



# Town of Barnstable Town Council

367 Main Street, 2<sup>nd</sup> floor,  
James H. Crocker, Jr. Hearing Room  
Village of Hyannis, MA 02601  
Office 508.862.4738 • Fax 508.862.4770  
E-mail: [council@town.barnstable.ma.us](mailto:council@town.barnstable.ma.us)

## MEETING AGENDA

June 4, 2020

7:00 PM

### Councillors:

Paul Hebert  
President  
Precinct 3

Jessica Rapp Grassetto  
Vice President  
Precinct 7

Gordon Starr  
Precinct 1

Eric R. Steinhilber  
Precinct 2

Britt Beedenbender  
Precinct 4

David W. Bogan  
Precinct 5

Paul C. Neary  
Precinct 6

Debra S. Dagwan  
Precinct 8

Tracy Shaughnessy  
Precinct 9

Matthew Levesque  
Precinct 10

Kristine Clark  
Precinct 11

Paula Schnepf  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

**The June 4, 2020 meeting of the Barnstable Town Council shall be physically closed to the public to avoid group congregation.**

### Remote Participation Instructions

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
2. Real-time public comment can be addressed to the Barnstable Town Council utilizing the Zoom link or telephone number and access code for remote access below.

Join Zoom Meeting: <https://zoom.us/j/91367745464> Meeting ID: 913 6774 5464

PHONE 1- 888 475 4499 US Toll-free Meeting ID: 913 6774 5464

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
4. PUBLIC COMMENT (For Public Comment please call **508-862-4610**)
5. COUNCIL RESPONSE TO PUBLIC COMMENT
6. TOWN MANAGER COMMUNICATIONS
7. ACT ON MINUTES (Including Executive Session)
8. COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcement
9. ORDERS OF THE DAY
  - A. Old Business
  - B. New Business

### 10. ADJOURNMENT

**NEXT REGULAR MEETING: June 18, 2020**

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**DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND**

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Recreation Program Fund \$525,000  
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2020-184	Reappointments to Boards / Committees / Commissions:: <b>Airport Commission:</b> John Flores, as a regular member to a term expiring 6/30/2023; Zachary Lesinski, as a regular member to a term expiring 6/30/2023; <b>Board of Assessors:</b> Melvin Pauze, as a regular member to a term expiring 6/30/2023; <b>Community Preservation Committee:</b> Lindsey Counsell, as a regular member to a term expiring 6/30/2023; Terry Duenas, as a regular member to a term expiring 6/30/2023; <b>Comprehensive Financial Advisory Committee:</b> Ralph Krau, as a regular member to a term expiring 6/30/2023; <b>Conservation Commission:</b> Laurence Morin, as a regular member to a term expiring 6/30/2023; John Abodeeley, as a regular member to a term expiring 6/30/2023; <b>Council on Aging:</b> Josephine Melpignano, as a regular member to a term expiring 6/30/2023; Janice Lariviere, as a regular member to a term expiring 6/30/2023; John Jope, as a regular member to a term expiring 6/30/2023; Ella Rollins, as a regular member to a term expiring 6/30/2023; <b>Disability Commission:</b> Paul Logan, as a regular member to a term expiring 6/30/2023; Linda McKinney, as a regular member to a term expiring 6/30/2023; Golf Committee: John Cookson, as a regular member to a term expiring 6/30/2023; <b>Historical Commission:</b> Nancy Clark, as a regular member to a term expiring 6/30/2023; Jack Kay, as an alternate member to a term expiring 6/30/2023; Nancy Shoemaker, as a regular member to a term expiring 6/30/2023; Frances Parks, as a regular member to a term expiring 6/30/2023; <b>Housing Committee:</b> Dave Carey, as a regular member to a term expiring 6/30/2023; Glen Anderson, as a Barnstable Housing Authority representative member to a term expiring 06/30/2023; Hilda Haye, as a regular member to a term expiring 06/30/2023; <b>Human Services Committee:</b> Steven Xiarhos, as a representative member to a term expiring 06/30/2023; Robin Gunderson, as a representative member to a term expiring 06/30/2023; <b>Hyannis Main Street Waterfront Historic District Commission:</b> Cecelia Carey, as a member holding a Board of Real Estate License to a term expiring 06/30/2023; David Dumont, as a Hyannis Business District Representative member to a term expiring 06/30/2023; Timothy Ferreira, as a regular member to a term expiring 06/30/2023; Jack Kay, as an alternate member to a term expiring 06/30/2023; Cheryl Powell as a representative member from Barnstable Historic Commission to term expiring 06/30/2023; <b>Land Acquisition and Preservation Committee:</b> Elissa Crowley, as a regular member to a term expiring 06/30/2023; <b>Licensing Authority:</b> Nancy Karlson-Lidman, as an associate member to a term expiring 06/30/2023; Martin Hoxie, as a regular member to a term expiring 06/30/2023; <b>Old Kings Highway:</b> George Jessop, as an architect representative member to a term expiring 06/30/2021; <b>Planning Board:</b> Mary Barry, as a regular member to a term expiring 06/30/2023; Stephen Robichaud, as a regular member to term expiring 06/30/2023; Jeffrey Swartz, as a regular member to a term expiring 06/30/2023; <b>Recreation Commission:</b> Rene King, as a regular member to a term expiring 06/30/2023; <b>Registrar of Voters:</b> David Jones, as a regular member to a term expiring 06/30/2023; <b>Sandy Neck Board:</b> Peter Sampou, as a Conservation Commission Representative member to a term expiring 06/30/2023; <b>Shellfish Committee:</b> Patricia Farinha, as a member holding a family permit; Al Surprenant, as a commercially permitted member to a term expiring 06/30/2023; <b>Trust Fund Advisory Committee:</b> Frances Parks, as a regular member to a term expiring 06/30/2023; Jayne Scanlon as an attorney-at-law representative member, to a term expiring 06/30/2023; <b>Waterways Committee:</b> Paul Everson,

as a regular member to a term expiring 06/30/2023; **Zoning Board of Appeals:** Alex Rodolakis, as a regular member to a term expiring 06/30/2023  
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## **B. NEW BUSINESS**

<b>2020-185</b>	Authorizing the Town Manager to execute a Regulatory Agreement between the Town of Barnstable and Airview, LLC <b>(Refer to Public Hearing 06/18/2020)</b> .....	44-57
<b>2020-186</b>	Acceptance of a grant in the amount of <b>\$10,000</b> from the Massachusetts Attorney General’s Office Small Business Relief Partnership Grant Program for financial assistance that supports small businesses impacted by the COVID-19 pandemic <b>(May be acted upon) (Roll Call Majority)</b> .....	58-59
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<b>2020-188</b>	Acceptance of a Fiscal Year 2020 Legislative Earmark Grant in the amount of <b>\$20,400</b> from the Massachusetts Department of Public Health for the purpose of funding the Community Service Officer Program in the Town of Barnstable to be provided by ten Community Service Officers <b>May be acted upon) (Roll Call Majority)</b> .....	62-63
<b>2020-189</b>	Appropriation and Loan Order in the amount of <b>\$129,400</b> pursuant to Temporary Repairs Program for certain private ways regarding Nyes Neck Road, Centerville, MA <b>(Refer to Public Hearing 7/16/2020)</b> .....	64-65

### Approve Minutes; May 21, 2020

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**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion 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 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, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-145**  
**INTRO: 05/21/2020, 06/04/2020**

**Barnstable Municipal Airport Enterprise Fund**

**2020-145 APPROPRIATION ORDER IN THE AMOUNT OF \$6,841,627 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 AIRPORT ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum **\$6,841,627** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Airport Enterprise Fund Budget, and to meet such appropriation that **\$6,841,627** be raised from current year revenues by the Airport Enterprise Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-146**  
**INTRO: 05/21/2020, 06/04/2020**

**SCHOOL DEPARTMENT**

**2020-146 APPROPRIATION ORDER IN THE AMOUNT OF \$71,405,234 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 BARNSTABLE PUBLIC SCHOOLS BUDGET**

**ORDERED:** That the sum **\$71,405,234** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Barnstable Public Schools Budget, and that to meet this appropriation that **\$70,454,703** be raised from current year revenues, and that **\$950,531** be transferred from the General Fund Reserves, as presented to the Town Council by the Town Manager.

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

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- \_\_\_ Read Item
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**A. OLD BUSINESS (Public Hearing) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-147  
INTRO: 05/21/2020, 06/04/2020**

**POLICE DEPARTMENT**

**2020-147 APPROPRIATION ORDER IN THE AMOUNT OF \$14,808,837 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 BARNSTABLE POLICE DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$14,808,837** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Barnstable Police Department budget; and to meet such appropriation that **\$14,808,837** be raised from current year revenues, as presented to the Town Council by the Town Manager.

