to Recover Proceeds**

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Primary Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Primary Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values. The Secondary Grantee shall not share in any recovered proceeds.

### **C. Grantee’s Receipt of Property Right**

Grantor and Grantees agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the conveyance, bears to the value of the unrestricted Premises. The proportionate value of the Primary Grantee’s property right as of the Effective Date (see Paragraph XII) was determined to be 24<sup>1</sup>%. Such proportionate value of the Primary Grantee’s property right shall remain constant.

### **D. Cooperation Regarding Public Action**

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantees shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantees shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantees in accordance with Paragraph VI.B and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantees shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

## **VII. DURATION and ASSIGNABILITY**

### **A. Running of the Burden**

The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

### **B. Execution of Instruments**

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<sup>1</sup> CPA funding of \$100,000/\$410,000 appraised value = 24%

The Grantees are authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantees its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

### **C. Running of the Benefit**

The benefits of this Conservation Restriction shall run to the Grantees, shall be in gross and shall not be assignable by the Grantees, except when all of the following conditions are met:

1. the Grantees requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

## **VIII. SUBSEQUENT TRANSFERS**

### **A. Procedure for Transfer**

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantees not less than twenty (20) days prior to the effective date of such transfer. Any transfers shall receive prior approval by Grantees to assure that the Premises is transferred to a qualified conservation organization. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantees may record it in the Barnstable County Registry of Deeds and the Barnstable Land Registry District, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

### **B. Grantor's Liability**

The Grantor shall not be liable for violations occurring after their ownership should they convey ownership of the property. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

## **IX. ESTOPPEL CERTIFICATES**

Upon request by the Grantor, the Grantees shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

## **X. NON MERGER**

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantees agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

## **XI. AMENDMENT**

### **A. Limitations on Amendment**

Grantor and Grantees may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantees as "qualified organizations" or "eligible donors" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantees, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination /Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive.

### **B. Amendment Approvals and Recording**

No amendment shall be effective unless documented in a notarized writing executed by Grantees and Grantor, approved by the Town of Barnstable and by the Secretary of Energy and Environmental Affairs in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the Barnstable County Registry of Deeds and the Barnstable Land Registry District. Any amendment shall be consistent with the purposes of this Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and, if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements.

## **XII. EFFECTIVE DATE**

This Conservation Restriction shall be effective when the Grantor and the Grantees have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the Barnstable County Registry of Deeds and the Barnstable Land Registry District.

### **XIII. NOTICES**

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Orenda Wildlife Land Trust, Inc.  
P.O. Box 669  
West Barnstable MA 02668

To Primary Grantee: Town of Barnstable  
Attn: Town Manager  
367 Main Street  
Hyannis MA 02601

To Secondary Grantee: The Compact of Cape Cod Conservation Trusts, Inc.  
P.O. Box 443  
Barnstable MA 02630

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

### **XIV. GENERAL PROVISIONS**

#### **A. Controlling Law**

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

#### **B. Liberal Construction**

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

#### **C. Severability**

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

#### **D. Entire Agreement**

This instrument sets forth the entire agreement of the Grantor and Grantees with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

## **XV. BASELINE DOCUMENTATION REPORT**

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) title Baseline Report for Smiths Creek Conservation Restriction, and dated 2025 prepared by Secondary Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantees to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

## **XVI. MISCELLANEOUS**

### **A. Pre-existing Public Rights**

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

### **B. No Surety Interest**

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

### **C. Executory Limitation**

If either Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then that Grantee’s rights and obligations under this Conservation Restriction shall run to the other Grantee.

### **D. Prior Encumbrances**

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

E. The following signature pages are included in this Grant:

Grantor – Orenda Wildlife Land Trust, Inc.

Approval of Town Manager and Grantee Acceptance – Town of Barnstable Town Manager

Secondary Grantee Acceptance – The Compact of Cape Cod Conservation Trusts, Inc.

Approval – Town of Barnstable Town Council

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

F. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copies of Recorded/Registered Plans of Premises

Exhibit C: Town Council Order

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2025.

By:

Daniel J. Morast

Its President, duly authorized

#### COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this day of , 2025, before me, the undersigned notary public, personally appeared Daniel Morast, President, Orenda Wildlife Land Trust, Inc., and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the corporation.

