



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
February 01, 2024
6:00 pm

Councillors:

Felicia Penn
President
Precinct 13

Craig Tamash
Vice President
Precinct 4

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

Kris Clark
Precinct 11

Paula Schnepf
Precinct 12

The February 01, 2024 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.

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/83246979215> Meeting ID: 832 4697 9215
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)

7. ACT ON PUBLIC SESSION MINUTES

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

- Open Meeting Law overview, Karen Nober, Town Attorney
- Financial overview, Comprehensive Wastewater Management Plan, Mark Milne, Finance Director
- President's Comments

9. ORDERS OF THE DAY

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

EXECUTIVE SESSION

The Town Council will enter executive session pursuant to G.L. c. 30A, sec. 21(a)(3) to discuss strategy with respect to litigation since a discussion in open session may have a detrimental effect on the litigating position of the Town and Town Council. Specifically, the Council will discuss litigation strategy with respect to Park City Wind LLC's proposed offshore renewable wind project in the Town.

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

10. ADJOURNMENT

NEXT REGULAR MEETING: February 15, 2024

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2024-092	Order Waiving the Provisions of Chapter 220, Article I, Section 220-4 of the Code of the Town of Barnstable for a Period of Six Months (Public Hearing) (Roll Call Majority Vote)	3-4
2024-093	Appropriation and Loan Order in the amount of \$30,900,000 for the purpose of funding sewer infrastructure improvements. (Public Hearing) (Roll Call 2/3 Full Council)	5-7
B. NEW BUSINESS		
2024-094	Authorization to contract for and expend an Energy Efficiency and Conservation Block Grant from the United States Department of Energy, Office of State and Community Energy Programs in the amount of \$76,690 for the purpose of funding energy related expenditures (May be acted upon) (Roll Call Majority Vote)	8-9
2024-095	Supplemental Appropriation Order in the amount of \$45,000 for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger, which is serving as outside counsel to the Town with respect to Park City Wind LLC's proposed offshore renewable wind project in the Town (Refer to Public Hearing 02/15/2024) (Roll Call Majority Vote)	10-11

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.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2024-092
INTRO: 01/18/2024, 02/01/2024

2024-092 ORDER WAIVING THE PROVISIONS OF CHAPTER 220, ARTICLE I, SECTION 220-4 OF THE CODE OF THE TOWN OF BARNSTABLE FOR A PERIOD OF SIX MONTHS

ORDERED: Notwithstanding the provisions of Chapter 220, Article I, Section 220-4 of the Barnstable Town Code, regular meetings of the Town Council during the months of March through August shall commence at 6:00 p.m.

SPONSOR: Felicia R. Penn, Town Council President, Precinct 13

DATE: ACTION TAKEN

01/18/2024 Refer to Public Hearing 02/01/2024

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

BARNSTABLE TOWN COUNCIL

ITEM# 2024-092

INTRO: 01/18/2024, 02/01/2024

SUMMARY

TO: Town Council
FROM: Karen L. Nober, Town Attorney
DATE: January 18, 2024
SUBJECT: Order Waiving the Provisions of Chapter 220 Article I, Section 220-4 of the Code of the Town of Barnstable for a Period of Six Months

BACKGROUND: Section 220-4 of the Town Code provides that meetings of the Town Council “shall commence at 7:00 p.m. at the Town Hall.” The Town Council President seeks to change the start time of regular Town Council meetings to 6:00 p.m. on a trial basis for six months. This resolve will make that change on a temporary basis. If that change is well received by the public and the members of the Council, the President will bring this matter back to the Council through a proposed amendment to the Town Ordinance.

FISCAL IMPACT: None

STAFF ASSISTANCE: Karen L. Nober, Town Attorney

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-093
INTRO: 01/18/2024, 02/01/2024**

2024-093 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$30,900,000 FOR THE PURPOSE OF FUNDING SEWER INFRASTRUCTURE IMPROVEMENTS

ORDERED: That the amount of **\$30,900,000** be appropriated for the purpose of funding Sewer Infrastructure Improvements, 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 **\$30,900,000** 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; and furthermore, that the appropriation and corresponding loan order authorized under Town Council Order 2023-087 is hereby rescinded.

