



Town of Barnstable  
Town Council  
James H. Crocker Jr. Hearing Room  
367 Main Street, 2<sup>nd</sup> floor,  
Hyannis, MA 02601

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## TOWN COUNCIL MEETING AGENDA

October 06, 2022

7:00 PM

The October 06, 2022 Meeting of the Barnstable Town Council shall be conducted in person. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

Councilors:

Matthew Levesque  
President  
Precinct 10

Paula Schnepf  
Vice President  
Precinct 12

Gordon Starr  
Precinct 1

Eric R. Steinhilber  
Precinct 2

Betty Ludtke  
Precinct 3

Nikolas Atsalis  
Precinct 4

Paul Cusack  
Precinct 5

Paul C. Neary  
Precinct 6

Jessica Rapp Grassetti  
Precinct 7

Jeffrey Mendes  
Precinct 8

Tracy Shaughnessy  
Precinct 9

Kristine Clark  
Precinct 11

Jennifer L. Cullum  
Precinct 13

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

1. The meeting will be televised live via Comcast Channel 18 or may be accessed via the Channel 18 live stream: <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to:  
[https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town\\_Council/Agenda-Comment.asp](https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/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://zoom.us/j/94081454728> Meeting ID: 940 8145 4728  
US Toll-free 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

- Election update, Ann Quirk, Town Clerk
- Local Comprehensive Plan Update, Elizabeth Jenkins, Director of Planning and Development

#### 7. ACT ON PUBLIC SESSION MINUTES

- Approve Public Session Minutes: September 15, 2022
- Administrative Correction to Misnumbered Agenda Items: Approve the renumbering of Agenda Items #2023-017, 2023-018 and 2023-019, as they appeared on the September 1, 2022 Town Council Meeting Agenda, to Items #2023-038, 2023-039 and 2023-040, respectively

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

- Who is the Mid-Cape Cultural Council? Presented by Co-Chairs Margeaux Weber and Sarah Thornington

Councillors:

Matthew Levesque  
President  
Precinct 10

Paula Schnepf  
Vice President  
Precinct 12

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Administrator:  
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Cynthia.Lovell@  
town.barnstable.ma.us

- Major Greg Quilty, District Director, Veterans Services for Barnstable County
- Presentation by Laurel Schaidler, PhD, Senior Scientist, Environmental Chemistry and Engineering Silent Springs Institute

## 9. ORDERS OF THE DAY

### A. Old Business

### B. New Business

## 10. ADJOURNMENT

**NEXT REGULAR MEETING: October 20, 2022**

ITEM NO.	INDEX TITLE	PAGE
<b>A. OLD BUSINESS</b>		
2022-159	Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article III, §240-30(E)(4) by amending the separation requirements of the Medical Marijuana Overlay District <b>(Public Hearing) (Roll Call 2/3 Full Council)</b> .....	4-5
2023-030	Appropriation Order in the amount of <b>\$1,337,890</b> for the purpose of funding the restoration work to the Zion Union Historic Museum and Original Chapel, located at 296 North Street, Hyannis, MA <b>(Public Hearing) (Roll Call 2/3 Full Council)</b> .....	6-7
<b>B. NEW BUSINESS</b>		
2023-032	Appointments to a Board/Committee/Commission: <b>Housing Committee:</b> Emily Cornett as a regular member to a term expiring 06/2024; <b>Waterways Committee:</b> Gary Shramek as a regular member to a term expiring 06/2025 <b>(First Reading) (Refer to Second Reading 10/20/2022)</b> .....	8
2023-033	Supplemental Appropriation Order in the amount of <b>\$19,350</b> for the Barnstable Police Department Fiscal Year 2023 Operating Budget for the purpose of funding a part-time Police Detail Coordinator position <b>(Refer to Public Hearing 10/20/2022)</b> .....	9-10
2023-034	Appropriation Order in the amount of <b>\$15,000</b> with such funds to be deposited into a dedicated account established for the purpose of acquiring property interests subject to the provisions of Article 97 of the Amendments to the Massachusetts Constitution <b>(Refer to Public Hearing 10/20/2022)</b> .....	11-12
2023-035	Appropriation and Loan Order in the amount of <b>\$400,000</b> for the purpose of funding the Lead Service Line Inventory and Replacement Plan Development <b>(Refer to Public Hearing 10/20/2022)</b> .....	13-14
2023-036	Authorization to expend a Fiscal Year 2023 Coastal Resiliency Grant from The Commonwealth of Massachusetts, Office of Coastal Zone Management in the amount of <b>\$128,127</b> for the design, permitting, and outreach of the Sandy Neck Beach Facility Coastal Resiliency Project <b>(May be acted upon) (Majority Vote)</b> .....	15-16
2023-037	Reappointment of Mark S. Ells, Town Manager, as the Barnstable Member to the Cape Cod and Islands Water Protection Fund Management Board <b>(May be acted upon) (Majority Vote)</b> .....	17