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

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- \_\_\_ Read Item
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**A. OLD BUSINESS (Public Hearing) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-148**  
**INTRO: 05/21/2020, 06/04/2020**

**PLANNING AND DEVELOPMENT DEPARTMENT**

**2020-148 APPROPRIATION ORDER IN THE AMOUNT OF \$2,086,290 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 PLANNING AND DEVELOPMENT DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$2,086,290** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Planning and Development Department budget, and that to meet this appropriation that **\$1,844,990** be raised from current year revenues, that **\$45,000** be transferred from the Wetlands Protection Special Revenue Fund, and that **\$196,300** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

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

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- \_\_\_ Read Item
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**A. OLD BUSINESS (Public Hearing) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-149**  
**INTRO: 05/21/2020, 06/04/2020**

**COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET**

**2020-149 APPROPRIATION ORDER IN THE AMOUNT OF \$2,389,106 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET**

**ORDERED:** That the sum of **\$2,389,106** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Community Services Department General Fund Budget as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
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**A. OLD BUSINESS (Public Hearing) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-150**  
**INTRO: 05/21/2020, 06/04/2020**

**COMMUNITY SERVICES DEPARTMENT GOLF COURSE ENTERPRISE FUND**

**2020-150 APPROPRIATION ORDER IN THE AMOUNT OF \$3,648,381 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 GOLF COURSE ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$3,648,381** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Golf Course Enterprise Fund budget; and to meet such appropriation that **\$2,825,464** be raised from Enterprise Fund revenues, and that **\$822,917** be raised from the General Fund, as presented to the Town Council by the Town Manager.

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

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- \_\_\_ Read Item
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**A. OLD BUSINESS (Public Hearing) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-151  
INTRO: 05/21/2020, 06/04/2020**

**COMMUNITY SERVICES DEPARTMENT HYANNIS YOUTH AND COMMUNITY CENTER  
ENTERPRISE FUND**

**2020-151 APPROPRIATION ORDER IN THE AMOUNT OF \$3,352,395 FOR THE  
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 HYANNIS YOUTH  
AND COMMUNITY CENTER ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$3,352,395** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that **\$841,800** be raised from Enterprise Fund revenues, that **\$1,391,458** be raised in the General Fund, and that **\$1,119,137** be transferred from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

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

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- \_\_\_ Read Item
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**A. OLD BUSINESS (Public Hearing) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-152**  
**INTRO: 05/21/2020, 06/04/2020**

**MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND BUDGET**

**2020-152 APPROPRIATION ORDER IN THE AMOUNT OF \$1,146,965 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND BUDGET**

**ORDERED:** That the sum of **\$1,146,965** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Marine & Environmental Affairs Department General Fund Budget, and to meet such appropriation, that **\$798,965** be raised from current year revenue and that **\$348,000** be transferred from the Waterways Special Revenue Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_ Read Item
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**A. OLD BUSINESS (Public Hearing) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-153**  
**INTRO: 05/21/2020, 06/04/2020**

**MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT MARINA ENTERPRISE FUND**

**2020-153 APPROPRIATION ORDER IN THE AMOUNT OF \$787,977 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 MARINA ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$787,977** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Marina Enterprise Fund budget; and to meet such appropriation that **\$548,750** be raised from Enterprise Fund revenues, and that **\$54,031** be transferred from the Capital Trust Fund, that **\$30,000** be transferred from the Bismore Park Special Revenue Fund, and that **\$155,196** be transferred from the Marina Enterprise Fund reserves as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
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- \_\_\_\_ Read Item
- \_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_ Rationale
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**A. OLD BUSINESS (Public Hearing) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-154  
INTRO: 05/21/2020, 06/04/2020**

**MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT SANDY NECK  
ENTERPRISE FUND**

**2020-154 APPROPRIATION ORDER IN THE AMOUNT OF \$961,288 FOR THE  
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 SANDY NECK  
PARK ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$961,288** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Sandy Neck Park Enterprise Fund Budget; and to meet such appropriation that **\$680,455** be raised from Enterprise Fund Revenues, and that **\$280,833** be transferred from the Sandy Neck Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-155  
INTRO: 05/21/2020, 06/04/2020**

**LICENSING DEPARTMENT**

**2020-155 APPROPRIATION ORDER IN THE AMOUNT OF \$163,646 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 LICENSING DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$163,646** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Licensing Department Budget, and to meet such appropriation, that **\$163,646** be raised from current year revenue, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-156  
INTRO: 05/21/2020, 06/04/2020**

**INSPECTIONAL SERVICES DEPARTMENT**

**2020-156 APPROPRIATION ORDER IN THE AMOUNT OF \$2,164,880 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 INSPECTIONAL SERVICES DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$2,164,880** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Inspectional Services Department Budget, and to meet such appropriation, that **\$2,164,880** be raised from current year revenue as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-157  
INTRO: 05/21/2020, 06/04/2020**

**DEPARTMENT OF PUBLIC WORKS GENERAL FUND BUDGET**

**2020-157 APPROPRIATION ORDER IN THE AMOUNT OF \$10,103,252 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 DEPARTMENT OF PUBLIC WORKS GENERAL FUND BUDGET**

**ORDERED:** That the sum of **\$10,103,252** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Department of Public Works General Fund budget, and to meet such appropriation, that **\$10,022,892** be raised from current year revenue, **\$55,360** be transferred from the Embarkation Fee Special Revenue Fund and **\$25,000** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-158**  
**INTRO: 05/21/2020, 06/04/2020**

**DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND**

**2020-158 APPROPRIATION ORDER IN THE AMOUNT OF \$3,577,403 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$3,577,403** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Department of Public Works Solid Waste Enterprise Fund budget, and to meet such appropriation that **\$3,081,725** be raised from the Enterprise Fund Revenues, and that **\$495,678** be transferred from the Solid Waste Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-159  
INTRO: 05/21/2020, 06/04/2020**

**DEPARTMENT OF PUBLIC WORKS WATER POLLUTION CONTROL  
ENTERPRISE FUND**

**2020-159 APPROPRIATION ORDER IN THE AMOUNT OF \$4,590,439 FOR THE  
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 DEPARTMENT  
OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND  
BUDGET**

**ORDERED:** That the sum of **\$4,590,439** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Department of Public Works Water Pollution Control Enterprise Fund Budget, and to meet such appropriation that **\$4,590,439** be raised from the Enterprise Fund Revenues, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-160  
INTRO: 05/21/2020, 06/04/2020**

**DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND**

**2020-160 APPROPRIATION ORDER IN THE AMOUNT OF \$7,865,088 FOR THE  
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 DEPARTMENT  
OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$7,865,088** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Department of Public Works Water Supply Enterprise Fund budget, and to meet such appropriation that **\$7,101,271** be raised from the Enterprise Fund revenues, that **\$500,000** be transferred from the Comprehensive Water Management Stabilization Fund, and that **\$263,817** be transferred from the Water Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-161  
INTRO: 05/21/2020, 06/04/2020**

**TOWN COUNCIL DEPARTMENT**

**2020-161 APPROPRIATION ORDER IN THE AMOUNT OF \$286,659 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 TOWN COUNCIL BUDGET**

**ORDERED:** That the sum of **\$286,659** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Town Council Budget and to meet such appropriation, that **\$277,847** be raised from current year revenue, that **\$8,812** be transferred from the General Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-162**  
**INTRO: 05/21/2020, 06/04/2020**

**TOWN MANAGER DEPARTMENT**

**2020-162 APPROPRIATION ORDER IN THE AMOUNT OF \$873,142 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 TOWN MANAGER BUDGET**

**ORDERED:** That the sum of **\$873,142** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Town Manager Budget as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-163**  
**INTRO: 05/21/2020, 06/04/2020**

**PUBLIC, EDUCATION & GOVERNMENT ACCESS CHANNELS ENTERPRISE FUND**

**2020-163 APPROPRIATION ORDER IN THE AMOUNT OF \$841,030 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 PUBLIC, EDUCATION AND GOVERNMENT (PEG) ACCESS CHANNELS ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$841,030** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Public, Education and Government (PEG) Access Channels Enterprise Fund Budget, and to meet such appropriation that **\$823,000** be raised from the Enterprise Fund revenues, and that **\$18,030** be transferred from the PEG Enterprise Fund reserves.

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-164  
INTRO: 05/21/2020, 06/04/2020**

**ADMINISTRATIVE SERVICES DEPARTMENT**

**2020-164 APPROPRIATION ORDER IN THE AMOUNT OF \$6,239,788 FOR THE  
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021  
ADMINISTRATIVE SERVICES DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$6,239,788** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Administrative Services Department Budget, and to meet such appropriation, that **\$6,172,053** be raised from current year revenue, and that **\$67,735** be transferred from the General Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-165  
INTRO: 05/21/2020, 06/04/2020**

**TOWN COUNCIL RESERVE FUND**

**2020-165 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE  
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 RESERVE**

**ORDERED:** That the sum of **\$250,000** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Reserve Fund and that the sum of **\$250,000** be transferred 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
- \_\_\_ Move/Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-166  
INTRO: 05/21/2020, 06/04/2020**

**OTHER REQUIREMENTS BUDGET**

**2020-166 APPROPRIATION ORDER IN THE AMOUNT OF \$50,994,976 FOR THE PURPOSE OF FUNDING THE TOWN’S FISCAL YEAR 2021 OTHER REQUIREMENTS BUDGET**

**ORDERED:** That the sum of **\$50,994,976** be appropriated for the purpose of funding the Town’s Fiscal Year 2021 Other Requirements Budget, and to meet such appropriation, that **\$44,100,128** be raised from current year revenue, that **\$230,000** be transferred from the Pension Reserve Trust Fund, that **\$6,567,324** be transferred from the Capital Trust Fund, that **\$44,640** be transferred from the Embarkation Fee Special Revenue Fund, that **\$52,900** be transferred from the Bismore Park Special Revenue Fund, and that the following sums be transferred from the Town’s Enterprise Funds for the purpose of reimbursing administrative, employee benefit and insurance costs budgeted within the General Fund:

Water Pollution Control	\$517,837
Solid Waste	\$426,584
Water Supply	\$192,837
Airport	\$726,408
Golf Course	\$477,240
Marinas	\$70,961
Sandy Neck	\$116,606
HYCC	\$332,922
PEG	\$82,542

And further, that the sum of **\$1,593,648** be transferred from the General Fund Reserves all for the purpose of funding the Town’s Fiscal Year 2021 General Fund Budget as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-167  
INTRO: 05/21/2020, 06/04/2020**

**COMMUNITY PRESERVATION FUND ADMINISTRATION EXPENSES AND FISCAL  
YEAR 2021 PROGRAM SET-ASIDES**

**2020-167 APPROPRIATION ORDER IN THE AMOUNT OF 2,500,499 FOR THE FISCAL  
YEAR COMMUNITY PRESERVATION FUND FISCAL YEAR 2021  
SET-ASIDES**

**ORDERED:** That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year beginning July 1, 2020, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$423,253** for Open Space and Recreation; **\$423,253** for Historic Resources; **\$423,253** for Community Housing; **\$1,030,740** for a Budget Reserve, and that the sum of **\$200,000** be appropriated from the Annual Revenues of the Community Preservation Fund for the Administrative Expenses of the Community Preservation Committee, to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager.