SPONSOR: Mark S. Ells, Town Manager

DATE: ACTION TAKEN

01/18/2024 Refer to Public Hearing 02/01/2024

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

BARNSTABLE TOWN COUNCIL

ITEM# 2024-093
INTRO: 01/18/2024, 02/01/2024

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: January 11, 2024
SUBJECT: Appropriation and Loan Order in the amount of **\$30,900,000** for the purpose of funding sewer infrastructure improvements

RATIONALE: The Town continues to advance implementation of sewer expansion as identified in the Comprehensive Wastewater Management Plan. On December 16, 2021, the Town Council voted to approve design funds for sewer expansion along the Park City Wind Project Route, inclusive of the Mothers Park Area, with the intent of coordinating sewer construction with the wind project in order to minimize construction impacts and realize savings associated with the wind developer’s responsibility to pave the roadways upon project completion. At the same Town Council meeting, design funds were appropriated for the sewer expansion project identified as the Route 28 West Project, which would install the “backbone” of the westerly sewer expansion within Route 28 from Phinney’s Lane to Route 149. These project designs have been advanced in parallel.

Sewer expansion along the Park City Wind Route (referred to as the Centerville Village Sewer Expansion Project) is listed on the 2023 State Revolving Fund (SRF) Intended Use Plan (IUP) and has been scheduled to commence construction in the Fall of 2024. The Route 28 West Project has been listed on the 2024 Draft SRF IUP and has been scheduled to commence construction in the Fall of 2025. Principal subsidies through the Cape and Island Water Protection Fund are provided to projects listed on the SRF IUP. These subsidies are anticipated to be 25% for 2023 IUP projects and potentially less for 2024 IUP projects. Given the uncertainty of the Park City Wind Project schedule and in order to leverage 2023 SRF funding and the associated principal subsidies (Cape and Island Water Protection Fund subsidy anticipated to be 25% for 2023 projects potentially less for 2024 project), DPW has developed a hybrid project, referred to as the “Centerville Village Sewer Expansion – North Phase”, which would commence construction in the Fall of 2024. The scope of this hybrid project include:

- New sewers on Route 28 from Phinney’s Lane to Old Stage Road
- New sewers on Old Stage Road from Route 28 to Shootflying Hill Road
- New sewers on Shootflying Hill Road from Old Stage Road to Service Road
- New sewers on Phinney’s Lane from Route 28 to Main Street, Centerville
- 3 new sewer pump stations located at:
 - 567 Shootflying Hill Road (Town owned parcel)
 - 944 Shootflying Hill Road (sewer easement, Town Council Order 2024-085)
 - Mother’s Park Road

The project will include surface restoration of all roadways which receive new sewers. However, this request does not include the cost of final paving of Old Stage Road and Shootflying Hill Road as it has been assumed that this would be completed by the wind developer upon completion of the Park City Wind project, as required by the Host Community Agreement. Paving of these roads has been estimated at \$1,000,000. If Park City Wind does not proceed, or does not proceed on an acceptable schedule, resurfacing of these roads would require a supplemental appropriation or funding from other sources.

DPW will continue to advance the design of the southern portion of the Centerville Village Sewer Expansion Project, which will be referred to as “Centerville Village Sewer Expansion – South Phase” as a separate independent project. It is anticipated that this project will be brought forward as a supplemental appropriation when there is more certainty surrounding the Park City Wind Project’s schedule. By doing so, utility construction along the southern portion of the project route, specifically within the historic Main Street, Centerville Village section of the projects, can be more closely coordinated in order to minimize impact and the duration of construction.

FINANCIAL IMPACT: The financing of this project will be provided by a borrowing from the State Revolving Loan Fund. The subsequent payback of the loan will be included in future annual operating budgets with the revenue source for the loan payback being the dedicated resources within the Sewer Construction and Private Way Improvement Fund. Accounting for the anticipated 25% principal subsidy from the Cape Cod and Islands Water Protection Fund and the anticipated low financing rate through the revolving loan fund, the estimated annual loan payment is approximately \$1,020,000 for 30 years.

