



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail: council@town.barnstable.ma.us

TOWN COUNCIL MEETING AGENDA
Including Joint Meeting with the School Committee
October 19, 2023

7:00pm

The October 19, 2023 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2nd 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.

Councillors:

Matthew Levesque
President
Precinct 10

Jennifer Cullum
Vice President
Precinct 13

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

Paula Schnepf
Precinct 12

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

1. The meeting will be televised live via Xfinity Channel 8 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/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: Meeting ID: 835 5924 6025
US Toll-free 1 888 475 4499
<https://townofbarnstable-us.zoom.us/j/83559246025>

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. JOINT MEETING WITH SCHOOL COMMITTEE

School Committee Meeting – Call to Order and Roll Call

- Joint meeting of the Town Council and School Committee to review the financial condition of the town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget

Adjournment of School Committee Meeting

7. TOWN MANAGER COMMUNICATIONS (Pre-Recorded)

8. ACT ON PUBLIC SESSION MINUTES

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

- An Overview by Katie Servis, Airport Manager - American Airlines adds Routes in 2024 at Cape Cod Gateway Airport

10. ORDERS OF THE DAY

A. Old Business

B. New Business

11. ADJOURNMENT

NEXT REGULAR MEETING: November 02, 2023

ITEM NO.	INDEX TITLE	PAGE
A.	OLD BUSINESS	
2024-045	Appropriation Order in the amount of \$9,800 for the redesign of the Hyannis Youth and Community Center website (Public Hearing) (Roll Call Majority Full Council)	5-6
2024-046	Appropriation and Transfer order in the amount of \$3,500,000 from the General Fund Reserves to the Capital Trust Fund (Public Hearing) (Roll Call Majority Full Council)	7-8
B.	NEW BUSINESS	
2024-049	Authorization to expend a grant in the amount of \$8,190 from the Massachusetts Department of Environmental Protection for the purpose of enhancing the Town’s Waste Reduction Programs (May be acted upon) (Majority Vote)	9-10
2024-050	Authorization to expend a Federal Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant in the amount of \$33,316 from the U.S. Department of Justice (May be acted upon) (Majority Vote)	11-12
2024-051	Resolve that the Town Council petition the County Commissioners of Barnstable County to formally discontinue a section of County Highway at the intersection of Old Stage Road, Park Avenue, and Main Street in Centerville Village (May be acted upon) (Majority Vote)	13-15
2024-052	Authorization to expend a Fiscal Year 2024 Coastal Resiliency Grant from the Commonwealth of Massachusetts Coastal Zone Management in the amount of \$92,579 for the design and permitting of the Sandy Neck Beach Facility Coastal Resiliency Project (May be acted upon) (Majority Vote)	16-17
2024-053	Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and Atlantic Apartments, LLC for 11 new Market Rate Residential Units located at located at 171 Main Street and 16 School Street, Hyannis (First Reading) (Refer to Second Reading 11/02/2023)	18-19
2024-054	Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and Dunrovin Too, LLC for 8 new Market Rate Residential Units located at located at 68 Yarmouth Road, Hyannis (First Reading) (Refer to Second Reading 11/02/2023)	20-21
2024-055	Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and CCR Holdings, LLC for 10 new Market Rate Residential Units located at 50 Yarmouth Road, Hyannis (First Reading) (Refer to Second Reading 11/02/2023)	22-23
2024-056	Appointments to a Board/Committee/Commission: Council on Aging: Janet Kraemer, as a regular member to a term expiring 06/30/2026; Licensing Authority: Jessica Sylver as an Associate member to a term expiring 06/30/2024 (First Reading) (Refer to Second Reading 11/02/2023)	24
2024-057	Acquisition of an easement for sewer purposes within Maywood Avenue and Newton Avenue in Hyannis Port (May be acted upon) (Majority Vote)	25-26
2024-058	Resolve delegating to the Town Council President the authority to designate a moderator to preside over and regulate the Special Town Council/Open Meeting of the voters scheduled for October 23, 2023 (May be acted upon) (Majority Vote)	27-28

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 Majority Full Council)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-045
INTRO: 10/05/2023, 10/19/2023**