**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 so 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.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2022-159**

**INTRO: 05/05/2022, 09/15/2022, 10/06/2022**

**2022-159 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I, GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III, §240-30(E) (4) BY AMENDING THE SEPARATION REQUIREMENTS OF THE MEDICAL MARIJUANA OVERLAY DISTRICT**

**ORDERED:** To amend the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning by deleting §240-30(E)(4) in its entirety and inserting the following new §240-30(E)(4) in its place:

“Separation requirements. The site does not abut a religious institution/place of religious assembly, and is at least 500 feet from any school, day-care center, preschool or afterschool facility or any facility in which children commonly congregate. In no case shall a RMD directly abut another RMD or any medical marijuana use.”

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

DATE	ACTION TAKEN
<u>05/05/2022</u>	<u>Refer to Planning Board</u>
<u>09/15/2022</u>	<u>Open and Continued Public Hearing 10/06/2022</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2022-159**

**INTRO: 05/05/2022, 09/15/2022, 10/06/2022**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Elizabeth Jenkins, Director, Planning & Development Department  
**DATE:** May 05, 2022  
**SUBJECT:** Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article III, §240-30(E)(4) by amending the separation requirements of the Medical Marijuana Overlay District

**RATIONALE:** 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 ... submit it to the planning board for review.”

On May 2, 2022, a proposed amendment to the Town’s zoning ordinance was submitted to the Town Clerk, along with the signatures of ten residents of the Town. On May 2, 2022, the Town Clerk certified that the petition was signed by ten certified voters of the Town. On May 2, 2022, the petition was submitted to the Town Council by one of the proponents of the petition. In accordance with G.L. c. 40A, section 5, the proposed amendment has been placed on this meeting’s agenda for referral to the Planning Board.

**FISCAL IMPACT:** There is no significant fiscal impact of the proposed zoning amendment.

**STAFF SUPPORT:** Elizabeth Jenkins, Director, Planning & Development Department; Karen Nober, Town Attorney; James Kupfer, Senior Planner

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-030**  
**INTRO: 09/15/2022, 10/06/2022**

**2023-030 APPROPRIATION ORDER IN THE AMOUNT OF \$1,337,890 FOR THE PURPOSE OF FUNDING THE RESTORATION WORK TO THE ZION UNION HISTORIC MUSEUM AND ORIGINAL CHAPEL, 296 NORTH STREET, HYANNIS, MA**

**ORDERED:** That the amount of **\$1,337,890** be appropriated for the purpose of funding the restoration and rehabilitation work to the Zion Union Historic Museum and original chapel located at 296 North Street, Hyannis MA, Map 308, Parcel 029, and to fund this appropriation that **\$457,390** be provided from the Capital Trust Fund, and that, pursuant to the provisions of G.L. c. 44B, the Community Preservation Act, **\$261,778** be transferred from the amount set aside for Historic Preservation within the Community Preservation Fund and **\$618,722** be transferred from the Undesignated Fund Balance within the Community Preservation Fund. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

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

DATE	ACTION
<u>09/15/2022</u>	<u>Refer to Public Hearing 10/06/2022</u>

\_\_\_\_\_

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-030**  
**INTRO: 09/15/2022, 10/06/2022**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** September 15, 2022  
**SUBJECT:** Appropriation Order in the amount of **\$1,337,890** for the purpose of funding the restoration work to the Zion Union Historic Museum and Original Chapel, located at 296 North Street, Hyannis, MA

**BACKGROUND:** At the July 18, 2022, Community Preservation Committee (CPC) meeting, the six members present voted unanimously by roll call vote to recommend to the Town Council through the Town Manager, the Department of Public Works' request as presented for \$261,778 in Community Preservation Historic Preservation Funds; and, \$618,722 in Community Preservation Undesignated Funds totaling \$880,500 in Community Preservation Funds. This funding request represents a portion of the total project cost of \$1,337,890 with \$457,390 in Capital Trust Fund funding. This funding request is for restoration and rehabilitation work for the Zion Union Historic Museum and Original Chapel including siding, roofing, windows, doors, ADA accessibility improvements, interior water damage repair, mechanical equipment replacement and site work.

