

Town of Barnstable Town Council

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MEETING AGENDA

December 3, 2020

7:00 PM

The December 3, 2020 meeting of the Barnstable Town Council will be held remotely and shall be physically closed to the public to avoid group congregation

Councilors:

Paul Hebert
President
Precinct 3

Jessica Rapp Grassetti
Vice President
Precinct 7

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Nikolas Atsalis
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
Cynthia.Lovell@
town.barnstable.ma.us

Administrative
Assistant:
Kelly Crahan
Kelly.Crahan@
town.barnstable.ma.us

Remote Participation Instructions

1. Real-time public comment may be addressed to the Barnstable Town Council utilizing the Zoom video link or telephone number and access meeting code:

Meeting ID#: [924 7304 9541](https://zoom.us/j/92473049541) <https://zoom.us/j/92473049541> or telephone access:

1-888-475-4499 or 508-862-4738

2. Written Comments may be submitted to:

https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp

3. The meeting will be televised live via Comcast Channel 18 access:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

- Fiscal Policy Presentation on Comprehensive Wastewater Management Plan

7. ACT ON MINUTES (Including Executive Session)

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

9. ORDERS OF THE DAY

A. Old Business

B. New Business

Original posted on 12/1 2020 @11:57
am Updated on 12/2/2020 @ 12:43
pm to reflect removing Items 2021-
048 through 2021-052

- **Town Council Nominations of 2021 Officers**
President
Vice President

10. ADJOURNMENT

NEXT REGULAR MEETING: December 17, 2020

ITEM NO.**INDEX TITLE**

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Approve Minutes; November 19, 2020

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# 2021-029

INTRO: 10/29/2020, 11/19/2020, 12/03/2020

2021-029 ALLOCATION OF TAX LEVY FISCAL YEAR 2021 – TAX FACTOR

RESOLVED: That the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the Fiscal Year 2021.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/29/2020</u>	<u>Refer to Public Hearing 11/19/2020</u>
<u>11/19/2020</u>	<u>Continue to a Public Hearing 12/03/2020</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-029

INTRO: 10/29/2020, 11/19/2020, 12/03/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, Finance Director
DATE: October 29, 2020
SUBJECT: Allocation of Tax Levy Fiscal Year 2021 – Tax Factor

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the tax levy between classes of property. The residential factor commonly referred to as the “Split Tax Rate” allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property (CIP) owners. Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 175%. Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”.

STAFF ASSISTANCE: Mark Milne, Finance Director; Edward O’Neil, Director of Assessing

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-030

INTRO: 10/29/2020, 11/19/2020, 12/03/2020

2021-030 ALLOCATION OF TAX LEVY FISCAL YEAR 2021 – RESIDENTIAL EXEMPTION

RESOLVED: That the Town Council hereby votes to adopt a Residential Exemption of twenty percent (20%) for fiscal year 2021.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/29/2020</u>	<u>Refer to Public Hearing 11/19/2020</u>
<u>11/19/2020</u>	<u>Continue to a Public Hearing 12/03/2020</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-030

INTRO: 10/29/2020, 11/19/2020, 12/03/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, Finance Director
DATE: October 29, 2020
SUBJECT: Allocation of Tax Levy Fiscal Year 2021– Residential Exemption

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council may adopt a Residential Exemption as part of determining the allocation of the tax levy between residential property owners. This tax levy-shifting tool will not change the overall amount of property taxes raised through the residential class of property. It allows the town to shift a portion of the residential property tax levy between residential property owners based on statutory criteria. The maximum exemption allowed is 35 percent of the average assessed value of all Class One (Residential) parcels. This exemption would be applied to all residential parcels which are qualified as the principal residence of the taxpayer. Principal residence is a taxpayer's domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the Commercial, Industrial and Personal Property class of taxpayers. The Town Council has voted to adopt a 20% residential exemption for the past 15 fiscal years.

STAFF ASSISTANCE: Mark Milne, Finance Director; Edward O'Neil, Director of Assessing

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-036
INTRO: 11/19/2020, 12/03/2020**

2021-036 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$522,569 IN OPEN SPACE/RECREATION COMMUNITY PRESERVATION FUNDS FOR INCREASED COSTS FOR CONSTRUCTION OF 10 NEW DEDICATED PICKLEBALL COURTS AND 2 TENNIS COURTS WITH PICKLEBALL OVERLAY LINES LOCATED AT 760 OSTERVILLE WEST BARNSTABLE ROAD, MARSTONS MILLS, MA