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-168  
INTRO: 05/21/2020, 06/04/2020**

**COMMUNITY PRESERVATION FUND FISCAL YEAR 2021 DEBT SERVICE**

**2020-168 APPROPRIATION ORDER IN THE AMOUNT OF \$1,820,347 FOR THE PURPOSE OF PAYING THE FISCAL YEAR 2021 COMMUNITY PRESERVATION FUND DEBT SERVICE REQUIREMENTS**

**ORDERED:** That the Town Council hereby appropriates **\$1,820,347** For the purpose of paying the Fiscal Year 2021 Community Preservation Fund Debt Service Requirements, and to meet such appropriation, that **\$1,732,028** be provided from current year revenues of the Community Preservation Fund and that **\$88,319** be provided from the reserve for the Historic Preservation Program within the Community Preservation Fund.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-169**  
**INTRO: 05/21/2020, 06/04/2020**

**COMPREHENSIVE WATER MANAGEMENT AND PRIVATE WAY IMPROVEMENT FUND  
FISCAL YEAR 2021 OPERATING BUDGET**

**2020-169 APPROPRIATION ORDER IN THE AMOUNT OF \$585,264 FOR THE  
PURPOSE OF PAYING THE FISCAL YEAR 2021 COMPREHENSIVE WATER  
MANAGEMENT AND PRIVATE WAY IMPROVEMENT FUND DEBT  
SERVICE REQUIREMENTS**

**ORDERED:** That the Town Council hereby appropriate **\$585,264** for the purpose of paying the Fiscal Year 2021 Comprehensive Water Management and Private Way Improvement Fund Debt Service Requirements, and to meet such appropriation, that **\$585,264** be provided from the current year revenues of the Comprehensive Water Management and Private Way Fund.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-170**  
**INTRO: 05/21/2020, 06/04/2020**

**FISCAL YEAR 2021 REVOLVING FUND SPENDING LIMITS**

**2020-170 RESOLVED:** That the Town Council hereby authorizes the following spending limitations for Fiscal Year 2021 Revolving Funds:

Senior Services Classroom Education Fund	<b>\$100,000</b>
Recreation Program Fund	<b>\$525,000</b>
Shellfish Propagation Fund	<b>\$200,000</b>
Consumer Protection Fund	<b>\$600,000</b>
Geographical Information Technology Fund	<b>\$10,000</b>
Arts and Culture Program Fund	<b>\$50,000</b>
Asset Management Fund	<b>\$500,000</b>

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-175**

**INTRO: 05/21/2020, 06/04/2020**

**2020-175 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,200,000 FOR THE PURPOSE OF FUNDING THE PUMP STATION REHABILITATION PROGRAM AS OUTLINED IN THE FISCAL YEAR 2021 FISCAL YEAR 2025 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the sum of **\$1,200,000** be appropriated for the purpose of funding the Pump Station Rehabilitation Program as outlined in the Fiscal Year 2021 – Fiscal Year 2025 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,200,000 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
- \_\_\_\_\_ Council Vote

# BARNSTABLE TOWN COUNCIL

ITEM # 2020-175  
INTRO: 05/21/2020, 06/04/2020

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** May 21, 2020  
**SUBJECT:** Appropriation and Loan Order in the amount of **\$1,200,000** for the Pump Station Rehabilitation Program

**BACKGROUND:** The purpose of this project is to carry out critical repairs to the Town's sewage pump stations as identified in the Town's 2019 Wastewater Pump Station Asset Management Plan. This project includes structural, mechanical, electrical, HVAC, odor control, and coastal resiliency improvements needed to keep the Town's sewage pump stations in proper working order. On-site emergency generators will be installed at multiple pump stations where portable tow-behind generators were previously relied upon. Flood protection will be installed at coastal pump stations within FEMA flood zones in order to provide continuous sewer service throughout major storm events. Included in this year's program is a substantial rehabilitation to the Old Colony Pump Station, the Town's largest sewer pump station which serves all of downtown Hyannis, pumping up to 700,000 gallons per day of sewage to the WPCF. In addition, this year's program will include the design of a significant rehabilitation to the Freezer Road Pump Station, which serves all sewered parcels in Barnstable Village. Construction of the Freezer Road Pump Station rehabilitation is anticipated to be requested in next fiscal year's Capital Improvement Program.

**ANALYSIS:** The 2019 Wastewater Pump Station Asset Management Plan completed by Wright Pierce evaluated all 27 Town-owned sewage pump stations and prioritized the necessary improvements over a 20-year timeframe. The pump stations were evaluated based on overall equipment condition, age, capacity, coastal resiliency, and energy efficiency. Necessary repairs were prioritized based on the likelihood and consequence of pump station failure. This request targets improvements that are deemed critical and in need of immediate repair. The majority of these pump stations have exceeded their design life and are in need of improvement in order to extend their service life and to provide uninterrupted service to sewer users.

**FINANCIAL IMPACT:** General obligation bonds will be issued to fund this project. The repayment of the loan will be included in the Water Pollution Control Enterprise Fund annual operating budget. The first payment on the loan will be due in fiscal year 2022 and there will be no impact on the fiscal year 2021 budget. The estimated annual loan payment for a 20 year bond using a 2% interest rate is \$73,388. It is estimated that the annual loan repayment would impact rates by 1.7%.

**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

**A. OLD BUSINESS (Second Reading) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM #2020-176**  
**INTRO: 5/21/2020, 06/04/2020**

**2020-176 AMEND SECTION 241-47.10 OF THE BARNSTABLE ADMINISTRATIVE CODE TO REMOVE THE COMMUNICATIONS DIVISION FROM THE COMMUNITY SERVICES DEPARTMENT**

**ORDERED:** That the Town Council hereby amends the Administrative Code by striking Section D. Communications of Section 241-47.10 in its entirety.

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Council Vote

# BARNSTABLE TOWN COUNCIL

ITEM #2020-176

INTRO: 5/21/2020 , 06/04/2020

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** May 21, 2020  
**SUBJECT:** Administrative Code Change Removing the Communications Division from the Community Services Department

**RATIONALE:** We continue to progress with the internal reorganization of our existing work force and created a Director of Communications position and supporting staff under the direct oversight of the Town Manager's office in fiscal year 2020. The primary role of this position includes being responsible for managing and directing our organization's internal and external communications efforts. This position, in coordination with the Town Manager, will supervise public relations, create communication strategies, and may serve as a primary media contact for the organization when appropriate. The position also oversees the Town's Public, Education and Government (PEG) Access Channel Enterprise Fund and its associated staff. This Administrative Code change reflects this reorganization by removing the Communications Division from the Community Services Department. The Fiscal Year 2021 proposed operating budget presented to the Town Council reflects the placement of the Communications program within the Office of the Town Manager.

**B. NEW BUSINESS (Public Hearing) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-177  
INTRO:05/21/2020, 06/04/2020**

**2020-177 APPROPRIATION AND TRANSFER ORDER OF \$75,000 TO FUND  
RECYCLABLE DISPOSAL AT THE SOLID WASTE DIVISION OF THE  
DEPARTMENT OF PUBLIC WORKS**

**ORDERED:** That the sum of **\$75,000.00** be appropriated for the purpose of disposal of basic recyclables at the Solid Waste Division, and that to meet this appropriation, that \$75,000.00 be transferred from the Solid Waste Enterprise Fund reserves.

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

ITEM # 2020-177  
INTRO: 05/21/2020, 06/04/2020

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director, Department of Public Works  
**DATE:** May 21, 2020  
**SUBJECT:** Appropriation and Transfer Order in the amount of **\$75,000** to fund recyclable disposal at the Solid Waste Division of the Department of Public Works

**BACKGROUND:** An additional appropriation of \$75,000.00 is required in Fiscal Year 2020 for the purpose of disposal of basic recyclables for the Solid Waste Division. The budget has been closely monitored since New Bedford Waste Services (NBWS) implemented a surcharge for disposal of recyclables. The surcharge has increased since the original appropriation was requested. Over the past year, we have implemented changes to the sorting of recycling. Currently, the cost is up to \$115.00 per ton for disposal of recyclables. Additionally, we are paying \$150.00 for each haul of a container for recyclable items. The current Fiscal Year 2020 budget cannot support these surcharges. Projections for this request of funds utilized the current year and last year's tonnages for calculations.

