



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

TOWN COUNCIL MEETING AGENDA
February 03, 2022
7:00 PM

Councillors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grasseti
Precinct 7

Jeffrey Mendes
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

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

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

The February 03, 2022 Town Council Meeting of the Barnstable Town Council shall be conducted remotely and shall be physically closed to the public. Alternative public access shall be provided as set forth below.

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

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

Join Zoom Meeting <https://zoom.us/j/97429469969> Meeting ID: 974 2946 9969
US Toll-free 888 475 4499

3. Written Comments may be submitted to:
https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

- Update on the Local Comprehensive Plan
Elizabeth Jenkins, Director, Planning and Development
- Update on the American Rescue Plan Act (ARPA) County Funding
Beth Albert, County Administrator; Vaira Harik, Assistant County Administrator

7. ACT ON MINUTES (Including Executive Session)

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

9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: February 17, 2022

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Approve Minutes: January 20, 2022

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

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

BARNSTABLE TOWN COUNCIL

ITEM # 2022-069

INTRO: 01/06/2022, 02/03/2022

2022-069 AUTHORIZING THE TOWN MANAGER TO EXECUTE A MAJOR AMENDMENT TO THE ORIGINAL REGULATORY AGREEMENT 2019-03 BETWEEN THE TOWN OF BARNSTABLE AND AIRVIEW, LLC FOR THE PROPERTIES LOCATED AT 451 AND 467 IYANNOUGH ROAD, HYANNIS

ORDERED: That the Town Council hereby authorizes the Town Manager pursuant to Sections 168-5 and 168-10 of Chapter 168 of the General Ordinances of the Code of the Town of Barnstable (the "Code") to amend the original Regulatory Agreement 2019-03 between the Town of Barnstable and Airview, LLC for the properties located at 451 and 467 Iyannough Road/Route 28, Hyannis, Massachusetts, shown on Town of 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 (collectively, the "Property"), consisting of approximately 2.108 acres of land, and further authorizing a drive-through with supplemental site improvements and granting the requested zoning relief pursuant to and as described in this First Major Amendment to Regulatory Agreement.

**FIRST MAJOR AMENDMENT TO REGULATORY AGREEMENT
AIRVIEW, LLC
451 AND 467 IYANNOUGH ROAD, HYANNIS, MA 02601**

This Regulatory Agreement Amendment ("Amended Agreement" or "Amended RA") 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 _____, 2021, pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Chapter 168 of the Code of the Town of Barnstable.

WITNESS:

WHEREAS, the Applicant and the Town entered into a Regulatory Agreement dated July 15, 2020 ("RA 2019-03"), which is recorded in the Barnstable County Registry of Deed in Book 33111, Page 187;

WHEREAS, the Applicant has constructed Building A, a one-story retail pharmacy building with a drive through lane and a gross floor area of approximately 10,000 square feet, and Building B an approximately 6,000 square foot building 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;

WHEREAS, The Applicant applied for an amendment to RA 2019-03 to allow for a drive through window, additional signage, and minor revisions to the site plan to accommodate a drive through for a 2,500 square foot food service establishment/coffee shop located in Building B as shown on the Amended Redevelopment Plans are hereafter referred to herein, collectively, as the "Amended Redevelopment", all as shown on the plans submitted and attached hereto as **Exhibit A** (hereafter, the "Amended Redevelopment Plans");

WHEREAS, pursuant to sections 168-3 and 168-10 of the Code of the Town of Barnstable, the Town of Barnstable is authorized to amend RA 2019-03 with the Applicant;

WHEREAS, the Applicant continues to own 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, the Applicant commenced development of the Property consistent with the approvals under RA

2019-03 by constructing Buildings A and B, with Building A already occupied by a Walgreens Drug Store;

WHEREAS, this Amended Agreement shall establish additional permitted uses, densities, signage, traffic, and the drive through, within the approved Redevelopment (as defined within the original RA 2019-03), the duration of this Amended Agreement, and any other terms and conditions mutually agreed upon between the Applicant and the Town;

WHEREAS, the scale, placement, materials, design, and details of the buildings comply with the Design and Infrastructure Plan guidelines; and the Project and its supported mitigation provide the infrastructure necessary to support the project;