The Zion Mission was established in 1909 and became the first church on Cape Cod to serve the Black and Cape Verdean Community. In 2007, the Town of Barnstable purchased the property in partnership with Lyndon and Paul Lorusso Foundation with Community Preservation Act funds and has become the steward of maintaining this important cultural asset.

**ANALYSIS:** The property is listed with the Massachusetts Historical Commission as a Massachusetts Cultural Resource for its significant architecture, education, and ethnic heritage. The ca.1920 building is currently home to the Zion Union Heritage Museum which opened on May 1, 2008 and is a popular destination with over eighty bus tours visiting per season.

**FISCAL IMPACT:** This appropriation will be provided from available reserves within the Community Preservation Fund and Capital Trust Fund. There is no impact on the General Fund operating budget.

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

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

**B. NEW BUSINESS (First Reading) (Refer to Second Reading 10/20/2022)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-032  
INTRO: 10/06/2022**

**2023-032 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Housing Committee:** Emily Cornett as a regular member to a term expiring 06/2024; **Waterways Committee:** Gary Shramek as a regular member to a term expiring 06/2025

**SPONSOR:** Appointment Committee Members

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to a Public Hearing 10/20/22)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-033  
INTRO: 10/06/22**

**2023-033 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$19,350  
FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2023  
OPERATING BUDGET FOR THE PURPOSE OF FUNDING A PART-TIME  
POLICE DETAIL COORDINATOR POSITION**

**ORDERED:** That the amount of **\$19,350** be raised from current year revenue and added to the Fiscal Year 2023 Barnstable Police Department operating budget of \$16,423,419 appropriated under Town Council Order 2022-162, resulting in a revised Fiscal Year 2023 Operating Budget of \$16,442,769.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-033**  
**INTRO: 10/06/22**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Matthew Sonnabend, Chief of Police  
**DATE:** October 06, 2022  
**SUBJECT:** Supplemental Appropriation Order in the amount of **\$19,350** for the Barnstable Police Department Fiscal Year 2023 Operating Budget for the purpose of funding a part-time Police Detail Coordinator position.

**BACKGROUND:** A police detail is the assignment of one or more officers for a particular and dedicated duty. Details are typically present at any road work where traffic must be diverted or events with special safety or security concerns. The Barnstable Police Department schedules approximately 5,000 police details annually, generating approximately \$2 Million in gross revenue. In recent years the number of detail requests has increased exponentially, largely attributable to an uptick in road-work-related projects. Currently, an officer assigned to the department's Traffic Division spends approximately 4 hours a day in booking and making arrangements for details. Road construction projects and large community events entail a great deal of planning with construction companies, the Department of Public Works, other town departments, and vendors to ensure that adequate detail coverage can be fully scheduled to meet the public safety needs of the project. It would be more beneficial to the community to have a traffic officer out on the road performing traffic-related duties such as speed monitoring and assistance to motorists involved in accidents rather than assigned indoors working on the coordination of police details. To address this concern, the Police Department has developed a job description for a part-time Police Detail Coordinator, who would assist on the coordination of police details.

**ANALYSIS:** The Town is allowed by law to add an administrative fee of ten percent to every police detail bill. Revenue collected from this administrative fee goes into the Town's General Fund. This fee is designed to cover the administrative costs incurred by the Town for administering the outside detail program. A job description for a Police Detail Coordinator has been developed and the position will be part-time at 19.5 hours per week. Due to the part time status the position will not be eligible for benefits, nor will it be union affiliated. Initially, the incumbent in this position will work Monday to Friday between 12:30 and 4:30pm, but the hours may differ during the day depending upon various factors, such as the time of year.

**FISCAL IMPACT:** Due to an increase in outside detail activity the Town has realized an increase in the administrative fee revenue which will more than offset the cost of this position. The Fiscal Year 2023 revenue estimated will be increased by a corresponding amount for the cost of this position resulting in no need for a corresponding budget reduction elsewhere.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this budget increase.