\_\_\_\_\_  
Mark H. Robinson, Notary Public  
My Commission Expires: 8 July 2027

#### CERTIFICATE OF VOTE

I, Caitlin Wojkowski duly elected Clerk of the Orenda Wildlife Land Trust, Inc., hereby certify that at a meeting of the Board of Directors duly called on the day of , 2025, at which meeting, acting throughout upon motion duly made and seconded, a quorum being present, it was unanimously

**VOTED:** that Daniel Morast, President of Orenda Wildlife Land Trust, Inc., be and hereby is authorized in the name of Orenda Wildlife Land Trust, Inc. to grant a Conservation Restriction to the Town of Barnstable and The Compact of Cape Cod Conservation Trusts, Inc. on its property at, 564 and 0 Main Street (Route 6A), (West) Barnstable MA, this execution thereof shall be sufficient evidence of the Board of Directors' approval.

I further certify that Daniel Morast is the duly elected President of Orenda Wildlife Land Trust, Inc., and that I am the duly elected Clerk, and that said vote is still in full force and effect.

A true copy,

Attest:

Caitlin Wojkowski, Clerk

Orenda Wildlife Land Trust, Inc.

Date: , 2025



**ACCEPTANCE OF GRANT**

The foregoing Conservation Restriction from Orenda Wildlife Land Trust, Inc. was accepted by The Compact of Cape Cod Conservation Trusts, Inc., this \_\_\_\_ day of \_\_\_\_\_, 2025.

By: \_\_\_\_\_  
Leonard W. Johnson

Its: President, duly authorized

By: \_\_\_\_\_  
Henry Lind

Its: Treasurer, duly authorized

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss:

On this day of , 2025, before me, the undersigned notary public, personally appeared Leonard W. Johnson, President of The Compact of Cape Cod Conservation Trusts, Inc., and Henry Lind, Treasurer of The Compact of Cape Cod Conservation Trusts, Inc., and proved to me through satisfactory evidence of identification which was personal knowledge to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the corporation.

\_\_\_\_\_  
Mark H. Robinson, Notary Public  
My Commission Expires: 8 July 2027

**APPROVAL OF TOWN MANAGER AND  
ACCEPTANCE OF GRANT**

I, Mark S. Ells, as Town Manager of the Town of Barnstable, hereby approve in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws and accept the foregoing Conservation Restriction from Orenda Wildlife Trust, Inc. to the Town of Barnstable and The Compact of Cape Cod Conservation Trusts, Inc.

TOWN OF BARNSTABLE

TOWN MANAGER: \_\_\_\_\_  
Mark S. Ells

Barnstable, ss

On the day of , 2025, before me, the undersigned notary public, personally appeared Mark S. Ells, and proved to me through satisfactory evidence of identification, which was , to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Town Manager on behalf of the Town of Barnstable.

\_\_\_\_\_  
Notary Public  
My Commission Expires

**APPROVAL OF THE TOWN OF BARNSTABLE  
TOWN COUNCIL**

At a public meeting duly held on , on agenda item \_\_\_\_\_ the Town Council of the Town of Barnstable, Massachusetts, voted to approve the foregoing Conservation Restriction from Orenda Wildlife Land Trust, Inc. to the Town of Barnstable and The Compact of Cape Cod Conservation Trusts, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws and hereby certifies approval of the foregoing Conservation Restriction.

**TOWN COUNCIL PRESIDENT:**

\_\_\_\_\_  
Craig Tamash

**COMMONWEALTH OF MASSACHUSETTS**

**Barnstable, ss**

On the day of , 2025, before me, the undersigned notary public, personally appeared **Craig Tamash**, and proved to me through satisfactory evidence of identification, which was , to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose as the President of the Barnstable Town Council.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF THE  
COMMONWEALTH OF MASSACHUSETTS**

The undersigned Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from Orenda Wildlife Land Trust, Inc. to the Town of Barnstable and The Compact of Cape Cod Conservation Trusts, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: \_\_\_\_\_, 2025  
Rebecca L. Tepper

Secretary of Energy and Environmental Affairs

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss:

On this day of , 2025, before me, the undersigned notary public, personally appeared Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## EXHIBIT A

### Description of the Premises

The Premises is comprised of two adjoining parcels on the north side of State Route 6A in the village of West Barnstable, more particularly bounded and described as follows

#### UNREGISTERED LAND:

TRACT ONE: The vacant land in the Town of Barnstable, Barnstable County, Commonwealth of Massachusetts, containing 3.96 acres, more or less, shown as Lot "2" on a plan of land entitled, "*Plan of Land in West Barnstable, Mass. Belonging to the Estate of Miriam H. Rice*", dated August 18, 1961, by Nelson Bears & Richard Law, Surveyors, Centerville, Mass, recorded at the Barnstable County Registry of Deeds at Plan Book 166, Page 141.