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of Five Hundred and Twenty Two Thousand Five Hundred Sixty Nine and 00/100 (\$522,569) Dollars be Appropriated and Transferred from the amount set aside for open space and recreation within the Community Preservation Fund for the purpose of constructing 10 new Pickleball courts and 2 Tennis courts with Pickleball overlay lines located at 760 Osterville West Barnstable Road, Marstons Mills, MA and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

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

DATE	ACTION TAKEN
<u>11/19/2020</u>	<u>Continued to a Public Hearing 12/03/2020</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-036
INTRO: 11/19/2020, 12/03/2020

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Lindsey Counsell, Chairman, Community Preservation Committee
DATE: November 19, 2020
SUBJECT: Appropriation and Transfer Order in the amount of **\$522,569** in Open Space/Recreation Community Preservation Funds for increased costs for construction of 10 new dedicated Pickleball courts and 2 tennis courts with Pickleball overlay lines located at 760 Osterville West Barnstable Road, Marstons Mills, MA

BACKGROUND: At the September 21, 2020 Community Preservation Committee (CPC) meeting, the six members present voted unanimously by roll call vote to recommend to the Town Council through the Town Manager, the Department of Public Work's request for \$522,569 in Community Preservation Open Space/Recreation Funds to cover increased costs for the construction of 10 new dedicated Pickleball courts and 2 tennis courts with Pickleball overlay lines, provision of handicap parking and a storage shed located at 760 Osterville West Barnstable Road, Marstons Mills, MA. This funding request represents a portion of the total project cost of \$1,142,569 with \$620,000 to be provided by Capital Improvement Plan (CIP) Funding. The need and public interest for dedicated Pickleball courts in the Town of Barnstable has previously been expressed by the community and was demonstrated by strong public support at the CPC meetings for the project.

ANALYSIS: Increased public interest and need for dedicated Pickleball courts was identified in the recent comprehensive field study, and also recognized by the Town Council during the Capital Improvement Plan process for the project.

FISCAL IMPACT: This appropriation will be provided from the amount set aside within the Community Preservation Fund for open space and recreation. The current balance in the set aside is \$1,067,196.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager upon recommendation of the Community Preservation Committee.

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

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-037
INTRO: 11/19/2020, 12/03/2020**

2021-037 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE EVALUATION OF DENITRIFICATION IMPROVEMENTS AT THE WATER POLLUTION CONTROL FACILITY

ORDERED: That the sum of **\$200,000** be appropriated from the Sewer Enterprise Fund reserves for the purpose of funding an evaluation of denitrification improvements at the Water Pollution Control Facility, including the payment of costs incidental or related thereto; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>11/19/2020</u>	<u>Refer to Public Hearing 12/03/2020</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-037

INTRO: 11/19/2020, 12/03/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: November 19, 2020
SUBJECT: Appropriation Order in the amount of **\$200,000** for the Evaluation of Denitrification Improvements at the Water Pollution Control Facility

BACKGROUND: The Water Pollution Control Facility (WPCF) reduces nitrogen concentrations to an annual average of approximately 6 mg/L of Total Nitrogen which is below the maximum allowable concentration (10 mg/L) in the facility's Groundwater Discharge Permit. Though a relatively low concentration, in combination with the amount of flow being treated at the WPCF, this can still equate to a significant nitrogen load entering the environment. In order to reduce the nitrogen load within the Lewis Bay Watershed, the Comprehensive Wastewater Management Plan proposes to improve denitrification technology at the WPCF to reduce concentrations in the treated effluent to 3 mg/L or lower.

ANALYSIS: The WPCF discharges treated effluent via the on-site rapid infiltration beds at an average Total Nitrogen concentration of 6 mg/L. The WPCF discharge is located within the Lewis Bay Watershed which is a nitrogen sensitive watershed with nitrogen Total Maximum Daily Load (TMDL) which has been exceeded. As a result, it is necessary to remove additional nitrogen from the system. Reduction of the effluent load from 6 mg/L to 3 mg/L will reduce the nitrogen load from the WPCF by 50%, a reduction of approximately 6,900 kg/year of TN entering the Lewis Bay Watershed (at current annual average daily flows of 1.67 MGD). As a result, denitrification improvements at the WPCF have been included in Phase 1 of the Comprehensive Wastewater Management Plan.

FINANCIAL IMPACT: This project will be funded from the Sewer Enterprise Fund reserves which were recently certified at \$9,942,322 resulting in no impact on rate payers.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation order.