WHEREAS, the Town and Applicant desire to amend RA 2019-03 and this Amended Agreement reflects their respective understandings and agreements with regard to the Amended Redevelopment;

WHEREAS, the Applicant commits to use of the Property in accordance with this Amended Agreement and desires to have a reasonable amount of flexibility to carry out the amended use and therefore considers this Amended Agreement to be in its best interests;

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

WHEREAS, the Amended Agreement 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 Amended Redevelopment proposal was reviewed by the Site Plan Review Committee (Building, Department of Public Works, Hyannis Fire District, etc.) pursuant to Article IX of the Zoning Ordinance. Per the Site Plan Review Letter dated February 8, 2021, the Committee determined that the proposal was approvable subject to obtaining Planning Board approval for the modification to the approved Regulatory Agreement, with recommendations for sufficient stacking and a focus on site improvements to ensure that pedestrian and vehicle circulation would be sufficient and safe provided the added drive-through.

WHEREAS, pursuant to Section 168 of the Code of the Town of Barnstable, the Town of Barnstable may enter into Regulatory Agreements with qualified applicants in areas shown on the Regulatory Agreements District Map. The subject property is located within the area delineated for regulatory agreements. Regulatory agreements may be amended pursuant to §168-5(D). This request qualifies as a substantial amendment, as additional zoning relief is necessary, and must be approved by the Planning Board and Town Council;

WHEREAS, the Applicant submitted a “Traffic Impact and Assess Study” dated May 27, 2021 performed by WorldTech Engineering (“WorldTech”) and an additional Traffic Report in July 2021;

WHEREAS, after the initial hearing on the Application to amend RA 2019-03, the Planning Board requested a Peer Review of the traffic implications of the proposed amendments;

WHEREAS, the Planning Board hired Vanasse & Associates Inc. (“Vanasse”) to conduct the peer review (“Peer Review” at the Applicant’s expense) and;

Vanasse submitted the Peer Review on October 5, 2021;

and WorldTech Engineering submitted a “Peer Review Memo Response” dated October 21, 2021;

WHEREAS, the final Traffic Impact and Assessment Study showed that anticipated traffic impacts are 97 new trips during the peak hour. This was deemed to create significant queuing leaving the Site as well as adding vehicular trips to an already congested regional roadway;

WHEREAS, the Applicant submitted a revised Site Plan dated November 22, 2021 from Baxter Nye Engineering & Surveying with additional signage and modifications to the parking lot layout;

WHEREAS, the Applicant submitted signage design and specifications and a rendering for the proposed drive through;

WHEREAS, the Amended Agreement application has undergone a public hearing opened on 08/23/2021 and closed on 11/22/2021 and received an affirmative majority vote from the Planning Board on 11/22/2021;

WHEREAS, the Amended Agreement has undergone a public hearing opened on XX/XX/XXXX and closed on XX/XX/XXXX before the Barnstable Town Council and received a _____ vote _____ the Agreement on _____, 2022;

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 Amended Agreement, and hereby agree to covenant as follows:

1. All conditions defined within the original RA 2019-03 shall remain in full force and effect.
2. The Amended Redevelopment shall consist of:
 - Addition of a drive-through for a 2,500 square foot food service establishment/coffee shop located in Building B with a drive through lane and additional site improvements including wayfinding, drive through and traffic control signage, a clearance bar and a patio.
 - A reduction in provided parking from 80 to 78 paved parking spaces.
 - The island directly at the rear of the Building B was increased to accommodate the drive through menu boards.
 - The southeast rear corner of the site was established as one-way circulation counter clockwise around Building B.
 - Within the southeast corner, parking was modified from ninety degree parking to angled parking to better accommodate one-way traffic and the reduced drive aisle width.
 - Modification to the median on Route 28, including addition of two flexible bollards, to be coordinated with MassDOT for approval in an effort to further limit the ability to take a left turn into the site.
 - Addition of a bike rack.
3. The Developer constructed the Redevelopment on the Property in accordance RA 2019-03.
4. This Amended 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.
5. Any substantial deviation from the authorized terms of this Amended Agreement shall require review by the Town Council and Planning Board pursuant to Chapter 168-10 of the Code.
6. The Developer agrees to construct the Amended Redevelopment on the Property in accordance with the Amended Redevelopment Plans which are submitted herewith and which are entitled as follows:
 - a. "Layout and Dimension Plan", Sheet C3.0, revised November 22, 2021
 - b. "Landscape Planting Plan", Sheet L1, dated November 17, 2021