2024-045 APPROPRIATION ORDER IN THE AMOUNT OF \$9,800 FOR THE REDESIGN OF THE HYANNIS YOUTH AND COMMUNITY CENTER WEBSITE

ORDERED: That the amount of **\$9,800** be appropriated and provided from the Hyannis Youth and Community Center Enterprise Fund Reserves for the purpose of funding the cost of redesigning the operation’s website, and that the Town Manager is authorized to contract for and expend this appropriation for this purpose.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/05/2023</u>	<u>Refer to Public Hearing 10/19/2023</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2024-045

INTRO: 10/05/2023, 10/19/2023

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: October 05, 2023
SUBJECT: Appropriation Order in the amount of **\$9,800** for the redesign of the Hyannis Youth and Community Center website

BACKGROUND: The Community Services Department was approved \$11,000 as part of transfer order # 2023-186 utilizing Fiscal Year 2023 salary savings to subcontract for a redesign of the Hyannis Youth and Community Center (HYCC) website. A vendor was selected, and as we were finalizing an agreement with the chosen company, they informed us of their decision to no longer be interested in the project and the funds allocated were closed to the HYCC Enterprise Fund surplus. We have met with a new vendor to complete the necessary redesign and are confident that this will be completed if these funds are approved.

ANALYSIS: The current HYCC website is antiquated and is not user friendly. The goals of the redesign are to make the site more accessible, improve navigation, make public offerings a focal point, interface current software and schedules onto new Word Press formatting, and to enhance advertising and sponsorship opportunities available at the HYCC.

FISCAL IMPACT: Funding for this project will be provided from the HYCC Enterprise Fund Reserve which was recently certified at \$706,568 by the Massachusetts Department of Revenue as of July 1, 2023.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approving the requested transfer.

STAFF ASSISTANCE: Christopher Gonnella, Director, Community Services Department

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-046
INTRO: 10/05/2023, 10/19/2023**

2024-046 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$3,500,000 FROM THE GENERAL FUND RESERVES TO THE CAPITAL TRUST FUND

ORDERED: That the amount of **\$3,500,000** be appropriated from the General Fund reserves and transferred to the Capital Trust Fund for the purpose of replenishing funds in the Capital Trust Fund that were used to fund the school portables project under Town Council Order 2023-200.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/05/2023</u>	<u>Refer to Public Hearing 10/19/2023</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2024-046
INTRO: 10/05/2023, 10/19/2023

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A, Milne, CPA, Director, Finance Department
DATE: September 29, 2023
SUBJECT: Appropriation and Transfer Order in the Amount of **\$3,500,000** from the General Fund Reserves to the Capital Trust Fund for the purpose of replenishing funds in the Capital Trust Funds

BACKGROUND: The Barnstable School Committee voted to use \$3,500,000 from its share of the General Fund reserves (school savings account) at their June 7, 2023 meeting to fund the purchase of portable classrooms for the Hyannis West Elementary School and Barnstable Community Innovation School campuses.

The item first appeared on the Town Council’s June 15, 2023 meeting agenda and was referred to a public hearing on July 20, 2023. Since the public hearing occurred in the new fiscal year beginning on July 1, 2023 the funding source had to be changed from the General Fund reserves to the Capital Trust Fund. The Department of Revenue will not allow appropriations from a community’s General Fund reserves after June 30th until they are recertified by the department.

The town received a notification on September 25, 2023 from the Department of Revenue certifying the Town’s Free Cash (General Fund reserves) for \$32,722,432. This appropriation replenishes the funds used in the Capital Trust Fund for the school portables.

ANALYSIS: After setting aside from the General Fund reserves an amount equal to 4% of the General Fund budget in accordance with the town’s ordinances the balance in the General Fund reserves is allocated to a municipal and school savings account in accordance with a revenue sharing agreement. The allocation of the General Fund reserves on July 1, 2023 is as follows:

Allocation of Free Cash

	Municipal Savings	School Savings	Council Reserve	Opioid Settlement	Total
Balance on July 1, 2022	\$ 8,320,011	\$ 11,298,637	\$ 7,150,578	\$ -	\$ 26,769,227
FY23 Operating & Capital Budgets	(960,023)	(1,444,398)	-	-	(2,404,421)
FY24 Operating Budget	-	-	(250,000)	-	(250,000)
FY24 Capital Program	(1,921,405)	(1,918,846)	-	-	(3,840,251)
FY23 Returned Appropriations - Ops Budgets	1,921,409	99,147	-	-	2,020,556
FY23 Returned Appropriations - Fixed Costs	694,255	1,041,382	-	-	1,735,637
FY23 Net Excess Revenue	3,090,552	4,635,829	585,992	379,312	8,691,685
Certified as of July 1, 2023	11,144,799	13,711,752	7,486,570	379,312	32,722,432
Transfer to CTF for school portables	-	(3,500,000)	-	-	(3,500,000)
Balance Remaining	\$ 11,144,799	\$ 10,211,752	\$ 7,486,570	\$ 379,312	\$ 29,222,432

FISCAL IMPACT: The School Department’s savings account balance will be \$10,211,752 after this transfer and the balance in the Capital Trust Fund will increase to \$16,852,605 as of July 1, 2023.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approving the requested transfer.