**STAFF ASSISTANCE:** Matthew K. Sonnabend, Chief of Police; Troy Perry, Traffic Unit Sergeant; Anne E. Spillane, Finance & Support Services

**B. NEW BUSINESS (Refer to Public Hearing 10/20/22)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-034  
INTRO: 10/06/2022**

**2023-034 APPROPRIATION ORDER IN THE AMOUNT OF \$15,000 WITH SUCH FUNDS TO BE DEPOSITED INTO A DEDICATED ACCOUNT ESTABLISHED FOR THEPURPOSE OF ACQUIRING PROPERTY INTERESTS SUBJECT TO THE PROVISIONS OF ARTICLE 97 OF THE AMENDMENTS TO THE MASSACHUSETTS CONSTITUTION**

**ORDERED:** That the amount of **\$15,000** be raised from current year revenue within the sewer enterprise fund and deposited into a dedicated account for the purpose of acquiring property interests subject to the provisions of Article 97 of the Amendments to the Massachusetts Constitution in accordance with the terms of a Declaration of Restriction recorded September 4, 2008, in the Barnstable County Registry of Deeds in Book 23135, Page 316, for the property at 725 Main Street, Hyannis, Massachusetts, which requires that the appraised value of the sewer easement on 725 Main Street be placed in such a dedicated account prior to utilizing the sewer easement for sewer purposes.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2023-034  
INTRO: 10/06/2022

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** October 06, 2022  
**SUBJECT:** Appropriation Order in the amount of **\$15,000** with such funds to be deposited into a dedicated account established for the purpose of acquiring property interests subject to the provisions of Article 97 of the Amendments to the Massachusetts Constitution

**BACKGROUND:** In 2002, sewer and access easements on the property at 725 Main Street, Hyannis, were conveyed to the Town, and simultaneously the property at 725 Main Street was also conveyed to the Town with the easements recorded first. The deed conveying the property provided that the grant of the property to the Town was subject to the two easements and also subject to the restrictions set forth in Chapter 293 of the Acts of 1998, as amended (the “Act”), which established the Cape Cod Open Space Land Acquisition Program (the “Land Bank Program”). The Land Bank Program provided the funding for this acquisition and required that the land may only be used for the purposes outlined in the Act, i.e., land to be retained in a natural, scenic or open condition.

In 2008, after consulting with the Attorney General’s Office, the Town recorded a Declaration of Restriction ratifying and confirming the restrictions on the property, including a declaration that the land was subject to the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and requiring the Town, prior to exercising the rights granted by the sewer easement, to place the appraised value of the easement into an account reserved by the Town for the acquisition of property interests subject to the provisions of Article 97, i.e., open space purposes.

A qualified appraisal was undertaken which valued the easement as of July, 2022, at \$15,000. This appropriation will fulfill the requirements of the Declaration of Restriction and will be deposited into a restricted account for acquisition of property interests subject to the provisions of Article 97 prior to any use of the sewer easement at 725 Main Street for sewer purposes.

**ANALYSIS:** This new sewer pump proposed for 725 Main Street will replace and upgrade an existing sewer pump station located at 720 Main Street, Hyannis, which was constructed in 1972. As a result of the pump station’s age, the station is in poor condition and has reached the end of its design life. It also has reached its pumping capacity. A new, improved pump station within the sewer easement at 725 Main Street will address the capacity and condition of the 720 Main Street Pump Station and will also address the capacity restrictions of the South Street sewers by redirecting sewer flow from the intersection of South Street and Sea Street to the new pump station.

**FINANCIAL IMPACT:** There will be no net financial impact from this transaction. Funds will be raised from the current year revenue generated by the Sewer Enterprise Fund and transferred into a Town-controlled account dedicated to the acquisition of property interests subject to Article 97.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this appropriation order.

**STAFF ASSISTANCE:** Mark Milne, Director of Finance; Daniel W. Santos, P.E., Director of Public Works Page; Griffin Beaudoin, P.E., Town Engineer; Karen L. Nober, Town Attorney; Charles S. McLaughlin, Jr., Senior Counsel

**B. NEW BUSINESS (Refer to Public Hearing 10/20/2022)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-035  
INTRO: 10/06/2022**

**2023-035 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$400,000 FOR THE PURPOSE OF FUNDING THE LEAD SERVICE LINE INVENTORY AND REPLACEMENT PLAN DEVELOPMENT**

**ORDERED:** That the amount of **\$400,000** be appropriated for the purpose of funding the Lead Service Line Inventory and Replacement Plan Development within the Hyannis Water System, required for compliance with the U.S Environmental Protection Agency’s Lead and Copper Rule Revisions, 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 \$400,000 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 in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; 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
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2023-035  
INTRO: 10/06/2022

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** October 06, 2022  
**SUBJECT:** Appropriation and Loan Order in the amount of **\$400,000** for the purpose of funding the Lead Service Line Inventory and Replacement Plan Development

**BACKGROUND:** This funding request is the result of a federal requirement to develop a plan for replacement of lead service lines in the Hyannis Water System (HWS). The US EPA's Lead and Copper Rule Revisions (LCRR) requires public water systems to develop and publish a lead service line inventory, develop a replacement plan, and an updated sampling by October 2024. In addition, the Drinking Water State Revolving Funds (DWSRF) is providing 100% funding reimbursement for this work on a first come, first served basis.