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

A. OLD BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2021-043

INTRO: 11/19/2020, 12/03/2020

2021-043 GRANT OF EASEMENT TO VINEYARD WIND LLC IN CERTAIN STREETS AND WAYS, INCLUDING PORTIONS OF CRAIGVILLE BEACH ROAD, STRAWBERRY HILL ROAD, WEQUAQUET LANE, PHINNEY’S LANE, ATTUCKS LANE, AND INDEPENDENCE DRIVE

ORDERED: That pursuant to the Host Community Agreement between the Town and Vineyard Wind LLC with respect to the wind generating facility to be developed by Vineyard Wind LLC in federal waters south of Martha’s Vineyard (the “Project”), the Town grants easements to Vineyard Wind LLC, and its successors and assigns, for the purpose of constructing, installing, inspecting, operating, maintaining, repairing and replacing subsurface high voltage electric power transmission lines, along with associated subsurface appurtenances, including, but not limited to, telecommunications lines, conduits, duct banks, bays and vaults, and together with surface appurtenances for access, in connection with the Project, namely, such portions of Craigville Beach Road, Strawberry Hill Road, Wequaquet Lane, Phinney’s Lane, Attucks Lane, and Independence Drive as comprise the in-road cable route for the Project as approved by the Energy Facilities Siting Board in its Final Decision in EFSB 17-05 dated May 10, 2019, and as shown on the plans on file with the Town Council, and that the aforesaid grant of easements shall take effect upon recording of an instrument or instruments with the Barnstable County Registry of Deeds.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>11/19/2020</u>	<u>First Reading/ Refer to Second Reading 12/03/2020</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-043
INTRO: 11/19/2020, 12/03/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Charles S. McLaughlin, Jr., Assistant Town Attorney
DATE: November 19, 2020
SUBJECT: Grant of an easement to Vineyard Wind LLC in certain streets and ways, including portions of Craigville Beach Road, Strawberry Hill Road, Wequaquet Lane, Phinney's Lane, Attucks Lane, and Independence Drive

BACKGROUND: Pursuant to the 2018 Host Community Agreement (HCA) between the Town and Vineyard Wind LLC, the Town agreed to grant an easement in portions of Craigville Beach Road, Strawberry Hill Road, Wequaquet Lane, Phinney's Lane, Attucks Lane, and Independence Drive. This route comprises the in-road cable route for the Project as approved by the state Energy Facilities Siting Board (EFSB) in its Final Decision in EFSB 17-05 dated May 10, 2019.

This proposed easement is on file with the Town Council as are plans which show the entire route. The installation will be subsurface for its entire length except for manhole access at various points along the route. The entire installation will comply with the detailed review and requirements imposed by the EFSB and will meet all design and safety requirements. The EFSB approved this cable route in early 2019, in a formal 179-page written decision, following a year-long process that involved a multi-week public hearing in which the Town participated as an intervenor.

It is sufficient for Town Council to grant the requested easement on the basis of the plans on file with the Town Council, which show the portions of rights-of-way which Vineyard Wind intends to utilize. As is standard practice in such circumstances, the precise location of the infrastructure itself within the right-of-ways will depend on factors that are inherently unknowable until construction has commenced (e.g., the specific location of other utilities within the right-of-way, soil conditions, etc.). Once Vineyard Wind completes installation of its infrastructure, Vineyard Wind will file "as-built" plans with the DPW showing the exact location of its installed infrastructure, and record those plans with the Barnstable County Registry of Deeds, thereby fixing the location of the easement to reflect the "as-built" locations.

After completion of the Host Community Agreement, the Town and Vineyard Wind agreed to cooperate in the parallel and simultaneous design and installation of much-needed Town sewers. Vineyard Wind will pay for excavation, closure, and repaving for the full length of the installation, saving the Town at least an estimated \$3,000,000 in the process. The coordinated effort will also avoid the impact to neighborhoods and roadways that would result from separate installation and construction activities.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of the order.

STAFF ASSISTANCE: Charles S. McLaughlin, Jr., Assistant Town Attorney

A. OLD BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2021-046
INTRO: 11/19/2020, 12/03/2020

2021-046 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Licensing Authority:** Aaron Webb, as a regular member to a term expiring 6/2022; **Recreation Commission:** George Bent, as a regular member to a term expiring 6/2022

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>11/19/2020</u>	<u>First Reading/Refer to Second Reading 12/03/2020</u>

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

B. NEW BUSINESS (Refer to a Public Hearing on 12/17/2020)

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-047
INTRO: 12/3/2020**

2021-047 APPROPRIATION ORDER IN THE AMOUNT OF \$90,000 FOR THE INSPECTIONAL SERVICES DEPARTMENT FISCAL YEAR 2021 OPERATING EXPENSE BUDGET TO FUND A CONTRACT FOR THE COMPREHENSIVE MONITORING OF RENTAL PROPERTIES

ORDERED: That the sum of **\$90,000** be appropriated from the General Fund Reserves and added to the Fiscal Year 2021 Inspectional Services Department Operating Budget of \$2,164,880, resulting in a revised Fiscal Year 2021 Operating Budget of \$2,254,880 for the purpose of funding a contract for the comprehensive monitoring of rental properties.