STAFF ASSISTANCE: Mark A, Milne, CPA, Director, Finance Department

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-049
INTRO: 10/19/2023**

2024-049 AUTHORIZATION TO EXPEND A GRANT IN THE AMOUNT OF \$8,190 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF ENHANCING THE TOWN’S WASTE REDUCTION PROGRAMS

ORDERED: That the Town Council does hereby authorize the Town Manager to contract for and expend a 2024 grant from the Massachusetts Department of Environmental Protection Recycling Dividends Program (“RDP”) in the amount of **\$8,190** for the purpose of enhancing its waste reduction programs through the acquisition of recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other related expenses authorized by the RDP.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2024-049
INTRO: 10/19/2023

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: October 19, 2023
SUBJECT: Authorization to expend a grant in the amount of **\$8,190** from the Massachusetts Department of Environmental Protection for the purpose of enhancing the Town's Waste Reduction Programs

BACKGROUND: The Town has been awarded an **\$8,190** grant from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP). The grant award was made because of specific programs and policies the Town has implemented to maximize reuse, recycling, and waste reduction.

ANALYSIS: The acceptance of this grant will allow the Solid Waste Division and the Town to enhance its waste reduction programs through the acquisition of recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other related expenses authorized in the Recycling Dividends Program (RDP) contract.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, requests favorable action by the Town Council.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director Department of Public Works; Tracy Regazio, Supervisor, Solid Waste Division

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-050
INTRO: 10/19/2023**

2024-050 AUTHORIZATION TO EXPEND A FEDERAL FISCAL YEAR 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$33,316 FROM THE U.S. DEPARTMENT OF JUSTICE

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Federal Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice in the amount of **\$33,316** for the purpose of funding specific policing services, programs and purchases under a disparate certification allocation that includes the Towns of Barnstable and Falmouth; and that, in accordance with the terms and conditions of the grant, the Barnstable Police Department shall serve as grant administrator and fiscal agent and shall distribute the grant funds on a reimbursement basis as follows: up to \$21,715 to the Town of Barnstable for public safety training and strategic planning services and up to \$11,601 to the Town of Falmouth for the purchase of an all-terrain vehicle for its police department.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2024-050
INTRO: 10/19/2023

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Jean B. Challies, Acting Chief of Police
DATE: October 19, 2023
SUBJECT: Authorization to expend a Federal Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant in the amount of **\$33,316** from the U.S. Department of Justice

BACKGROUND: The Police Department applied for and was awarded a Federal Fiscal Year 2023 Byrne Memorial Justice Assistance Grant: Local Solicitation from the United States Department of Justice in the amount of \$33,316. The grant has been deemed to be a disparate certification allocation to be distributed among two towns as outlined below based on a prescribed grant formula amount for each town and the Town of Barnstable Police Department will act as the grant administrator and fiscal agent for all towns:

Town of Barnstable: \$21,715 To be expended on taking proactive measures to collaborate, plan and strategize our response to the largest and busiest infrastructures on Cape Cod, which are located in Hyannis. This training is designed to serve as a working group for supervisors to develop plans, strategies and tactics to effectively respond and manage these incidents. A designated working group comprised of Barnstable Police, Hyannis Fire, COMM Fire and Barnstable Fire will meet with bi-monthly to discuss and develop a co-response plan to pre-designated locations.

Along with the strategic planning, there will be Supervisor Leadership training; provided by FBI LEEDA. LEEDA provides training on; defining leadership, generational effects of leadership, leadership as a lifestyle, and leadership traits.