**FISCAL IMPACT:** Funding for this expenditure will be provided from the Solid Waste Enterprise Fund reserves. The reserve balance was certified by the state Department of Revenue at \$2,294,760 as of July 1, 2019. This increase in recycling disposal cost is included in the budget for Fiscal Year 2021. Recycling at the Transfer Station is currently free to all Town of Barnstable year-round residents that obtain a **Recycle Only** sticker. Because there is not a dedicated funding source, the needed funding must be supported through the Solid Waste Division's cash reserves.

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

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

**B. NEW BUSINESS (Public Hearing) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-178**

**INTRO: 05/21/2020, 06/04/2020**

**2020-178 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$150,000 TO FUND MUNICIPAL SOLID WASTE DISPOSAL AT THE SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS.**

**ORDERED:** That the sum of **\$150,000.00** be appropriated for the purpose of funding disposal of municipal solid waste at the Solid Waste Division, and that to meet this appropriation, that \$150,000.00 be transferred from the Solid Waste Enterprise Fund Reserves.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM # 2020-178  
INTRO: 05/21/2020, 06/04/2020

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director, Department of Public Works  
**DATE:** May 21, 2020  
**SUBJECT:** Appropriation and Transfer Order in the amount of **\$150,000** to fund municipal solid waste disposal at the Solid Waste Division of the Department of Public Works.

**BACKGROUND:** An additional appropriation of **\$150,000** is required in fiscal year 2020 for the purpose of disposal of municipal solid waste (MSW) for the Solid Waste Division. The budget has been closely monitored since New Bedford Waste Services (NBWS) implemented a surcharge for disposal of Municipal Solid Waste (MSW) on January 1, 2020. The surcharge was implemented subsequent to the FY20 budget approval. The surcharge is more than a 50% increase to the tipping fee. The current FY2020 budget cannot support these surcharges. Projections for this request of funds utilized the last three year's monthly MSW tonnages for calculations.

**FISCAL IMPACT:** Funding for this expenditure will be provided from the Solid Waste Enterprise Fund reserves. The reserve balance was certified by the state Department of Revenue at \$2,294,760 as of July 1, 2019. This increase to MSW disposal cost is included in the budget for Fiscal Year 2021. Municipal solid waste disposal at the Transfer Station is available to all year-round residents of Barnstable who purchase for a fee the full transfer station sticker. This transfer station sticker fee is calculated using a rate study prepared by an outside consultant.

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

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

**A. OLD BUSINESS (Second Reading) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-183**  
**INTRO: 05/21/2020, 06/04/2020**

**2020-183 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Land Acquisition and Preservation Committee:** Elizabeth Lewis, 2085 Main Street, West Barnstable, MA as a regular member to a term expiring 06/30/2023

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move/Vote

## A. OLD BUSINESS (Second Reading )(Roll Call Majority)

### BARNSTABLE TOWN COUNCIL

ITEM # 2020-184

INTRO: 05/21/2020, 06/04/2020

#### 2020-184 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Airport Commission:** John Flores, as a regular member to a term expiring 6/30/2023; Zachary Lesinski, as a regular member to a term expiring 6/30/2023; **Board of Assessors:** Melvin Pauze, as a regular member to a term expiring 6/30/2023; **Community Preservation Committee:** Lindsey Counsell, as a regular member to a term expiring 6/30/2023; Terry Duenas, as a regular member to a term expiring 6/30/2023; **Comprehensive Financial Advisory Committee:** Ralph Krau, as a regular member to a term expiring 6/30/2023; **Conservation Commission:** Laurence Morin, as a regular member to a term expiring 6/30/2023; John Abodeeley, as a regular member to a term expiring 6/30/2023; **Council on Aging:** Josephine Melpignano, as a regular member to a term expiring 6/30/2023; Janice Lariviere, as a regular member to a term expiring 6/30/2023; John Jope, as a regular member to a term expiring 6/30/2023; Ella Rollins, as a regular member to a term expiring 6/30/2023; **Disability Commission:** Paul Logan, as a regular member to a term expiring 6/30/2023; Linda McKinney, as a regular member to a term expiring 6/30/2023; **Golf Committee:** John Cookson, as a regular member to a term expiring 6/30/2023; **Historical Commission:** Nancy Clark, as a regular member to a term expiring 6/30/2023; Jack Kay, as an alternate member to a term expiring 6/30/2023; Nancy Shoemaker, as a regular member to a term expiring 6/30/2023; Frances Parks, as a regular member to a term expiring 6/30/2023; **Housing Committee:** Dave Carey, as a regular member to a term expiring 6/30/2023; Glen Anderson, as a Barnstable Housing Authority representative member to a term expiring 06/30/2023; Hilda Haye, as a regular member to a term expiring 06/30/2023; **Human Services Committee:** Steven Xiarhos, as a representative member to a term expiring 06/30/2023; Robin Gunderson, as a representative member to a term expiring 06/30/2023; **Hyannis Main Street Waterfront Historic District Commission:** Cecelia Carey, as a member holding a Board of Real Estate License to a term expiring 06/30/2023; David Dumont, as a Hyannis Business District Representative member to a term expiring 06/30/2023; Timothy Ferreira, as a regular member to a term expiring 06/30/2023; Jack Kay, as an alternate member to a term expiring 06/30/2023; Cheryl Powell as a representative member from Barnstable Historic Commission to term expiring 06/30/2023; **Land Acquisition and Preservation Committee:** Elissa Crowley, as a regular member to a term expiring 06/30/2023; **Licensing Authority:** Nancy Karlson-Lidman, as an associate member to a term expiring 06/30/2023; Martin Hoxie, as a regular member to a term expiring 06/30/2023; **Old Kings Highway:** George Jessop, as an architect representative member to a term expiring 06/30/2021; **Planning Board:** Mary Barry, as a regular member to a term expiring 06/30/2023; Stephen Robichaud, as a regular member to term expiring 06/30/2023; Jeffrey Swartz, as a regular member to a term expiring 06/30/2023; **Recreation Commission:** Rene King, as a regular member to a term expiring 06/30/2023; **Registrar of Voters:** David Jones, as a regular member to a term expiring 06/30/2023; **Sandy Neck Board:** Peter Sampou, as a Conservation Commission Representative member to a term expiring 06/30/2023; **Shellfish Committee:** Patricia Farinha, as a member holding a family permit; Al Surprenant, as a commercially permitted member to a term expiring 06/30/2023; **Trust Fund Advisory Committee:** Frances Parks, as a Human Services Representative member to a term expiring 06/30/2023; Jayne Scanlon as an attorney-at-law representative member, to a term expiring 06/30/2023; **Waterways**

**Committee:** Paul Everson, as a regular member to a term expiring 06/30/2023; **Zoning Board of Appeals:** Alex Rodolakis, as a regular member to a term expiring 06/30/2023

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move/Vote

**B. NEW BUSINESS (Refer to Public Hearing 06/18/2020)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-185  
INTRO: 06/04/2020**

**2020-185 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND AIRVIEW, LLC**

**ORDERED:** That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable (the "Code"), to enter into and execute a Regulatory Agreement between the Town of Barnstable and Airview, LLC, for the properties at 451 and 467 Iyannough Road/Route 28, Hyannis, Massachusetts, and shown on Town of Barnstable Assessor's Map 311 as Parcels 027, 081 and 082, respectively, consisting of approximately 2.108 acres of land, and which are more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 28116, Page 008 (collectively, the "Property"), with the Property having access to Barnstable Road via an easement over the parcel of land located at 400 Barnstable Road, Hyannis; and permitting the redevelopment of the Property and granting the requested zoning relief and approval under Chapter 115 of the Code pursuant to and as described in this Regulatory Agreement.

**REGULATORY AGREEMENT**

**AIRVIEW, LLC  
451 AND 467 IYANNOUGH ROAD,  
HYANNIS, MA 02601**

This regulatory agreement ("Agreement") is entered into by and between the applicant, **Airview, LLC** (the "Applicant" and/or "Developer"), a Massachusetts limited liability company with a mailing address of 297 North Street, Hyannis, MA 02601, and the **Town of Barnstable** (the "Town"), a municipal corporation with a mailing address of 367 Main Street, Hyannis, MA 02601, on this \_\_\_\_ day of \_\_\_\_\_, 2020, pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Chapter 168 of the Code of the Town of Barnstable.