- c. Building B Floor Plan and Elevation drawings as follows:
 - i. "FF & E Plan ", Sheet I101, dated November 22, 2021
 - ii. "Building Exterior Elevations", Sheet A201, dated September 3, 2021
 - iii. "Building Exterior Elevations", Sheet A202, dated September 3, 2021
 - d. Signage Plan "Starbucks Coffee #66563 467 Iyannough Road Hyannis, MA 02601", Sheets 1-11, dated November 19, 2021 and revised November 22, 2021
7. 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.
 8. The remaining 3,500 square feet of space of Building "B" shall be occupied by office use or low impact retail use not to exceed the traffic impact established for office use (58 new total daily trips, 7 new AM peak hour trips and 9 PM peak hour trips) in accordance with the Traffic Impact and Access Study prepared by WorldTech Engineering dated July 2021. Office use shall not include medical or dental offices or clinics, unless approved by the Planning Board at a public hearing.
 9. All new exterior lighting shall be "dark sky complaint" in order to retain all exterior lighting on the site.
 10. All deliveries for both Building A and Building B shall be during non-peak hours. Deliveries shall be limited to the hours when the Starbucks is closed. Limited small deliveries may occur during the day via small vans, which can park in front of the store drop off and leave.
 11. The northeastern driveway island shall be constructed substantial in conformance with the Layout and Dimension Plan updated November 22, 2021. The Massachusetts Department of Transportation shall review and approve the final design on the northeastern driveway island.
 12. As a result of the traffic impacts to the surrounding roadways, the Applicant has agreed to provide \$100,000 towards the study and/or design of roadway and multi-modal improvements along the Route 132 and/or Route 28 corridor(s).
 13. The Developer is responsible for obtaining all applicable permits and licenses.
 14. No Certificate of Occupancy shall be issued until all conditions of this Amended Agreement have been met and Design and Infrastructure Plan approval has been issued.
 15. Prior to the issuance of any building permits the Developer shall submit a bike rack detail.
 16. This Amended 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.
 17. The Developer estimates that construction will commence within 30 days of the granting of the Building permits.
 18. To the extent that the Amended Redevelopment Plans referenced in this Amended Agreement do not depict all the findings and conditions set forth in this Agreement, revised plans and/or notations shall be provided with the submission of final plans to the Building Commissioner. The amended Redevelopment shall remain in substantial conformance with the Site Plan Review approvals dated July 2, 2019 and February 8, 2021 and all conditions thereof and any modifications thereto including any conditions required should the Building Commissioner determine that modifications to the Site Plan Review approval are necessary as reflected in the final approved site plan.

19. Upon completion of all work, a registered engineer or land surveyor shall submit a letter of certification and an as-built plan, 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.

20. The Town hereby grants the following waivers from the Town of Barnstable Zoning Ordinance for the Redevelopment, as requested by the Developer:
 - a. Section 240-24.1.4.1.11(A) (3) Drive-through windows. Drive-through windows are prohibited within the Hyannis Village Zoning Districts; with the exception that banks allowed as a principal permitted use may construct and operate a drive-through window upon the issuance of a special permit.
 - i. The proposed amendment to the RA 2019-03 requests the ability to construct a second drive through window for a 2,500 square foot food service establishment/coffee shop within Building B.

 - b. Sections 240-24.1.11(A) (6); 240-67(A), (B), and (C), and 240-65 (A)-(I), Signage. Airview, LLC seeks to amend the original RA 2019-03 to update the request associated with the need for the previously approved signage waivers to incorporate signage proposed for the food service establishment/coffee shop and to modify the request associated with signage established for Building A.
 - ii. 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 (pharmacy) is 177.54 square feet and the total square footage of signage for Building B (proposed retail space) is 150 square feet.