Town of Falmouth: \$11,601 to be expended on the purchase of an ATV. The Falmouth Police Department's use of ATVs is extremely important to their agency. Falmouth has south and west borders on the Atlantic Ocean and 70 miles of coastline and beaches that often cannot be accessed by motor vehicle. There are numerous wooded and conservation areas throughout the town that are not accessible by a motor vehicle. Additionally, there are major issues with illegal ATV operation throughout the town. The Polaris Sportsman ATV would be an extremely valuable tool for Falmouth Police Department and would greatly assist the Department in serving the community for both emergency situations and for proactive patrol.

ANALYSIS: The acceptance of this grant will allow the aforementioned police departments to purchase necessary equipment and develop programs not currently funded in their respective municipal budgets.

FISCAL IMPACT: There is no matching funding required for this grant. This is a reimbursement grant as expenses are incurred up to the total dollar amount of the grant. The Town of Barnstable Police Department will serve as the fiscal agent and grant administrator for all the towns and will be responsible for all grant oversight, grant reporting, reimbursement of funds and draw downs.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this grant.

STAFF ASSISTANCE: Jean B. Challies, Acting Chief of Police; Anne Spillane, Finance Director, Barnstable Police Department; Lena Bevilacqua Police, Grant Coordinator

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-051
INTRO: 10/19/2023**

2024-051 RESOLVE THAT THE TOWN COUNCIL PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE A SECTION OF COUNTY HIGHWAY AT THE INTERSECTION OF OLD STAGE ROAD, PARK AVENUE, AND MAIN STREET IN CENTERVILLE VILLAGE

RESOLVED: That pursuant to General Laws Chapter 82, Section 5, the Town Council petition the County Commissioners of Barnstable County to formally discontinue section of County Highway at the intersection of Old Stage Road, Park Avenue, and Main Street, Centerville Village, as described in 1928 Barnstable County Taking, being recorded in the Barnstable County Registry of Deeds in Book 450, Page 64, dated February 3, 1928, and as also shown on a Plan of Land recorded in said Registry in Plan Book 22, Pages 85-93.

The site is shown on a sketch plan of land entitled, “Town of Barnstable, MA, Department of Public Works, 382 Falmouth Road, Hyannis, Massachusetts 02601, Centerville Village Sewer Expansion Project, Plan and Profile – Craigville Beach Rd., STA 174+25 to STA 175-83” as prepared by Stantec Consulting Services, Inc. which plan is attached hereto.

It is the intent thereby to render said sections of the County highway a Town way by operation of G.L. c.82, §5; and further, that said petition request that the discontinued section of said County highway remain a public way, and that the Town Manager be authorized to execute and deliver any documents on behalf of the Town necessary to effectuate this resolve.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2024-051
INTRO: 10/19/2023

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Charles McLaughlin, Senior Counsel
DATE: October 19, 2023
SUBJECT: Resolve that the Town Council petition the County Commissioners of Barnstable County to formally discontinue a section of County Highway at the intersection of Old Stage Road, Park Avenue, and Main Street in Centerville Village

BACKGROUND: The roads described above and in the recorded County takings noted in the proposed vote have not been maintained by the County for generations and, to accommodate the Town's sewer expansion program as well as other potential uses of this road, it is necessary to request that the County abandon them and that the Town take these sections of roads over as public roads and that the Town agree to maintain them as such.

ANALYSIS: These roads comprise vital in-road routes for sewer lines that will be installed by the Town. G.L. c. 82, §5 establishes a clear procedure for obtaining these discontinuances via town petitions to Barnstable County requesting that the county discontinue these county ways (or sections thereof). A county way discontinued by following this procedure automatically becomes a town way, and, if requested, remains a public way.

FISCAL IMPACT: The Town has operated for years in the belief that these roads were owned by the Town. The Town has maintained these roads and has budgeted accordingly. There is no impact on the General Fund Operating Budget resulting from the legal formality of transferring these roads from the County to the Town's control or from petitioning that these roads remain a public way.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Resolve.

STAFF SUPPORT: Charles McLaughlin, Senior Counsel; Griffin Beaudoin, Town Engineer; Shane Brenner, Town Surveyor

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-052
INTRO: 10/19/2023**

2024-052 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 COASTAL RESILIENCY GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS COASTAL ZONE MANAGEMENT OFFICE IN THE AMOUNT OF \$92,579 FOR THE DESIGN AND PERMITTING 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 2024 Coastal Resiliency Grant in the amount of **\$92,579** from the Commonwealth of Massachusetts Coastal Zone Management Office for the purpose of funding design and permitting of the Sandy Neck Beach Facility Coastal Resiliency Project.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2024-052
INTRO: 10/19/2023