Address: 564 Main Street, (West) Barnstable, MA

Assessors Map: 133 Parcel 011

and

#### REGISTERED LAND:

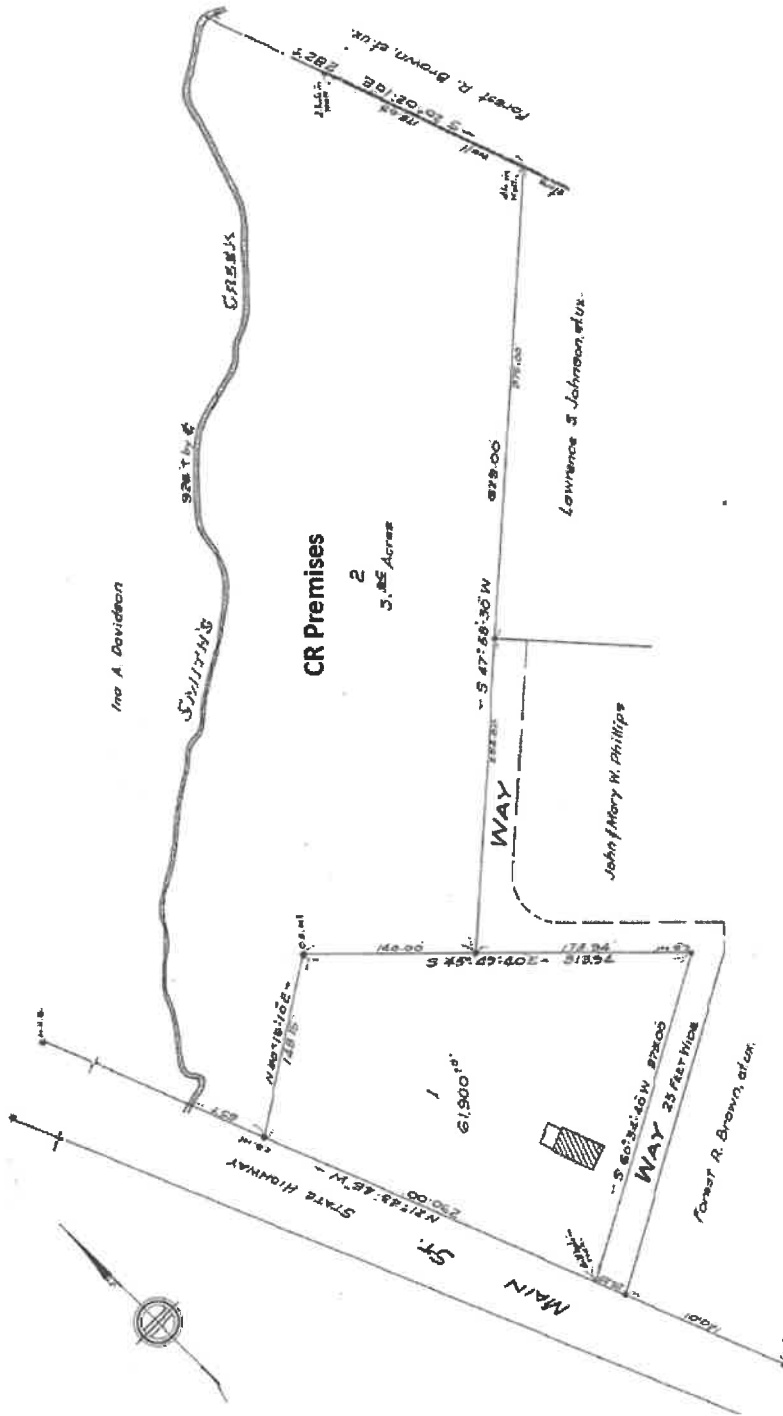
TRACT TWO: The vacant registered land in the Town of Barnstable, Massachusetts, containing 1.5 acres, more or less, shown as Lot "2" on Land Court Plan 38226-B.

Address: 0 Main Street, (West) Barnstable, MA

Assessors Map: 157 Parcel 004 Lot 002

**EXHIBIT B-1**  
Plan of Premises  
 TRACT ONE

For official full-size plan see Barnstable County Registry of Deeds Plan Book 166, Page 141