WITNESS:

WHEREAS, this Agreement shall establish the following: permitted uses, densities, signage, and traffic within the proposed Redevelopment (as defined herein), the duration of this Agreement, and any other terms and conditions mutually agreed upon between the Applicant and the Town;

WHEREAS, pursuant to section 168-3 of the Code of the Town of Barnstable, the Town of Barnstable is authorized to enter into a regulatory agreement with a qualified applicant within the Downtown Implementation District as the Town's Local Comprehensive Plan has been certified by the Cape Cod Commission as consistent with the Regional Policy Plan and said

certification has not been revoked, and the Town has adopted the enabling regulation contained in §§ 168-1 through 168-10;

WHEREAS, the Applicant owns the properties known as and numbered 451 and 467 Iyannough Road, Hyannis, which are shown on Barnstable Assessor's Map 311, as Parcels 027, 081 and 082 respectively, and which are more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 28116, Page 008 (hereafter, collectively, the "Property");

WHEREAS, each of the three parcels which combined comprise the Property, as described in the preceding paragraph, were developed with commercial structures, which were recently demolished, as follows: (i.) 451 Iyannough Road- a one story building consisting of approximately 8,624 square feet, formerly used as a restaurant with a seating capacity of 274; and (ii.) 467 Iyannough Road- a one story building containing approximately 8,422 square feet used as a VFW Post;

WHEREAS, the Property borders Iyannough Road (Route 28) to the north and has access to Barnstable Road to the west via an easement over the parcel of land located at 400 Barnstable Road, Hyannis, and the existing development on the Property has three large curb cuts with undefined circulation onto Route 28;

WHEREAS, the Property consists of approximately 2.108 acres of land and is located in the Hyannis Gateway (HG) zoning district and the Groundwater Protection (GP) and Wellhead Protection (WP) overlay districts;

WHEREAS, the Applicant has commenced development of the Property by demolishing the two existing structures, which collectively contained a total gross floor area of approximately 17,046 square feet, and proposes to combine the existing lots into one lot, and construct a one-story retail pharmacy building with a drive through lane with a gross floor area of approximately 10,000 square feet, and an approximately 6,000 square foot building reserved for a future retail use, together with numerous site improvements, including a significant reduction in curb-cuts, increased landscaping, new parking, pedestrian and site amenities, and new storm-water drainage, all as shown on the plans submitted and attached hereto as **Exhibit A** (hereafter, the "Redevelopment Plans," and such proposed site work, new buildings and improvements all as shown on the Redevelopment Plans are hereafter referred to herein, collectively, as the "Redevelopment");

WHEREAS, the Redevelopment is consistent with the Town of Barnstable's Design and Infrastructure Plan in that the proposed project provides a sidewalk along Route 28; reduces curb cuts along Route 28 and provides access from Barnstable Road; the scale, placement, materials, design, and details of the proposed buildings comply with the Design and Infrastructure Plan guidelines; and the project provides the infrastructure necessary to support the project.

WHEREAS, the Town and Applicant desire to set forth in this Agreement their respective understandings and agreements with regard to the Redevelopment;

WHEREAS, the Applicant is willing to commit to the reuse of the Property in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the reuse and therefore considers this Agreement to be in its best interests;

WHEREAS, this Agreement shall vest land use development rights in the Property for the duration of this Agreement, and such rights shall not be subject to subsequent changes in local development

ordinances, with the exception of changes necessary to protect the public health, safety or welfare;

WHEREAS, the Redevelopment will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Property is located in the Hyannis Growth Incentive Zone (GIZ) as originally approved by the Cape Cod Commission by decision dated April 6, 2006 and re-designated by decision dated April 19, 2018, and as authorized by Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19, 14-05, 17-11, and 18-11, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application;

WHEREAS, the Redevelopment is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this Redevelopment may proceed;

WHEREAS, the Redevelopment has undergone formal site plan review and the Town of Barnstable Site Plan Review Committee determined the Redevelopment Plans approvable by decision dated July 2, 2019, and Developer shall submit final plans consistent with the terms and conditions contained in this Agreement to the Building Commissioner to determine whether any modifications to the Site Plan Review approval are necessary prior to any building permits being issued for the Redevelopment;

WHEREAS, the Applicant submitted a "Traffic Assessment Memorandum" dated September 19, 2019, as supplemented by a "Transportation Memorandum" Responses to Comments and Questions From Town of Barnstable dated August 16, 2019 performed by VHB;

WHEREAS, the Redevelopment proposal has undergone four public hearings on the Agreement application and received an affirmative unanimous vote from the Planning Board on April 27, 2020;

WHEREAS, the Redevelopment proposal has undergone a public meeting on the Agreement before the Barnstable Town Council and has received a two-thirds vote approving the Agreement on \_\_\_\_\_, 2020;

WHEREAS, this Agreement authorizes only the uses, intensity of uses, dimensions and signage specified herein. Any substantial deviation from the authorized terms of this Agreement shall require review by the Town Council and Planning Board pursuant to Chapter 168-10 of the Code;

NOW, THEREFORE, in consideration of the agreements and covenants set forth hereinafter, and for other good and valuable consideration, the receipt and sufficiency of which each of the parties hereby acknowledge to each other, the Applicant and Town do enter into this Agreement, and hereby agree to covenant as follows:

## 1. Description of Existing and Proposed Conditions:

### A. Existing Conditions

The Property was previously developed with two (2) structures, each on separate lots, combined totaling approximately 17,046 square feet of development as follows:

- A one-story building consisting of approximately 8,624 square feet, formerly used as a restaurant with a seating capacity of 274.
- A one-story building consisting of approximately 8,422 square feet, used as a VFW Post.
- The Property contains 3 large, poorly defined and, in some cases, undefined curb-cuts on Route 28.
- Based on full occupancy of the previous structures, the existing site traffic generation is 144 trips in the weekday evening peak hour and 150 trips in the Saturday mid-day peak hour.
- Minimal landscaping.
- Total impervious coverage is 78.1%.
- No storm-water treatment facilities; presently, storm-water now causes sheet flow run-off into the roadways.

### B. Proposed Redevelopment

The proposed Redevelopment involves combining the Property into one (1) lot, and constructing two (2) buildings collectively totaling 16,000 square feet of development as follows:

- A one-story building containing an approximately 10,000 square foot retail pharmacy with a drive up pharmacy pick up window.
- A one-story building with a gross floor area of approximately 6,000 square feet reserved for a future retail and/or office use.
- Combining and reconfiguring the three existing curb-cuts onto Route 28 into two consolidated entrances with defined geometry meeting Town and State access standards. Each curb cut is configured to allow right-in/right out only turns.
- A limited movement right-in/right-out only curb cut on Barnstable Road.
- Significant landscaping and vegetation improvements.
- Reduction of impervious coverage to 74.5%.
- Architectural and site design in accordance with the Design and Infrastructure Plan.
- Construction of sidewalks within the Property for pedestrian circulation through the site.
- Construction of a new 6-foot wide sidewalk along the frontage of Route 28 in accordance with the future planned widening of the Route 28 travel lanes along the site frontage.
- Storm-water management system incorporating low impact design measures to retain and pre-treat all storm-water run-off on-site.

- Two free-standing signs with sign panels, one for each tenant, which total 24 square feet per sign, together with building and directional signage. One free-standing sign is to be located along Iyannough Road and one is to be located along Barnstable Road.
- A total of 80 paved parking spaces.
- The Developer agrees to construct the Redevelopment on the Property in accordance with the Redevelopment Plans which are submitted herewith and which are entitled as follows:

a. "Proposed Redevelopment Project 451 and 467 Iyannaough Road, Hyannis, Massachusetts dated April 9, 2019, revised on May 28, 2019, revised August 8, 2019, revised October 17, 2019, revised December 6, 2019, revised January 2, 2020, revised February 14, 2020, last revised February 28, 2020 (unless otherwise noted), consisting of 12 pages, as follows:

- i. Cover Sheet, Sheet C0.0;
- ii. Legend and General Notes Plan, Sheet C1.0;
- iii. Existing Conditions Plan, Sheet C2.0;
- iv. Layout and Dimension Plan, Sheet C3.0;

v. Delivery Truck Turning Template Plan, Sheet C3.2;

- vi. Tower Truck Turning Template Plan, Sheet C3.3;
- vii. Grading and Drainage Plan, Sheet C4.0;
- viii. Utilities Plan, Sheet C5.0;
- ix. Details Plan, Sheet C6.0;
- x. Details Plan, Sheet C6.1;
- xi. Details Plan, Sheet C6.2;

a. Landscape Plans as follows:

- i. Sheet L1 dated January 6, 2020 revised February 19, 2020

Landscape Planting Plan prepared by Hawk Design, Inc.

- ii. Sheet D1 dated January 6, 2020 revised February 19, 2020

Planting Notes prepared by Hawk Design, Inc.

- iii. Sheet D2 dated January 6, 2020 revised February 19, 2020

Planting Details prepared by Hawk Design, Inc.

c. Building A: "Proposed Floor Plan Walgreen's 451 Iyannough Road, Hyannis, MA Project 19002 dated November 15, 2019, revised February 28, 2020" consisting of one page, Sheet SK-100.01; "Proposed North & East Elevations Walgreen's 451 Iyannough Road, Hyannis, MA Project 19002 dated November 15, 2019, revised February 28, 2020" consisting of one page, Sheet SK-101.01; and "Proposed South & West Elevations Walgreen's 451 Iyannough Road, Hyannis, MA Project 19002 dated November 15, 2019, revised February 28, 2020" consisting of one page, Sheet SK-102.01.

d. Building B: "First Floor Plan Holly Management & Supply Corp. 451 & 467 Iyannough Road, Hyannis, MA Project No. 19025 dated December 5<sup>th</sup>, 2019" consisting of one page, Sheet A – 100.00; and "Exterior Elevations Holly Management & Supply Corp. 451 & 467 Iyannough Road, Hyannis, MA Project No. 19025 dated December 5, 2019" consisting of two pages, sheet A – 400.00, and A-410.00, Filename Bld B Black Awning19025\_A-400.00-Exterior Elevations (Note: Developer shall have the option to use a combination of cedar shingles and clapboard on the South elevation of Building B. If Developer so elects, Developer must first obtain written approval of the elevations for shingles/clapboard from the Director of the Planning and Development Department).

e. "17258 Hyannis, MA Preliminary Exterior Signage dated 3/17/2020" consisting of nine pages (including this page) as follows:

- Exterior Signage;
- i. Title Page – 17528 Hyannis, MA
  - ii. Site Plan – showing proposed signage locations;
  - iii. Proposed West and South Elevations;
  - iv. Proposed North and East Elevations;
  - v. Walgreens Script Sign;
  - vi. Corner W Sign;
  - vii. Drive Thru Canopy Signage;
  - viii. Monument Sign;
  - ix. Directional Sign.