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: October 19, 2023
SUBJECT: Authorization to expend a Fiscal Year 2024 Coastal Resiliency Grant from the Commonwealth of Massachusetts Coastal Zone Management in the amount of **\$92,579** for the design and permitting of the Sandy Neck Beach Facility Coastal Resiliency Project

BACKGROUND: The Town of Barnstable was awarded a \$92,579 grant from the Commonwealth of Massachusetts Coastal Zone Management Coastal Resiliency Fiscal Year 2024 Grant. This grant will fund the remaining permitting and final design of the site reconfiguration project for managing coastal resiliency at the Sandy Neck Public Beach Facility. Three public meetings were held from January through June of 2023 to select an alternative for managing coastal resiliency and develop preliminary designs with community input for the project. The selected alternative involves moving the parking lot landward by approximately 75 feet, enhancing the primary dune, and relocating the gatehouse to higher ground where it will be safer from flooding. The CZM Fiscal Year 2024 grant funding will advance the existing engineering plans to 95% design level, obtain an Order of Conditions from the Barnstable Conservation Commission, finalize mitigation actions for unavoidable impacts to Eastern Spadefoot Toad, prepare final 100% engineering plans and specifications, and continue public education and outreach for the project.

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 through the remaining permitting and final design of the Sandy Neck Beach Facility Coastal Resiliency Project. This funding supplements capital projects 19-120, 21-00, and 23-073 outlined in the Capital Improvement Project Plans Fiscal Year 2020-2024, Fiscal Year 2022-2026, and Fiscal Year 2024-2028.

FINANCIAL IMPACT: The Town will provide a 25% local match in the amount of \$30,882. Match funding for this project will be provided through the Fiscal Year 2024 Capital Improvement Plan (2023-073). 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 to expend this grant for the purpose awarded.

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

B. NEW BUSINESS (Refer to Second Reading 11/02/2023)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-053
INTRO: 10/19/2023**

2024-053 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND ATLANTIC APARTMENTS, LLC FOR ELEVEN (11) NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 171 MAIN STREET AND 16 SCHOOL STREET, HYANNIS

ORDERED: That the Town Council hereby votes to authorize the Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Atlantic Apartments, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00, for eleven (11) market rate residential units located at 171 Main Street and 16 School Street, Hyannis, substantially in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

SPONSOR: Town Council Tax Incentive Committee: Councilor Nikolas Atsalis, Precinct 4; Councilor Jennifer Cullum, Precinct 13; Councilor Eric Steinhilber, Precinct 2

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2024-053
INTRO: 10/19/2023

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, Planning & Development Director
DATE: October 3, 2023
SUBJECT: Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement (TIE) between the Town of Barnstable and Atlantic Apartments, LLC for 11 new Market Rate Residential Units located at located at 171 Main Street and 16 School Street, Hyannis

RATIONALE: The Tax Incentive Committee of the Town Council recommends approval of the Housing Development Incentive Program Tax Increment Exemption request from developer Todd Elwell, Atlantic Apartments, LLC, for property located at 171 Main Street and 16 School Street, Hyannis, known as Atlantic Apartments Residences.

In January 2018, the Town Council approved the proposed Downtown Hyannis HD Zone and Plan and in March 2018 the Town received approval of its Zone from Department of Housing and Community Development. Approval of this Zone allows the Town to enter into Tax Increment Exemption Agreements with property owners within the Zone.

The goals of the Housing Development Incentive Program, which authorizes Tax Increment Exemption Agreements, is to increase residential growth, expand diversity of housing supply, support economic development and promote neighborhood stabilization.

The Housing Development Program (HDIP) Staff Review Committee and the Town Council Tax Incentive Committee reviewed the application from Atlantic Apartments, LLC and found it to be complete and the development meets the objectives of the HDIP Plan including increasing residential stock and diversity of housing choice. The Operating Pro Forma is reasonable and in line with industry standards. Based on limited availability of comparable development in the HDIP Zone, the proposed rents are priced consistently with prevailing rents. The development will have a positive impact on housing supply and, in turn, support economic development.

The TIE Agreement is a contract between the property owner and the municipality which sets forth the amount of the tax exemption and the duration of the benefits. The Sponsor has requested and the Tax Incentive Committee recommends a 100% Tax Exemption for years 1-5, a 85% Tax Exemption for years 6-10 and 55% Tax Exemption for years 11-20 on increased value, anticipated to be \$1,751,000.