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-047
INTRO: 12/3/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Brian Florence, Building Commissioner
DATE: December 3, 2020
SUBJECT: Appropriation Order in the amount of **\$90,000** for the Inspectional Services Department Fiscal Year 2021 Operating Expense Budget to fund a contract for the comprehensive monitoring of rental properties

BACKGROUND: While considering the adoption of a Short Term Rental (STR's) Registration Ordinance it became apparent that additional statistical information concerning the various aspects of both short term and long term rentals (LTR's) was necessary in order to assist policy makers in determining the best approach to regulating vacation rentals.

Further, the Inspectional Services Department would submit that modernizing the approach to LTR's would benefit both the public and the Town by streamlining some of its processes and procedures including registration, complaint tracking and data collection.

Identifying unregistered STR's and LTR's is either labor intensive or requires the use of outside services. There are outside services that offer technology that is designed to identify rental properties, track complaints and are able to provide real-time statistical data to policy makers and enforcement officials alike without the need to hire a workforce which would otherwise be necessary for data collection and statistic prep.

ANALYSIS: The Inspectional Services Department, in order to monitor and manage STR and LTR properties in a manner that would reduce the need for in-house internet monitoring workforce and to provide robust statistical information is recommending the hiring of outside services. Such outside services would be required to identifying all LTRs and STRs advertised with various online platforms, provide a registration platform for property owners offering short term or long term rentals, would need to provide a 24/7 complaint hotline as well as non-compliance monitoring and enforcement assistance, all with data collection capabilities

FISCAL IMPACT: This expense is anticipated to be an annual expense included in the Inspectional Services Department Budget and may increase or decrease depending on the number of rentals in a given year and cost increases by the vendor over time. The contract will be funded from the General Fund reserves in Fiscal Year 2021. The General Fund reserves were recently certified at \$18.5 million. Beginning in Fiscal Year 2022 and beyond, it is anticipated that additional registration fees paid by STR's will cover a majority of these costs. Any registration fees collected in Fiscal Year 2021 on STR's will offset the reserves used to fund this contract.

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

STAFF ASSISTANCE: Brian Florence, Building Commissioner

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

BARNSTABLE TOWN COUNCIL

**ITEM #2021-053
INTRO: 12/3/2020**

**2021-053 TRANSFER ORDER IN THE AMOUNT OF \$23,870 FOR
REPLACEMENT OF AN ANIMAL CONTROL VAN**

ORDERED: That the sum of **\$23,870** be transferred from the Town Council’s Operating Reserve Fund to the Fiscal Year 2021 Marine and Environmental Affairs Department Operating Budget to replace an Animal Control van that was determined to be a total loss due to a motor vehicle accident.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2021-053
INTRO: 12/3/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Derek Lawson, Director of Marine and Environmental Affairs
DATE: December 3, 2020
SUBJECT: Transfer Order in the amount of **\$23,870** from the Town Council's Operating Reserve Fund to the Fiscal Year 2021 Marine & Environmental Affairs General Fund Operating Budget for the purpose of replacing an Animal Control van

BACKGROUND: The Marine and Environmental Affairs Department (MEA) maintains a fleet of two Animal Control vans. These vehicles are equipped to respond to a variety of calls and can transport animal(s) safely and securely. On October 17, 2020, Animal Control van #362 (2007 Chevrolet Savana) was totaled in a vehicle accident. This occurred when an Animal Control Officer was responding to a call and an individual driving a pick-up truck failed to stop at a stop sign and crashed into the driver's side of the van causing extensive damage. Insurance will reimburse the Town \$7,800 for this loss.

ANALYSIS: As a result of the accident, the Animal Control van was deemed a total loss. A van replacement is needed to continue providing the Town of Barnstable with the same level of animal related services. Radios and other equipment were salvaged from the wrecked vehicle. In addition, custom built animal cages will need to be permanently installed in the back of the van. The cost of a new van is \$28,170 plus \$3,500 for the cages. With the insurance settlement of \$7,800, an additional \$23,870 is needed to replace the van. The Department will use Fiscal Year 2021 operating funds to install the salvaged radios as well as new lights and decals.

FISCAL IMPACT: Funding for this appropriation will be provided from the Town Council's Operating Reserve Fund which has a current balance of \$222,535.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of the transfer order.