 - iii. 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 30 square feet.

 - iv. Section 240-65(A) limits each business to a total of two signs. Building A (proposed pharmacy) proposes 6 signs (four 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.

 - v. 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.

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

 - vii. Section 240-78 Internal Illumination drive through menu signage will be internally illuminated.

 - viii. 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 B proposes the following directional/safety signs:

18" CHANNEL LETTERS ON BUILDING (A)

22.94 SQ FT.

48" DT WALL SIGN (B)	6.96 SQ. FT.
CLEARANCE BAR (C)	2.29 SQ. FT.
46" ILLUMINATED DIRECTIONAL TYEO (D)	7.99 SQ. FT.
Sign cabinet only	2.6 SQ. FT.
PRE-MENU BOARD (G)	6.72 SQ. FT.
FREESTANDING 5-PANEL MENU (H)	22.9 SQ. FT.
DOS ON CANOPY (I)	9.62 SQ. FT.

- c. 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.
 - ix. Proposed 2,500 square foot food service establishment/coffee shop will result in increase of vehicle trips.
- 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.
 - x. Proposed retail uses will result in increase of vehicle trips.

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. Section 240-24.1.11(A) (4) (a) [1] and Section 240-56, Schedule of Parking Spaces.

- xi. Airview, LLC seeks to amend the original RA 2019-3 to update the request associated with the need for a reduction from the required parking. The Amended Redevelopment provides a total of 78 parking spaces. The proposed redevelopment, with the remaining 3,500 square of Building B being used as office, requires a total of 83 parking spaces. If the remaining 3,500 square feet of Building B is used for low impact retail, the required parking would be 89 parking spaces. In either scenario, the required parking exceeds the provided parking.

23. This amended 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.

Town of Barnstable,
By,

Mark S. Ells
Town Manager

Date _____

Airview LLC,
By,

Stuart Bornstein

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:

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

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

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

WESTERLY by Parcel 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.

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 _____, 2022. Airview, LLC further agrees to be bound by the terms and conditions contained in said Regulatory Agreement.

Executed this _____ day of _____, 2022.

Applicant:

Signature:

Print:

Date:

EXHIBIT A: REDEVELOPMENT PLANS

SPONSOR: Paul C. Neary, Councilor, Precinct 6

DATE	ACTION TAKEN
<u>01/06/2022</u>	<u>Refer to Public Hearing 02/03/2022</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-069
INTRO: 01/06/2022, 02/03/2022

SUMMARY

TO: Town Council
FROM: Airview LLC
THROUGH: Elizabeth S. Jenkins, Director of Planning and Development
DATE: January 06, 2022
SUBJECT: Authorizing the Town Manager to execute a major amendment to the original Regulatory Agreement 2019-03 between the Town of Barnstable and Airview, LLC for the properties located at 451 and 467 Iyannough Road, Hyannis

RATIONALE: The Developer, Airview LLC, which entity has standing to proceed as owner of the properties at 467 and 451 Iyannough Road/Route 28, Hyannis, Massachusetts shown on Town of 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, consisting of approximately 2.108 acres, located within the Downtown Hyannis Growth Incentive Zone (GIZ), has filed an application to amend the original Regulatory Agreement with the Town of Barnstable under Chapter 168 and Chapter 240 of the Barnstable Code to incorporate a food service establishment/coffee shop with a drive-through within Building B.

The Developer has undergone several public hearings on the Amended Agreement application and received a unanimous vote from the Planning Board recommending the execution of the Regulatory Agreement on November 22, 2021.

The Developer has received approvals from Site Plan Review and Planning Board. The development is not subject to review by the Cape Cod Commission as a Development of Regional Impact as it does not trigger any Cape Cod Commission jurisdictional thresholds.

The Developer proposes to incorporate a 2,500 square foot food service establishment/coffee shop with a drive through to be located in Building B.

In order to understand the impact that the proposed food service establishment/coffee shop with a drive through would have on overall traffic, the Developer coordinated with WorldTech Engineering to provide a Traffic Impact and Access Study.