If approved by the Town, this project and TIE Agreement must also be approved by the State Executive Office of Housing and Livable Communities.

FISCAL IMPACT: The estimated value of the new residential portion for both parcels when developed as proposed is \$3,020,000 resulting in an increase of \$1,751,000 in residential value. As proposed, the total value of the TIE is \$237,869. By approving the TIE Agreement, the Town agrees to forgo an estimated \$237,869 in tax revenue over 20 years in turn for an investment of \$3,020,000 in downtown Hyannis.

STAFF ASSISTANCE: Jim Kupfer, Interim Assistant Director; Mark Milne, Finance Director; Lane Partridge, Assessor

B. NEW BUSINESS (Refer to Second Reading 11/02/2023)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-054
INTRO: 10/19/2023**

2024-054 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND DUNROVIN TOO, LLC FOR EIGHT (8) NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 68 YARMOUTH ROAD, HYANNIS, MA

ORDERED: That the Town Council hereby votes to authorize a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Dunrovin Too, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00, for eight (8) market rate residential units located at 68 Yarmouth Road, Hyannis, in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

SPONSOR: Town Council Tax Incentive Committee: Councilor Nikolas Atsalis, Precinct 4; Councilor Jennifer Cullum, Precinct 13; Councilor Eric Steinhilber, Precinct 2

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2024-054
INTRO: 10/19/2023

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, Planning & Development Director
DATE: October 3, 2023
SUBJECT: Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and Dunrovin Too, LLC for 8 new Market Rate Residential Units located at located at 68 Yarmouth Road, Hyannis

BACKGROUND: The Tax Incentive Committee of the Town Council recommends approval of the Housing Development Incentive Program Tax Increment Exemption request from developer Mark Hansen for property located at 68 Yarmouth Rd, Hyannis.

In January 2018, the Town Council approved the proposed Downtown Hyannis HD Zone and Plan and in March 2018 the Town received approval of its Zone from Department of Housing and Community Development. Approval of this Zone allows the Town to enter into Tax Increment Exemption Agreements with property owners within the Zone.

The goals of the Housing Development Incentive Program, which authorizes Tax Increment Exemption Agreements, is to increase residential growth, expand diversity of housing supply, support economic development and promote neighborhood stabilization.

The Housing Development Program (HDIP) Staff Review Committee and the Town Council Tax Incentive Committee reviewed the application from Dunrovin Too, LLC and found it to be complete and the development meets the objectives of the HDIP Plan including increasing residential stock and diversity of housing choice. The Operating Pro Forma is reasonable and in line with industry standards. Based on limited availability of comparable development in the HDIP Zone, the proposed rents, at \$3,100 per month plus utilities for 3 bedroom units are priced consistently with prevailing rents.

ANALYSIS: The development will have a positive impact on housing supply and, in turn, support economic development the TIE Agreement is a contract between the property owner and the municipality which sets forth the amount of the tax exemption and the duration of the benefits. The Sponsor has requested and the Tax Incentive Committee recommends a 100% Tax Exemption for years 1-5, a 85% Tax Exemption for years 6-10 and 55% Tax Exemption on years 11-20 on increased value anticipated to be \$ 1,850,000.

If approved by the Town, this project and TIE Agreement must also be approved by the State Executive Office of Housing and Livable Communities.

FISCAL IMPACT: The estimated value of the new residential portion when developed as proposed is \$2,510,000 resulting in an increase of \$1,850,000 in residential value.

As proposed, the total value of the TIE is \$251,304.56. By approving the TIE Agreement, the Town agrees to forgo an estimated \$251,302.56 in tax revenue over 20 years in turn for an investment of \$2.5 million in downtown Hyannis.