2. The Redevelopment provides, without limitation, the following multi-modal transportation, economic, place-making, site design, traffic safety, and community benefits:

- a. Redevelopment and significantly improved aesthetics at a gateway property into the Hyannis Growth Incentive Zone.
- b. Substantial reduction in the number of curb-cuts servicing the Property.
- c. Substantially increased landscaping and reduction in impervious surfaces from 78.1% existing impervious coverage to 74.5% impervious coverage under proposed conditions.
- d. Construction of a sidewalk along the Property's Route 28 frontage in accordance with the future planned widening of Route 28 travel lanes along the site frontage.
- e. Safe and well marked interior pedestrian connections within the Property between the two proposed buildings.
- f. Exterior site lighting improvements, including use of LED lights.
- h. Improved storm-water drainage management on-site with low impact design measures, including landscaped bio-infiltration drainage areas. New storm- water system will eliminate storm-water sheet run-off into adjacent roadways.
- i. New underground utility connections for Redevelopment eliminating existing overhead services for the Property.
- j. Removing the existing 6-inch public water main along the frontage of Route 28 and the two existing domestic service lines all the way to the main line and replacing them with two new two-inch domestic lines (one for each building) and two new fire service lines (one for each building).
- k. Installation of two new fire hydrants to service the surrounding community in accordance with locations identified by the Hyannis Fire Department and Water District.

3. Outdoor storage is prohibited including storage in trailers, containers, trucks or other storage units. This prohibition shall be prominently noted on the final approved site plans.
4. This Agreement shall run with the land, and all of the terms, conditions, and obligations contained in this Agreement shall be binding on any successor or assignor of the Applicant.

5. Prior to issuance of a building permit, the Developer shall provide evidence to the Building Commissioner of an agreement with the Town which provides that during the Term of this Regulatory Agreement, the Walgreen's Pharmacy identified as one of the tenants of the Redevelopment shall in accordance with Section 168-6(A) of Chapter 168 of the Code of the Town of Barnstable, provide the following benefits to the Town: (i) a listing of all sites at which hypodermic syringes, needles, and medical sharps can be disposed of in Barnstable County, to be made available to each customer visiting the Walgreen's Pharmacy at the Property as well as the display of such listing at the registers within the Walgreen's Pharmacy operated at the Property, and (ii) health educational assistance to the community in accordance with the programs developed and offered by Walgreen's Pharmacy from time to time.
6. All mortgagee(s) holding good and valid mortgage(s) against the Property have executed document(s) effectively subordinating the provisions of their mortgage(s) to this Agreement, which subordination agreement(s) shall be approved by the Town Attorney and recorded contemporaneously with this Agreement.
7. Prior to the issuance of the first building permit, the Developer shall provide a letter of credit, or cash escrow in an amount approved by the Planning and Development Director, said letter of credit or cash escrow to be expended to replace landscape materials if such replacement becomes necessary because of the failure of Developer or its tenants to do so. An "acceptable" letter of credit is a letter of credit issued by a bank incorporated in the Commonwealth of Massachusetts or currently licensed to do business in the Commonwealth, and having at the time of issue of the letter of credit an S&P Rating of "BBB+" or better and/or a Bankrate.com rating of 4-star or better. Further, an acceptable letter of credit shall be approved as to issuer by the Treasurer of the Town of Barnstable and as to form by the Office of the Town Attorney. Any unexpended portion of said letter of credit or cash escrow shall be released by the Planning Board to the Developer or its successor(s), as directed by the Developer, after three years from the date of the landscape installation, such date to be determined by the Building Commissioner, upon the request of the Developer.
8. Developer is responsible for obtaining all applicable permits and licenses.
9. No Certificate of Occupancy shall be issued until all conditions of this Agreement have been met and Design and Infrastructure Plan approval has been issued.
10. This Agreement is transferable to a person or entity other than the Applicant (hereafter, the "Transferee") with prior written notice to the Town Manager and contingent upon the Applicant being in compliance with all the requirements of this Agreement. However, no such notice to the Town shall be effective unless it includes a written acknowledgement by the Transferee that they have read this Regulatory Agreement, and any amendments thereto, and they agree to be bound by the terms and conditions set forth herein, in which event after such assignment the transferor shall be relieved of liability from and after the date of transfer. Upon receipt of such written notice of transfer, and subject to a determination by the Town Manager that that the Applicant is in compliance with all the then applicable requirements of the Agreement, the Transferee and the Town Manager shall execute a minor amendment of this Regulatory Agreement acknowledging the Transferee is a signatory of this Regulatory Agreement, agreeing to be bound by the terms and conditions set forth herein, and any subsequent amendments hereto, and assuming liability as of the

date of transfer. No Planning Board or Town Council approval is required for such a minor amendment acknowledging such a transfer in ownership.

11. The development rights granted hereunder shall be exercised and development permits needed to commence construction may be obtained hereunder for a period of five years from the effective date of this Agreement, provided, however, that prior to the expiration of said five year period, the Developer may request one six month extension to obtain development permits necessary to commence construction. Upon receipt of necessary development permits, construction shall proceed continuously and expeditiously, but in no case shall construction exceed two years from receipt of necessary development permits. In the event that this Agreement and/or any necessary development permits for the Project are appealed, the timeframes set forth in this section shall be tolled for the length of any such appeals. The Developer estimates that construction will commence on or about Spring 2020 and will be completed on or about Winter 2020.
12. Construction and demolition debris from the Project shall be removed and reused or recycled to the maximum extent possible.
13. No uses shall use, store, generate, treat or dispose of hazardous waste or hazardous materials and shall not generate hazardous waste as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.353, except in compliance with all applicable laws.
14. To the extent that the Redevelopment Plans referenced in this Agreement do not depict all the findings and conditions set forth in this Agreement, revised plans and/or notations shall be provided in the final site plan. The Redevelopment shall remain in substantial conformance with the Site Plan Review approval dated July 2, 2019 and all conditions thereof and any modifications thereto as reflected in the final approved site plan.
15. Upon completion of all work, a registered engineer or land surveyor shall submit a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan (Barnstable Code Section 240-104(G)). This document shall be submitted before the issuance of the final certificate of occupancy.
16. The term of this Agreement shall be five (5) years from the effective date of the Agreement (herein, the "Term"), and the development rights authorized herein must be exercised prior to expiration of the Term or this Agreement shall be null and void. Once the development rights authorized herein have been timely exercised, all terms and conditions of this Agreement shall remain in effect until the Property is no longer used in accordance with the Redevelopment Plans.
17. The Town hereby grants the following waivers from the Town of Barnstable Zoning Ordinance for the Redevelopment, as requested by the Developer:
  - a. Section 240-24.1.8(B)(1)(a), Special Permit for Non-Residential Development with total gross floor area greater than 10,000 square feet.
  - i. Applicant proposes 6,000 square foot reserved retail and/or office space, and 10,000 square foot retail pharmacy.

- b. Section 240-24.1.8(B)(3), Special Permit for retail uses that increase the number of vehicle trips per day and/or increase peak hour vehicle trips.
  - ii. Proposed retail pharmacy and 6,000 square foot reserved retail and/or office space area will result in increase of vehicle trips.
  
- c. Section 240-24.1.8(C) (1), Front yard landscape setback from Route 28 of 60 feet.
  - iii. Proposed landscape setback from Route 28 is 10.00 feet, but represents a substantial improvement as compared to existing conditions, (zero feet).
  
- d. Section 240-24.1.8(C)(2)(a), Special Permit for new vehicular access/change in use that increases vehicle trips per day and/or peak hour roadway use for existing curb cuts on Route 28.
  - iv. Proposed retail uses will result in increase of vehicle trips.
  
- e. Section 240-24.1.8(C)(2)(d), Location of Parking
  - v. Proposed two rows of parking in front of Building B from Route 28 frontage.
  
- f. Section 240-24.1.8(C)(2)(e), Transit improvement incentives.
  - vi. Applicant proposes a reduction in required parking from 82 spaces to 80 spaces as project significantly reduces the width of existing curb cuts in a manner that improves the through flow of traffic on Route 28.
  
- g. Section 240-24. 1.11(A)(3), Drive-through windows.
  - vii. Redevelopment proposes one drive through window for retail pharmacy.
  
- h. Section 240-24.1.11(A)(4)(a)[1] and Section 240-56, Schedule of Parking Spaces.
  - viii. Redevelopment proposes 80 parking spaces and Ordinance requires 82 parking spaces.
  
- i. Section 240-24.1.11(A)(4)(c)[1], Parking Design Standards.
  - Parking areas shall be located to the rear of a building.
  - ix. Proposed project has one row of parking in front of Building A and two rows of parking in front of Building B.
  
- j. Section 240-35(F)(3) and (4), GP Overlay District.
  - x. Redevelopment proposes impervious coverage of 74.5% (Ordinance provides for 50% maximum, but existing impervious coverage is 78.1%).
  - ix. Existing and proposed natural state is 0% (30% minimum required).
  
- k. Section 240-35(G)(3) and (4), WP Overlay District.
  - xi. Redevelopment proposed impervious coverage of 74.5% (Ordinance provides for 50% maximum, but existing impervious coverage is 78.1%).
  - xii. Existing and proposed natural state is 0% (30% minimum required).
  