Additionally, the Developer agreed to and paid for a peer review of World Tech Engineering's Traffic Impact and Access Study which was achieved by Vanasse & Associates Inc. Vanasse and Associates provided comments with regard to the composition of the Traffic Impact and Access Study as a whole as well as comments with regard to the proposed site plan. Vanasse stressed that the use for the balance of Building B (3,500 square feet) should be reconciled as the use would impact both the trip generation and parking calculations for the overall development. In response, as defined in Condition #8, the Developer agreed that the remaining 3,500 square feet would be restricted strictly to office use or low impact retail not to exceed the traffic impact established for office use within the Traffic Impact and Access Study. Office was further defined not to include medical or dental offices or clinics unless approved by the Planning Board at a public hearing.

Vanasse also recommended incorporation of several site improvements including additional wayfinding signs and modifications to the parking layout such as angled parking for the row of spaces east of the Building B to reflect the one-way traffic flow and the reduced drive aisle width to accommodate the

drive-through which the applicant incorporated. The Developer has also made improvements to the median on Route 28 including the addition of two flexible bollards, to be coordinated with MassDOT for approval in an effort to further limit the ability to take a left turn into and out of the site.

Additional site improvements include enhanced pedestrian circulation through the addition of a new crosswalk and incorporation of a bike rack as a transportation demand management.

The Amended Redevelopment will provide the following traffic mitigation benefit:

- The Applicant has agreed to provide \$100,000 towards the study and/or design of roadway and multi-modal improvements along the Route 132 and/or Route 28 corridor(s).

FINANCIAL IMPACT: As a result of the traffic impacts to the surrounding roadways, the Applicant has agreed to provide \$100,000 towards the study and/or design of roadway and multi-modal improvements along the Route 132 and/or Route 28 corridor(s). This mitigation payment will provide the Town with resources to study and improve the corridors surrounding the Rotary.

STAFF ASSISTANCE: Elizabeth S. Jenkins, Director of Planning and Development; Kate Maldonado, Assistant Director of Planning & Development; Jim Kupfer, AICP, Senior Planner; Kathleen Connolly, Assistant Town Attorney

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-072
INTRO: 01/20/2022, 02/03/2022

2022-072 APPROPRIATION ORDER IN THE AMOUNT OF \$156,849 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2022 OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH THE HIRING OF TEN PATROL OFFICERS TO FILL CURRENTLY VACANT POSITIONS

ORDERED: That the amount of **\$156,849** be added to the Fiscal Year 2022 Police Department General Fund Operating Expense Budget for the purpose of funding the initial expenses related to hiring, training, uniform, ammunition and equipment purchases for 8 new police recruits and 2 transfer officers, and to fund this appropriation, that the amount of \$156,849 be provided from the General Fund Reserve.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>01/20/2022</u>	<u>Refer to Public Hearing 02/03/2022</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-072
INTRO: 01/20/2022, 02/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: January 20, 2022
SUBJECT: Appropriation Order in the amount of **\$156,849** for the Barnstable Police Department Fiscal Year 2022 Operating Expense Budget for the purpose of funding the costs associated with the hiring of ten patrol officers to fill currently vacant positions

BACKGROUND: The department has 10 patrol officer vacancies they will fill at this time. The department will be enrolling 6 police officer recruits in the Cape Cod Municipal Police Academy starting on February 21, 2022 and 2 are enrolled in the Plymouth Academy starting on April 4, 2022. The department will also be hiring 2 transfer officers from other civil service police departments in late January. At the time of the preparation and finalization of the Fiscal Year 2022 Budget, the Police Department did not have confirmation on the number of retirements to take place nor the availability of police academy seats. The costs associated with the hiring and securing of 8 academy seats and the final arrangements for the transfer of 2 officers require a supplemental appropriation to the Police Department's Fiscal Year 2022 Budget.

ANALYSIS: This appropriation is comprised of several parts: 1) pre-employment requirements including medical exams and psychological assessments; 2) academy tuition; 3) ammunition 4) equipment including radio and firearm; and 5) uniform.