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) (Roll Call Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-094
INTRO: 02/01/2024**

2024-094 AUTHORIZATION TO CONTRACT FOR AND EXPEND AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FROM THE UNITED STATES DEPARTMENT OF ENERGY, OFFICE OF STATE AND COMMUNITY ENERGY PROGRAMS IN THE AMOUNT OF \$76,690 FOR THE PURPOSE OF FUNDING ENERGY RELATED EXPENDITURES

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a grant in the amount of **\$76,690** from the United States Department of Energy, Office of State and Community Energy Programs for the purpose of funding energy production projects, vehicle electrification and energy efficiency measures.

SPONSORS: Councilor Gordon Starr, Precinct 1

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2024-094
INTRO: 02/01/2024

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Sean Hogan, Environmental and Sustainability Manager
DATE: January 23, 2024
SUBJECT: Authorization to contract for and expend an Energy Efficiency and Conservation Block Grant from the United States Department of Energy, Office of State and Community Energy Programs in the amount of **\$76,690** for the purpose of funding energy related expenditures

BACKGROUND: Through the work of Sean Hogan, Environmental and Sustainability Manager for the Town of Barnstable, the US Department of Energy has awarded the Town of Barnstable a grant in the amount of \$76,690 for the purpose of acquiring energy efficient equipment.

RATIONALE: The U.S. Department of Energy (DOE) received funding from the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) to create or expand key agency programs. One of those programs is the Energy Efficiency and Conservation Block Grant (EECBG) Program that received \$550M through BIL and is administered by DOE's Office of State and Energy Community Programs (SCEP). Through the EECBG Program, DOE is offering eligible local and Tribal governments the option to select an equipment rebate and/or technical assistance voucher in lieu of a traditional formula grant.

The goal of the vouchers is to simplify and streamline the process of accessing EECBG Program formula awards. Vouchers can be used for two primary purposes:

1. Technical assistance vouchers are used to access support from experts across a wide array of high-value opportunities in energy efficiency, renewable energy, transportation, and related areas.
2. Equipment rebates are used for the purchase and installation of energy-related equipment used to meet EECBG Program goals.

FISCAL IMPACT: The funds can be used for multiple energy-related activities. Once a potential project is identified, a voucher application is submitted. After approval of the project or purchase, funds are dispersed to the town and deducted from the \$76,690 funding allotment. Approved activities include but are not limited to, energy production projects, vehicle electrification, and energy efficiency measures.

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

STAFF ASSISTANCE: David Anthony, Director of Asset Management, Sean Hogan, Environmental and Sustainability Manager.

**B. NEW BUSINESS (Refer to Public Hearing 02/15/2024)
(Roll Call Majority Vote)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-095
INTRO: 02/01/2024**

2024-095 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$45,000 FOR THE PURPOSE OF PAYING OPERATING EXPENSES OF THE LEGAL DEPARTMENT FOR THE SERVICES OF THE LAW FIRM OF ANDERSON & KREIGER, WHICH IS SERVING AS OUTSIDE COUNSEL TO THE TOWN WITH RESPECT TO PARK CITY WIND LLC'S PROPOSED OFFSHORE RENEWABLE WIND PROJECT IN THE TOWN

ORDERED: That the amount of **\$45,000** be appropriated for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger, which is serving as outside counsel to the Town with respect to Park City Wind LLC's proposed offshore renewable wind project in the Town; and to meet such appropriation, that **\$45,000** be provided from the General Fund Reserves.

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# 2024-095
INTRO: 02/01/2024

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Karen L. Nober, Town Attorney
DATE: February 01, 2024
SUBJECT: Supplemental Appropriation Order in the amount of **\$45,000** for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger, which is serving as outside counsel to the Town with respect to Park City Wind LLC's proposed offshore renewable wind project in the Town

BACKGROUND: In 2022, the Town executed a Host Community Agreement with Park City Wind, LLC ("PCW") regarding PCW's proposed offshore renewable wind project in the Town. Last year, PCW defaulted on its Power Purchase Agreement with Connecticut utilities and paid a penalty for doing so. PCW is now participating in new procurements, including one being undertaken by Massachusetts, under which the state expects to make a decision in August. On December 15, 2023, the state Energy Facilities Siting Board issued its Final Decision, approving and permitting the PCW project. The Town has engaged the law firm of Anderson & Kreiger to advise the Town with respect to this project.

FISCAL IMPACT: The fiscal impact to the Town cannot be determined at this time.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Supplemental Appropriation Order.

STAFF ASSISTANCE: Karen L. Nober, Town Attorney