- l. Sections 240-24.1.11(A)(6); 240-67(A),(B), and (C), and 240-65 (A)-(I), Signage.
  - xiii. Section 240-67(B) limits the maximum square footage of all signs to the lesser of 50 square feet or 10% of the building face. Excluding directional drive thru signage, the total square footage of signage for Building A (proposed pharmacy) is 134.16 square feet

and the total square footage of signage for Building B (proposed retail space) is 100 square feet.

xiv. Section 240-67(C) limits the maximum size of any freestanding sign to 10 square feet except that the Building Commissioner can grant up to 24 square feet. The project proposes two freestanding signs each totaling 24 square feet.

xv. Section 240-65(A) limits each business to a total of two signs. Building A (proposed pharmacy) proposes 5 signs (three building signs and one panel on each of the two freestanding pylon signs). Building B (retail space) proposes four signs (a panel on each of the freestanding pylon signs for each location) with additional signage to be determined.

xvi. Section 240-65(d) allows one freestanding sign per business, which may not exceed half of the allowable size as permitted. The project proposes two freestanding signs each of which exceeds the allowable size.

xvii. Section 240-75 allows for directional or safety signs provided such signs do not exceed one square foot in area, nor be more than three feet high. No more than four such signs are allowed per site. Building A proposes the following directional/safety signs:

Drive Thru Canopy Sign 1.75 sq.ft.

Drive Thru Directional Sign 3.00 sq.ft.

Drive Thru Clearance Sign 1.67 sq.ft.

Drive Thru Exit Sign 1.75 sq.ft.

m. Section 240-65 and 240-67 Signs in the HG District.

xviii. Redevelopment proposes two free-standing signs – one along Route 28 and one along Barnstable Road. The Ordinance allows for only one free-standing sign per business.

18. In addition to the foregoing waivers/relief from the Zoning Ordinance, this Agreement also waives the requirement for a public hearing before the Town Manager pursuant to Chapter 115-2 of the Code (Hours of Operation of Businesses) and authorizes issuance of a permit to allow the proposed pharmacy drive-up window to remain open twenty-four hours a day. Said permit may be revoked by the Town pursuant to the process set forth in Chapter 115-2 of the Code.

20. Commencing on the date of issuance of an Occupancy Permit for Building B and ending on the 5<sup>th</sup> anniversary of said issuance, the Applicant or any owner of said premises shall not enter into a lease, or otherwise occupy any portion of Building B without first obtaining written approval from the Director of Planning and Development for the Town of Barnstable. The Applicant or owner of the property shall submit a written request for approval of a tenant/occupant to the Director of Planning and Development. The written request shall contain the name of the tenant/occupant; the amount of square footage to be occupied; the type of use; number of employees; and hours of operation. If the use is one which is listed as a permitted principal use or a principal accessory use in the HG Hyannis Gateway Zoning District, the Director of Planning and Development shall issue a letter to the Applicant/owner approving the tenancy or occupancy within ten (10) days of receipt of the written request for approval. If the use triggers a need for a special permit or other zoning relief, the Director of Planning and Development shall, within

said ten (10) day timeframe, issue a letter directing the Applicant or owner to make application to the Planning Board for appropriate relief.

21. The failure of this agreement to address a particular permit, condition, term, or restrictions shall not relieve the qualified applicant of the necessity of complying with the law governing said permitting requirements, conditions, term or restriction;

22. This regulatory agreement may not be used to prevent the Town of Barnstable or other governmental agency from requiring the qualified applicant to comply with the laws, rules and regulations and policies enacted after the date of the regulatory agreement, if the Town of Barnstable or governmental agency determines that the imposition of and compliance with the newly effective laws and regulations are essential to ensure the public health, safety or welfare of the residents of all or part of the jurisdiction.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed on the day and year first above written.

Applicant:Town of Barnstable:  
Signature:Signature:  
Print:Print:  
Date:Date:

PROPERTY DESCRIPTION

The land, together with the buildings thereon, situated in Barnstable (Hyannis), Barnstable County, Commonwealth of Massachusetts, consisting of two parcels, bounded and described as follows:

Parcel I

A certain parcel of land with the buildings thereon situated in Barnstable (Hyannis), Barnstable County, Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLYbylyannough Road - Route 28, a public way, as shown on a plan hereinafter mentioned, 175.90 feet;

EASTERLYbyland now or formerly of Henry Murphy, et ali, as shown on said plan, 202.99 feet;

SOUTHERLYbyland now or formerly of Allan F. Jones, as shown on said plan, by two courses, 96.24 feet and 49.34 feet, respectively; and

WESTERLYbyParcel II described below, as shown on said plan, 247.96 feet.

The above described parcel contains 34,450 square feet of land, more or less, according to said plan.

The above described premises are shown on a plan entitled "Plan of Land in Hyannis - Barnstable - Mass. for Armands Restaurant, Scale: 1 IN = 40 FT, Date: 3 July 1958, Charles N. Savery, Co., Engineers & Surveyors, Cotuit- Falmouth Mass., Plan No. 75839," which said plan is recorded with the Barnstable County Registry of Deeds in Plan Book 144, Page 85.

Property Address: 451 Iyannough Road - Route 28, Hyannis, Massachusetts.

### Parcel II

A certain parcel of land with the buildings thereon situated in Barnstable (Hyannis), Barnstable County, Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLY by Route 28, a public way, as shown on a plan hereinafter mentioned, 150.00 feet;

EASTERLY by other land of the Town of Barnstable Cobb Trust as shown on said plan, 248.47 feet, being Parcel I described above;

SOUTHERLY by land now or formerly of Allan F. Jones as shown on said plan, 231.98 feet;

WESTERLY by land now or formerly of N. W. Kalat and M. H. Segel, Trustees, as shown on said plan, 236.98 feet;

NORTHERLY by other land of the Town of Barnstable Cobb Trust as shown on said plan, 100.00 feet; and

WESTERLY by said Cobb Trust land as shown on said plan, 107.97 feet.

The above described parcel contains 1.34 acres of land, more or less, according to said plan.

The above described premises are shown on a plan entitled "Town of Barnstable Plan of a portion of a Cobb Lot in Hyannis (Barn's) Mass. to be conveyed to the Dennis F. Thomas Post No. 2578 Veterans Of Foreign Wars Building Association, Inc., Engineering Section D. P. W., Scale: 1 in. = 30 ft., Date: Aug. 18, 1982," and recorded with the Barnstable County Registry of Deeds in Plan Book 368, Page 97.

Property Address: 467 Iyannough Road – Route 28, Hyannis, Massachusetts 02601.

For title to Parcels and II see deed recorded in the Barnstable County Registry of Deeds in Book 28116, Page 008.

### ASSENT TO REGULATORY AGREEMENT

The undersigned, Airview, LLC, a Massachusetts limited liability company, of 297 North Street, Hyannis, Massachusetts 02601, the owner of property in Hyannis, Barnstable County, Massachusetts, described in a Deed recorded in Book 28116, Page 008, does hereby consent to the recording of a Regulatory Agreement by and between Airview, LLC, a Massachusetts limited liability company and the Town of Barnstable dated \_\_\_\_\_, 20\_\_\_. Airview, LLC further agrees to be bound by the terms and conditions contained in said Regulatory Agreement.

Executed this \_\_\_ day of \_\_\_\_\_, 2020.

Applicant:

Signature:

Print:

Date:

**EXHIBIT A: REDEVELOPMENT PLANS**

**SPONSOR:** Debra S. Dagwan, Councilor, Precinct 8

**DATE ACTION TAKEN**

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM #2020-189**  
**INTRO: 06/04/2020**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Elizabeth Jenkins, Director of Planning & Development  
**SUBJECT:** Regulatory Agreement Airview, LLC – Pharmacy with drive through and Retail and/or Office Building

**BACKGROUND:** The proposed Regulatory Agreement has been negotiated between the Planning Board (with assistance of Planning & Development Staff, and with input from the Town Engineer, Hyannis Fire Department, and the Town Attorney) and the Applicant, and has been the subject at four Planning Board hearings, at the conclusion of which the Planning Board voted unanimously (6-0 vote) to recommend the Regulatory Agreement to the Town Council.

**RATIONALE:** Airview, LLC, the Applicant in the proposed Regulatory Agreement, purchased the three developed properties known as and numbered 451 and 467 Iyannough Road in Hyannis on April 30, 2014. These three properties, which collectively comprise the subject property under the Regulatory Agreement, total 2.108 acres of land, which were developed with approximately 17,046 square feet of commercial uses that included a restaurant with a seating capacity of 274 and a VFW Post. The existing development contains three large curb cuts with undefined circulation onto Iyannough Road. The existing site is nonconforming as to dimension, contains minimal landscaping, is approximately 78% impervious, and contains no on-site storm-water treatment facilities.

The subject property is within the Hyannis Gateway (HG) zoning district and the Groundwater Protection (GP) and Wellhead Protection (WP) overlay districts. It is also located within the Growth Incentive Zone (GIZ).

The Applicant proposes to make a substantial investment in the subject property by redeveloping and improving this gateway location. The proposed Regulatory Agreement authorizes the redevelopment of the property by combining the existing three (3) lots into one (1) lot and constructing an approximately 10,000 square foot retail pharmacy with a drive up pharmacy window and an approximately 6,000 square foot building for use as a future retail and/or office location. Numerous site improvements are proposed including combining and reconfiguring the three existing curb cuts onto Iyannough Road into two consolidated entrances with defined geometry meeting Town and State access standards. Each curb cut will be configured to allow right-in/right-out only turns. Pedestrian and site amenities, new storm-water drainage, and significantly increased landscaping are proposed.