STAFF ASSISTANCE: Derek Lawson, Director of Marina & Environmental Affairs

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-054
INTRO: 12/03/2020**

2021-054 ACCEPTANCE OF SEWER INFRASTRUCTURE WITHIN HYANNIS AVENUE AND MARSTONS AVENUE, HYANNIS, MA FROM HYANNIS ROTARY, LLC

RESOLVED: That upon the satisfactory completion of construction as determined by the Town of Barnstable, the Town will accept the ownership, operation and maintenance of sewer infrastructure to be constructed by Hyannis Rotary, LLC, the property owner of 10 Hyannis Avenue, Hyannis, MA within the public rights of way of Hyannis Avenue and Marstons Avenue, Hyannis, MA and that the Town Manager is authorized to accept, sign deliver and record documents for the purposes set forth herein.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-054
INTRO: 12/03/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: December 3, 2020
SUBJECT: Acceptance of Sewer Infrastructure within Hyannis Avenue and Marstons Avenue, Hyannis, MA from Hyannis Rotary, LLC

BACKGROUND: Municipal sewer is not currently available for the property at 10 Hyannis Avenue, Hyannis. The property owner, Hyannis Rotary, LLC, through their representative, approached the Department of Public Works (DPW) about the feasibility of connecting the property to the existing municipal sewer system, which terminates approximately 1250 feet north of the property on Marstons Avenue. The DPW reviewed the feasibility and has worked with the owner's representative and engineer to develop a design for a municipal sewer extension which will allow the property at 10 Hyannis Avenue to connect to the municipal sewer system.

ANALYSIS: The property owner proposes to install, at no expense to the Town, a sewer extension from 10 Hyannis Avenue to the existing municipal sewer system on Marstons Avenue. This location is included in the Town's Comprehensive Wastewater Management Plan, but is not scheduled to be sewerered until Phase 2. The sewer extension will include sewer services to the property line of each the 16 adjacent properties fronting along the extension, which currently do not have the ability to connect to municipal sewer, providing these properties the ability to connect at their discretion in the future. Additionally, piping for future extensions to the adjacent side roads will be installed and the disturbed roadways will be repaved for the full width of the roadway.

FINANCIAL IMPACT: The sewer infrastructure will be installed at no cost to the Town. This location is proposed to receive a sewer extension in Phase 2 of the CWMP. It is estimated that installation of this sewer extension would cost the Town approximately \$700,000 (in 2020 dollars). Additionally, the extension will allow for the connection of 16 adjacent properties, which will result in additional revenue for the Water Pollution Control Division.

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

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

B. NEW BUSINESS (Refer to a Public Hearing on 12/17/2020)

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-055
INTRO: 12/03/2020**

2021-055 APPROPRIATION ORDER IN THE AMOUNT OF \$148,953.25 FOR THE PURPOSE OF PAYING OPERATING EXPENSES OF THE SOLID WASTE DIVISION FOR THE DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE, CONSTRUCTION AND DEMOLITION MATERIAL, MUNICIPAL SOLID WASTE AND RECYCLABLES

ORDERED: That the sum of **\$148,953.25** be appropriated for the purpose of paying operating expenses of the Solid Waste Division for the disposal of household hazardous waste, construction and demolition material, municipal solid waste and recyclables, and that to meet this appropriation, that **\$148,953.25** be transferred from the Solid Waste Enterprise 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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-055
INTRO: 12/03/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: December 3, 2020
SUBJECT: Appropriation Order in the amount of **\$148,953.25** for the purpose of paying operating expenses of the solid waste division for the disposal of household hazardous waste, construction and demolition material, municipal solid waste and recyclables

BACKGROUND: An additional appropriation of \$148,953.25 is required for the purpose of paying FY2020 operating expenses for the disposal of household hazardous waste, construction and demolition, municipal solid waste, and recyclables. Due to the COVID-19 pandemic, the Solid Waste Division saw increased utilization of the facility by customers in the fourth quarter. Utilizing the previous year's estimates did not provide adequate predictions of the increases that were experienced in various items for disposal. However, even with this additional request to cover disposal costs, the Fiscal Year 2020 budget experienced a favorable variance. The budget was balanced using \$515,383 of surplus funds but only needed to use \$198,081 including this request for \$148,953.25. This was due to actual revenue exceeding budget estimates as well as other operating expenses coming in less than what was budgeted.

FISCAL IMPACT: Funds for this expenditure will be provided from the Solid Waste Enterprise Fund reserves. The reserve balance was certified by the Massachusetts State Department of Revenue at \$1,284,194 as of July 1, 2020.

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

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