STAFF ASSISTANCE: Jim Kupfer, Interim Assistant Director; Mark Milne, Finance Director; Lane Partridge, Assessor

B. NEW BUSINESS (Refer to Second Reading 11/02/2023)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-055
INTRO: 10/19/2023**

2024-055 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND CCR HOLDING, LLC FOR TEN (10) NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 50 YARMOUTH ROAD, HYANNIS

ORDERED: That the Town Council hereby votes to authorize a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and CCR Holding, LLC pursuant to the Housing Development Incentive Program M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 for ten (10) market rate residential units located at 50 Yarmouth Road, Hyannis, substantially in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

SPONSOR: Town Council Tax Incentive Committee: Councilor Nikolas Atsalis, Precinct 4; Councilor Jennifer Cullum, Precinct 13; Councilor Eric Steinhilber, Precinct 2

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2024-055
INTRO: 10/19/2023

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, Planning & Development Director
DATE: October 3, 2023
SUBJECT: Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and CCR Holdings, LLC for 10 new Market Rate Residential Units located at 50 Yarmouth Road, Hyannis

BACKGROUND: The Tax Incentive Committee of the Town Council recommends approval of the Housing Development Incentive Program Tax Increment Exemption request from developer Jacob Dewey for property located at 50 Yarmouth Road, Hyannis known as Linnell Landing.

In January 2018 Barnstable Town Council approved the proposed Downtown Hyannis HD Zone and Plan and in March 2018 the Town received approval of its Zone from Department of Housing and Community Development. Approval of this Zone allows the Town to enter into Tax Increment Exemption Agreements with property owners within the Zone.

The goals of the Housing Development Incentive Program, which authorizes Tax Increment Exemption Agreements, is to increase residential growth, expand diversity of housing supply, support economic development and promote neighborhood stabilization.

The Housing Development Program (HDIP) Staff Review Committee and the Town Council Tax Incentive Committee reviewed the application from CCR Holding, LLC and found it to be complete and the development meets the objectives of the HDIP Plan including increasing residential stock and diversity of housing choice. The Operating Pro Forma is reasonable and in line with industry standards. Based on limited availability of comparable development in the HDIP Zone, the proposed rents, at \$1,875 per month for a one bedroom and \$2,350 per month for a 2 bedroom are priced consistently with prevailing rents. The development will have a positive impact on housing supply and, in turn, support economic development.

The TIE Agreement is a contract between the property owner and the municipality which sets forth the amount of the tax exemption and the duration of the benefits. The Sponsor has requested and the Tax Incentive Committee recommends a 100% Tax Exemption for years 1-10, an 85% Tax Exemption for years 11-15 and a 55% Tax Exemption for years 16-20 on increased value anticipated to be \$2,480,300. If approved by the Town, this project and TIE Agreement must also be approved by the State Department of Housing and Economic Development.

FISCAL IMPACT: The estimated value of the property when developed as proposed is \$3,447,400 resulting in an increase of \$2,480,300 in residential value.

As proposed, the total value of the TIE is \$377,534.77. By approving the TIE Agreement, the Town agrees to forgo an estimated \$377,534.77 in tax revenue over 20 years in turn for an investment of \$3,447,400 in downtown Hyannis.

STAFF ASSISTANCE: Jim Kupfer, Interim Assistant Director; Mark Milne, Director, Finance; Lane Partridge, Assessor

B. NEW BUSINESS (First Reading) (Refer to Second Reading 11/02/2023)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-056
INTRO: 10/19/2023**

2024-056 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Janet Kraemer, as a regular member to a term expiring 06/30/2026; **Licensing Authority:** Jessica Sylver as an Associate member to a term expiring 06/2024

SPONSORS: Appointments Committee Members: Councilor Paula Schnepf, Chair; Councilor Tracy Shaughnessy; Councilor Jeffrey Mendes; Councilor Nikolas Atsalis; and Councilor Gordon Starr

DATE	ACTION TAKEN
_____	_____
_____	_____

- ____ Read Item
- ____ Rationale
- ____ Council Discussion
- ____ Vote

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-057
INTRO: 10/19/2023**

**2024-057 ACQUISITION OF AN EASEMENT FOR SEWER PURPOSES WITHIN
MAYWOOD AVENUE AND NEWTON AVENUE IN HYANNIS PORT**

RESOLVED: That the Town Council hereby authorizes the Town Manager, on behalf of the Town, as part of a negotiated transaction to take or acquire for sewer purposes a perpetual easement within the private rights of way of Newton Avenue and Maywood Avenue in Hyannis Port, and accept the ownership of all or a portion of sewer infrastructure to be constructed within the easement area and Hyannis Avenue by the owners of the properties at 8 Newton Avenue and 25 Maywood Avenue in Hyannis Port, subject to review and approval by the Director of Public Works and the Town Attorney. The Town Manager is authorized to negotiate, accept, sign, deliver and record documents for the purposes necessary to effectuate this resolve and complete this transaction.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read Item
- _____ Rationale
- _____ Council Discussion
- _____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2024-057
INTRO: 10/19/2023