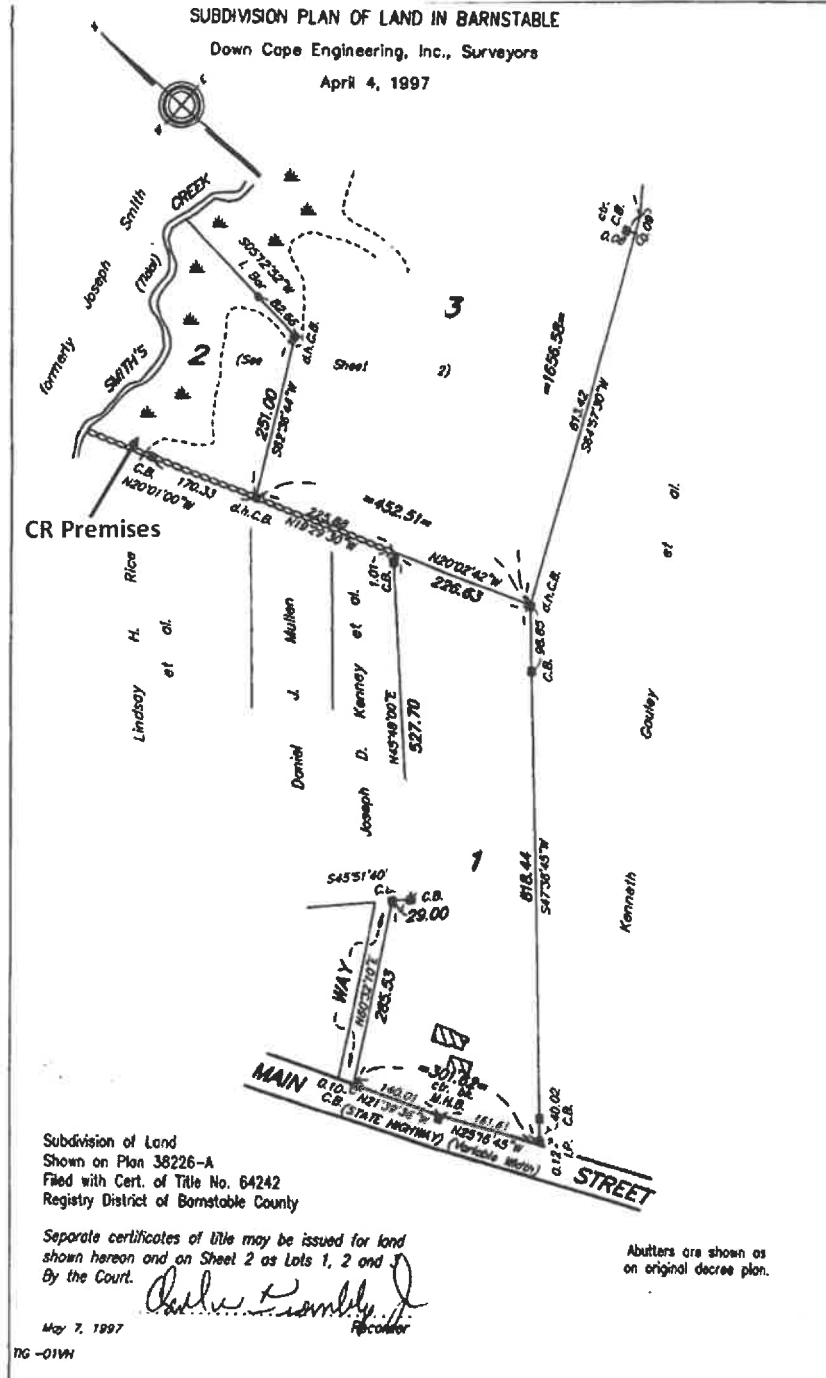
PLAN OF LAND IN  
 WEST BARNSTABLE, MASS.  
 SHOWING TO THE  
 ESTATE OF MIRIAM H. RICE  
 SCALE 1 IN = 50 FT. AUG 18, 1961  
 (Nelson Beane) (Houmas Law, Barnstable  
 Christchurch, Mass.)

THIS PLAN WAS NOT SUBMITTED  
 FOR APPROVAL BY THE BOARD OF SURVEY  
 AND FIELD OFFICERS  
 AUG 11 1961



**EXHIBIT B-2**  
**Plan of Premises**  
**TRACT TWO**

For official full-size plan see Barnstable Registry District Plan 38226-B



**EXHIBIT C**

Town Council Order

*Pending*



**B. NEW BUSINESS (First Reading) (Refer to Second Reading 05/01/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-151  
INTRO: 04/17/2025**

**2025-151 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Historical Commission:** Andrew Fisher, as a regular member to a term expiring 06/30/2027; **Housing Committee:** Joseph Taccogna, as a regular member, to a term expiring 06/30/2026; **Human Services Committee:** Patrick Downey, as a regular member to a term expiring 06/30/2026; **Mid Cape Cultural Council:** Mary Bianco, as a regular member, to a term expiring 06/2026

**SPONSOR:** Appointments Committee Members: Councilor Kristin Terkelsen, Chair; Councilor Jeffrey Mendes, Chair; Councilor John Crow, Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Vote