**ANALYSIS:** In order to be an eligible Drinking Water SRF project and comply with the US EPA's Lead and Copper Rule Revisions, the town must first appropriate the funding for this work. This funding will be used for the development of the Lead Service Line Inventory and Replacement Plan which will identify and quantify public/private water service lines which may be source(s) of lead contamination in the HWS, and put in place a plan for their eventual replacement. While compliance with the program is required by the EPA, development of the plan will also be beneficial to the HWS by helping to modernize the inventorying of the water distribution network, help provide missing information, and aid in replacement water service line prioritization. The Hyannis Water Board unanimously approved the funding of this work during their meeting on August 16, 2022.

**FINANCIAL IMPACT:** The funding for this appropriation is provided from the issuance of a bond for the Water Supply Enterprise Fund. Future operating budgets will include any annual loan payment as a result of this bond issue and user rates will be adjusted accordingly. If the project is awarded by the DWSRF, there will be no financial impact to the Hyannis Water System rate payers.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this appropriation and loan order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works

**B. NEW BUSINESS (May be Acted Upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-036  
INTRO: 10/06/2022**

**2023-036 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 COASTAL RESILIENCY GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS, OFFICE OF COASTAL ZONE MANAGEMENT IN THE AMOUNT OF \$128,127 FOR THE DESIGN, PERMITTING, AND OUTREACH OF THE SANDY NECK BEACH FACILITY COASTAL RESILIENCY PROJECT**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2023 Coastal Resiliency Grant in the amount of **\$128,127** from the Commonwealth of Massachusetts, Office of Coastal Zone Management for the purpose of funding the design, permitting, and outreach of the Sandy Neck Beach Facility Coastal Resiliency Project, including the payment of costs incidental or related thereto.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-036**  
**INTRO: 10/06/2022**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** October 06, 2022  
**SUBJECT:** Authorization to expend a Fiscal Year 2023 Coastal Resiliency Grant from The Commonwealth of Massachusetts, Office of Coastal Zone Management in the amount of **\$128,127** for the design, permitting, and outreach of the Sandy Neck Beach Facility Coastal Resiliency Project

**BACKGROUND:** The Town of Barnstable was awarded a \$128,127 grant from the Commonwealth of Massachusetts Coastal Zone Management Coastal Resiliency Fiscal Year 2023 Grant. This grant will fund work for the preliminary design, regulatory discussions, public outreach, and permitting of the selected alternative for managing coastal resiliency at the Sandy Neck Public Beach Facility. Currently, the Town is working with the Woods Hole Group to evaluate the coastal resiliency of several alternatives. The working group for this project anticipates a public meeting in November to review the results of this analysis and receive public feedback on recommended alternatives at this site.

**ANALYSIS:** Sandy Neck Public Beach Facility has experienced coastal storm erosion along the dune protecting the parking lot multiple times. Since 2011, this coastal storm erosion has resulted in the Town spending approximately \$850,000 to nourish the Sandy Neck Dune with approximately 28,000 cubic yards of sand. This CZM Coastal Resiliency grant will allow the Town to progress with the preliminary design, permitting, and outreach of the Sandy Neck Beach Facility Coastal Resiliency Project. This funding supplements capital projects authorized under Town Council orders 2019-120 and 2021-100 outlined in the Capital Improvement Project Plans Fiscal Year 20-24 and Fiscal Year 22-26.

**FINANCIAL IMPACT:** The Town will provide a 25% local match in the amount of \$42,709. Match funding for this project will be provided through the Fiscal Year 22 CIP (Town Council order 2021-100). There is no impact to the General Fund or the Department of Public Work's Operating Budget.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this appropriation order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works

**B. NEW BUSINESS (May be Acted Upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-037  
INTRO: 10/06/2022**

**2023-037 REAPPOINTMENT OF MARK S. ELLS, TOWN MANAGER, AS THE  
BARNSTABLE MEMBER TO THE CAPE COD AND ISLANDS WATER  
PROTECTION FUND MANAGEMENT BOARD**

**RESOLVED:** That, pursuant to G.L. c. 29C, § 20, the Town Council does hereby reappoint Mark S. Ells, Town Manager, as the Town of Barnstable’s member to the Cape Cod and Islands Water Protection Fund Management Board to serve a three-year term.

**SPONSOR:** Matthew P. Levesque, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

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