Recruit Costs (8)

Training	\$33,120
Equipment	\$54,556
Uniform	\$24,111
Ammunition	\$11,268
	<hr/>
	\$123,055

Transfer Costs (2)

Equipment	\$12,825
Uniform	\$4,788
Ammunition	\$1,681
	<hr/>
	\$19,294

Preliminary Hiring Costs (10)

Psychological Assessments	\$6,000
Physicals	\$8,500
	<hr/>
	\$14,500

Total Supplemental Budget Request	<u><u>\$156,849</u></u>
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The items listed above will need to be funded in Fiscal Year 2022 in order to complete the hiring components required by both the Plymouth Academy and the Cape Cod Municipal Police Academy (Medical & Psychological) and enough ordering time for the remaining equipment and uniforms.

FISCAL IMPACT: This is a one-time budget impact to cover the costs associated with this hiring group and these funds will not become part of the Police Department's base operating budget. Funding for this appropriation request will be provided from the General Fund Reserve. The current balance in the reserve is \$24,387,535.

TOWN MANAGER RECOMMENDATION: Mark S. Eells, Town Manager, recommends approval of this supplemental appropriation request.

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne Spillane, Director of Finance & Support Services

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-074
INTRO: 01/20/2022, 02/03/2022**

2022-074 APPROPRIATION ORDER IN THE AMOUNT OF \$10,000 FOR THE PURPOSE OF ACQUIRING AN EASEMENT OVER REAL PROPERTY LOCATED AT 195 PHINNEY’S LANE, BARNSTABLE (CENTERVILLE) SHOWN ON ASSESSOR’S MAP 209 AS PARCEL 020 TO BE ASSOCIATED WITH THE CONSTRUCTION OF NEW SEWER INFRASTRUCTURE

ORDERED: That the Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under chapter 79 of the General Laws of Massachusetts, or otherwise acquire for sewer, infrastructure, and related purposes, an easement over a parcel of land located at 195 Phinney’s Lane, Barnstable (Centerville) Massachusetts, shown on Town of Barnstable Assessors' Map 209, Parcel 020 and described in a deed recorded with Barnstable County Registry of Deeds in Book 33594, Page 345, and that the amount of **\$10,000** be appropriated for the purpose of funding this acquisition, and to fund the appropriation that \$10,000 be provided from the available resources in the Town’s Sewer Construction and Private Way Maintenance and Improvement Special Revenue Fund; 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>01/20/2022</u>	<u>Refer to Public Hearing 02/03/2022</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-074
INTRO: 01/20/2022, 02/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: January 6, 2022
SUBJECT: Appropriation Order in the amount of **\$10,000** for the purpose of acquiring an easement over real property located at 195 Phinney's Lane, Barnstable (Centerville) shown on Assessor's Map 209 as Parcel 020 to be associated with the construction of new sewer infrastructure

BACKGROUND: The Town is proceeding with plans to install sewers and related infrastructure in Centerville. The Town previously acquired a parcel of land located at 1256 Route 28 on which the Town is in the process of constructing a critical sewer pumping station. Final engineering suggests that the most efficient route to connect the pumping station to the sewer to be installed on the south side of Route 28 is to route the sewer line through an easement over a portion of 195 Phinney's Lane, Centerville which directly abuts 1256 Route 28.

Direct negotiations with the property owner produced an oral Agreement for Damages in Eminent Domain Taking in the amount \$5,000.00 as per a recent appraisal. A comprehensive agreement will be executed by both the Owner and the Town in advance of a second reading and Council vote. It is anticipated that an Order of Taking will be recorded in late February 2022 whereupon title would transfer to the Town.

The total anticipated cost for this land acquisition, including associated expenses, will not exceed \$10,000.

This route will greatly reduce construction impacts on Route 28 and will save the town several hundred thousand dollars in engineering and construction costs when compared to design of an alternate route. The timely completion of this acquisition will also qualify this work for State SRF funding in accordance with very pressing timelines imposed by the state. Utilizing the eminent domain procedure will assure clear title to the property.

FISCAL IMPACT: Funding for the land acquisition will be provided from the available resources within the Sewer Construction and Private Way Maintenance and Improvement Fund which has a current available balance of \$17.4 million.