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: October 19, 2023
SUBJECT: Acquisition of an easement for sewer purposes within Maywood Avenue and Newton Avenue in Hyannis Port

BACKGROUND: Municipal sewer is not currently available for the properties at 25 Maywood Avenue, and 8 Newton Avenue Hyannis Port. The property owners, Steven and Leslie Coren and Margaret L. Kerr and Michael T. Kerr, Trustees of the Kerr Family Trust, under Declaration of Trust dated June 13, 2013, an Abstract of Trust of which is recorded with the Barnstable County Division of the Land Court as Document No. 1,341,282, through their representative, approached the Department of Public Works (DPW) about the feasibility of connecting the properties to the existing municipal sewer system, which terminates approximately 250 feet west of the property on Hyannis Avenue. The DPW reviewed the feasibility and has worked with the owner's representative and engineer to develop a design for a municipal sewer extension which will allow the properties on Maywood Avenue and Newton Avenue to connect to the municipal sewer system.

ANALYSIS: The property owners propose to install, at no expense to the Town, a sewer extension from 25 Maywood Avenue and 8 Newton Avenue to the existing municipal sewer system on Hyannis Avenue. The Owners agree to connect the private property to Town sewer, and shall at their sole cost and expense, design the proposed sewer extension and connection to DPW standards. The design plans and specifications shall be reviewed and approved by the Town Engineer prior to approval to commence construction. The Owner shall allow the Town Engineer and/or representatives from the Town Department of Public Works ("DPW") to enter the Property as needed to review the plans and conduct any necessary inspections. This location is included in the Town's Comprehensive Wastewater Management Plan, but is not scheduled to be sewerer until Phase 2.

FINANCIAL IMPACT: The sewer infrastructure will be installed at no cost to the Town. It is estimated that installation of this sewer extension would have cost the Town approximately One Hundred Thousand Dollars (\$100,000) (in 2024 dollars).

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this resolve.

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

B. NEW BUSINESS (May be acted upon) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM # 2024-058
INTRO: 10/19/2023**

2024-058 RESOLVE DELEGATING TO THE TOWN COUNCIL PRESIDENT THE AUTHORITY TO DESIGNATE A MODERATOR TO PRESIDE OVER AND REGULATE THE SPECIAL TOWN COUNCIL MEETING/OPEN MEETING OF THE VOTERS SCHEDULED FOR OCTOBER 23, 2023

RESOLVED: That the Town Council does hereby delegate to the Town Council President the authority to designate a moderator to preside over and regulate the proceedings of the Special Town Council Meeting/Open Meeting of the Voters to be held on October 23, 2023, pursuant to Section 8-9 of the Town Charter.

SPONSOR: Matthew P. Levesque, Town Council President, Precinct 10

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2024-058
INTRO: 10/19/2023

SUMMARY

TO: Town Council
FROM: Matthew P. Levesque, Town Council President
THROUGH: Karen L. Nober, Town Attorney
DATE: October 19, 2023
SUBJECT: Resolve delegating to the Town Council President the authority to designate a moderator to preside over and regulate the Special Town Council/Open Meeting of the voters scheduled for October 23, 2023

RATIONALE: The Town has received a citizens petition pursuant to Section 8-9 of the Town Charter requesting a meeting of the voters to discuss five topics relating to the Park City Wind and Commonwealth Wind offshore wind projects. The required number of signatures has been certified by the Town Clerk.

Section 8-9 of the Charter provides as follows:

Section 8-9. Open Meeting of the Voters

The town council may call meetings of the voters of the town. Upon the request in writing of three hundred voters setting forth the purpose (the specific purposes) thereof, the town council shall call a meeting of the voters. The president of the town council or other designee of the town council shall preside and regulate the proceedings of such meetings. The president of the council shall cause the attendance of town officials and employees necessary to respond to the issues and concerns raised by petitioners.

Working collaboratively with the proponents of the petition, the Town Council President, Vice President and Town Manager have agreed to hold an in person meeting on Monday, October 23, 2023, from 6:00-9:00 pm at Barnstable High School. The Town Council President is seeking to identify a moderator for the meeting. In light of the time constraints, the proposed resolve would delegate to the Town Council President the authority to designate a moderator to preside over and regulate the proceedings of the meeting.

FISCAL IMPACT: None

STAFF ASSISTANCE: Karen L. Nober, Town Attorney