Because the Applicant requests zoning relief for the proposed redevelopment, a two-thirds vote of the Town Council is needed to approve the proposed Regulatory Agreement. In addition to the requested zoning relief, the Regulatory Agreement also authorizes the proposed pharmacy drive-up window to remain open twenty-four hours a day pursuant to Chapter 115 of the Code.

**FISCAL IMPACT:** The fiscal impact is positive.

**B. NEW BUSINESS (May be acted upon) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-186  
INTRO: 06/04/2020**

**2020-186**

**ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$10,000 FROM THE COMMONWEALTH OF MASSACHUSETTS ATTORNEY GENERAL'S OFFICE SMALL BUSINESS RELIEF PARTNERSHIP GRANT PROGRAM TO PROVIDE FINANCIAL RELIEF TO SMALL BUSINESSES IMPACTED BY LOSSES AS A RESULT OF THE COVID-19 PANDEMIC**

**RESOLVED:** That the Town Council does hereby accept the grant award in the amount of **\$10,000** from the Commonwealth of Massachusetts Attorney General's Office to enable the Town to provide financial relief to small businesses in Downtown Hyannis that have been impacted by losses due to the COVID-19 pandemic, and does hereby authorize the Town Manager to contract for and expend the grant funds for the purpose stated herein.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move/Vote

## BARNSTABLE TOWN COUNCIL

ITEM# 2020-186  
INTRO: 06/04/2020

### SUMMARY

**TO:** Town Council  
**FROM:** Mark Ells, Town Manager  
**THROUGH:** Elizabeth S. Jenkins, AICP, Planning & Development Director  
**DATE:** June 4, 2020  
**SUBJECT:** Acceptance of a grant in the amount of **\$10,000** from the Massachusetts Attorney General's Office Small Business Relief Partnership Grant Program for financial assistance that supports small businesses impacted by the COVID-19 pandemic

**BACKGROUND:** The Economic Development Division has successfully applied for a \$10,000 grant from the Massachusetts Attorney General's Office Small Business Relief Partnership Grant Program. This program provides funding to municipalities that are assisting small businesses in the community to help address fixed debt, payroll, accounts payable, lost sales, lost opportunities, and other working capital expenses incurred by the COVID -19 pandemic. These grant funds will be used for businesses in Downtown Hyannis that were not eligible to take advantage of the MsssDevelopment TDI funds because they were not located within the TDI district boundaries.

**ANALYSIS:** Acceptance of this grant will enable the Town to provide flexible financial support to our small businesses that have been impacted by the COVID-19 pandemic.

**FISCAL IMPACT:** No match is required by this grant program.

**STAFF SUPPORT:** Gloria McPherson, Planning & Economic Development Coordinator

**B. NEW BUSINESS (May be acted upon) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-187  
INTRO: 06/04/2020**

**2020-187 ACCEPTANCE OF A FISCAL YEAR 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM FORMULA GRANT IN THE AMOUNT OF \$74,598 FROM THE UNITED STATES DEPARTMENT OF JUSTICE FOR THE PURPOSE OF FUNDING THE FUTURE PREVENTION, PREPARATION FOR, AND RESPONSE TO THE CORONAVIRUS AND OTHER PANDEMICS**

**RESOLVED:** That the Barnstable Town Council does hereby accept a Fiscal Year 2020 Coronavirus Emergency Supplemental Funding Program Formula Grant in the amount of **\$74,598** from the United States Department of Justice for the purpose of funding equipment and supplies specific to the needs of the police department for future prevention, preparation for and response to the Coronavirus, and that the Town Manager be authorized to expend the grant funds for this purpose.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM #2020-187**  
**INTRO: 06/04/2020**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Matthew K. Sonnabend, Chief of Police  
**DATE:** June 4, 2020  
**SUBJECT:** Acceptance of a Fiscal Year 2020 Coronavirus Emergency Supplemental Funding Program Formula Grant in the amount of **\$74,598** from The United States Department of Justice for the purpose of funding the future prevention, preparation for, and response to the Coronavirus and other pandemics

**BACKGROUND:** The Coronavirus Emergency Supplemental Funding (CESF) Program provides funding to assist local units of government in preventing, preparing for, and responding to the Coronavirus. This funding was introduced as a result of the rapid outbreak of the Coronavirus and the immediate need to purchase sanitation and personal protective equipment, and other equipment and supplies to address the challenges presented to the police department immediately and into the future.

The Department will purchase the following with the funding:

1. 1 Aeroclave RDS 3110 Cleaning System \$15,918
  2. 120 MIRA Safety CM-6M Gas Masks – Full-Face Respirator for CBRN Defense \$21,118
  3. P# Virus Filter – 6 Pack \$ 6,000
  4. Protexus Handheld Electrostatic Sprayer \$ 1,410
  5. PUR TABS ESPT13.1G Disinfecting Tabs \$ 570
  6. 1 Electronic Sign Trailer \$18,000
  7. 5 Lifepak 1000 Automatic External Defibrillators (AED) \$ 9,975
  8. Personal Protective Equipment (PPE's) \$ 1,607
- Total Federal Funding Request:** \$74,598

**ANALYSIS:** The acceptance of this grant will allow the Department to fund the purchase of equipment and supplies that are needed to combat the immediate and future threats to public safety and health relative the Coronavirus and future pandemic outbreaks.

**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.

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

**STAFF ASSISTANCE:** Chief Matthew K. Sonnabend; Anne Spillane

**B. NEW BUSINESS (May be acted upon) (Roll Call Majority)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-188  
INTRO: 06/04/2020**

**2020-188                    ACCEPTANCE OF FISCAL YEAR 2020 GRANT IN THE AMOUNT OF \$20,400 FROM THE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH FOR THE PURPOSE OF FUNDING THE COMMUNITY SERVICE OFFICER PROGRAM IN THE TOWN OF BARNSTABLE.**

**RESOLVED:** That the Barnstable Town Council does hereby accept an Fiscal Year 2020 Grant from the Commonwealth of Massachusetts, Department of Public Health, in the amount of **\$20,400**, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose of funding the Community Service Officer Program in the Town of Barnstable, with such funding to be used for personnel costs, overtime and equipment.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2020-188**  
**INTRO: 06/04/2020**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Matthew K. Sonnabend, Chief of Police  
**DATE:** June 4, 2020  
**SUBJECT:** Acceptance of Fiscal Year 2020 Grant in the amount of **\$20,400** from the Massachusetts Department of Public Health for the purpose of funding the Community Service Officer Program in the Town of Barnstable

**BACKGROUND:** In February of 2020, The Barnstable Police Department was notified by the Department of Public Health that the Town of Barnstable Police Department was being awarded an earmark grant in the amount of \$20,400 to fund the Community Service Officer Program in the Town of Barnstable and that the money had to be spent by June 30, 2020. The money was approved in the Massachusetts State Budget for Fiscal Year 2020.

**ANALYSIS:** The acceptance of this grant will allow the Department to fund personnel costs from June 1 – 7 for the week of training that is required of the Community Services Officers in order to prepare them for their work this summer. It will also fund overtime for seasoned training officers, five laptops, Narcan, water and sun block for the CSO's use in performing the duties of their job. The remainder of funding for the CSO's will come from the Fiscal Year 2020 and Fiscal Year 2021 budgets.

**FISCAL IMPACT:** The funding for this earmark is paid upfront and is scheduled to reach the Town of Barnstable by May 31, 2020 by electronic funds transfer.

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

**STAFF ASSISTANCE:** Chief Matthew K. Sonnabend; Anne Spillane

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-189  
INTRO: 06/04/2020**

**2020-189 APPROPRIATION AND LOAN ORDER of \$129,400 PURSUANT TO  
TEMPORARY REPAIRS PROGRAM FOR CERTAIN PRIVATE WAYS REGARDING  
NYES NECK ROAD, CENTERVILLE.**

**ORDERED:** That the sum of \$129,400 be appropriated for the purpose of making temporary repairs to Nyes Neck Road in Centerville, a private road within the Town of Barnstable, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow \$129,400 under and pursuant to Chapter 174 of the Acts of 1994, as amended by Chapter 350 of the Acts of 2014 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 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, and for these purposes assess betterments in accordance with M.G.L. c. 80, and further that the Town Manager is authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Eric R. Steinhilber, Precinct 2  
Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2020-189**  
**INTRO: 06/04/2020**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel Santos, P.E., Director, Department of Public Works  
**DATE:** June 04, 2020  
**SUBJECT:** Appropriation and Loan Order in the amount of **\$129,400** Pursuant to Temporary Repairs Program for certain Private Ways regarding Nyes Neck Road, Centerville

**BACKGROUND:** The successful passage of Chapter 174 of the Acts of 1994 and the passage of House Bills 4409 and 4410 by the State Legislature of Home Rule legislation authorized the Town to expend funds to repair private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Nyes Neck Road, Centerville have expressed an interest in having repairs made to their private road and 55% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work includes overlay of the existing roadway pavement and final restoration.

The cost of improvements: Estimated as \$129,400 with a cost per 20 abutters, distributed as 20 full shares, not to exceed \$6,470 per abutter.

**FISCAL IMPACT:** There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

**TOWN MANAGER RECOMMENDATION:** The Town Manager requests favorable action by the Town Council.

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