STAFF ASSISTANCE: Charles S. McLaughlin, Senior Town Attorney; Daniel W. Santos, Director of Public Works; David Anthony, Director of Property & Risk Management

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2022-075
INTRO: 02/02/2022**

2022-075 RESOLVE APPROVING A LETTER OPPOSING THE DISCHARGE OF RADIOACTIVE WASTEWATER INTO CAPE COD BAY

RESOLVED: That the Town Council does hereby approve sending a letter, substantially in the form as presented at this meeting, to state and federal officials and policy makers, stating the Council’s opposition to any plan to discharge radioactive wastewater into Cape Cod Bay by Holtec International, the current owner of Pilgrim Nuclear Power Station in Plymouth, or any other future owner.

SPONSORS: Councilor Gordon Starr, Precinct 1 and Councilor Kristine Clark, Precinct 11

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2022-075
INTRO: 02/02/2022

SUMMARY

TO: Town Council
FROM: Gordon Starr, Councilor, Precinct 1; Kristine Clark, Councilor, Precinct 11
DATE: February 03, 2022
SUBJECT: Resolve approving a letter opposing the discharge of radioactive wastewater into Cape Cod Bay

BACKGROUND: Holtec International, the company that owns and is decommissioning Pilgrim Nuclear Power Station in Plymouth, has proposed a plan to dump a million gallons of radioactive wastewater into Cape Cod Bay. Cape Cod Bay has been an incredible resource for millennia, supporting fin fisheries and shellfisheries for commercial and recreational harvest. As Councilors whose precincts border Barnstable Harbor, we strongly encourage a preemptive message of opposition to such plan to prevent the degradation that the discharge of radioactive wastewater into Cape Cod Bay could do not only to our fisheries, but also to humans who consume our local saltwater resources.

We recommend that the Council approve and send the attached letter opposing any such discharges into Cape Cod Bay.

STAFF ASSISTANCE: Karen Nober, Town Attorney

PROPOSED LETTER

Dear ____:

On February 3, 2022, the Barnstable Town Council voted to go on record as opposing Holtec International's plan to discharge one million gallons of radioactive water from the Pilgrim Nuclear Power Station's reactor vessel and spent fuel pool into Cape Cod Bay.

As our community is located along Cape Cod Bay with 48,000 year-round residents and 150,000 seasonal residents and visitors, we are very concerned about the potential adverse impacts Holtec's proposed action would have on our residents' and visitors' health, the environment and the local economy.

While Holtec has agreed to postpone this discharge until 2022, the proposed delay does not eliminate the damage such discharges will do to the economic interests of those who make their living from marine-related industries and to public health. Disposing of radioactive contaminated water into Cape Cod Bay will undoubtedly have immediate impacts on economic and environmental assets such as aquaculture, the fishing industry, recreational boating and tourism. However, the unforeseen long term impacts may be even more dire for the delicate ecosystems along our coastline, an invaluable resource to the Town of Barnstable, Barnstable County and the entire Commonwealth of Massachusetts.

Discharging the contaminated water into Cape Cod Bay is not the only option available to Holtec.

Instead of releasing the water into the bay, the company has other alternative actions to take that include storing the water at the site, employing evaporation, or trucking the water to another location. There is too much at stake to gamble with the health of the region's environment and its residents by permitting Holtec to use Cape Cod Bay as its dumping ground simply because it is cheaper for the company to do so.

The Barnstable Town Council therefore supports the requests that have been made by the Barnstable County Board of Regional Commissioners to federal and state officials to take the following actions to prevent Holtec from moving forward with its plan to discharge radioactive water into Cape Cod Bay and other protected coastal waters:

1. Enact legislation that would ban the discharge of radioactive contaminated water into Cape Cod Bay and other protected coastal waters.
2. Request that Governor Baker direct the Secretary of Energy and Environmental Affairs and the Secretary of Health and Human Services to enforce and, as required, amend existing regulations to ban the discharge of radioactive contaminated water into Cape Cod Bay and other protected coastal waters.
3. Request that the Massachusetts Attorney General enforce existing Massachusetts laws and regulations and the terms of the Pilgrim Decommissioning Settlement Agreement.

It is vitally important for all of us to protect our natural resources as well as the economic interests of our citizens. Thank you in advance for your attention to this matter.

Sincerely,

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-076
INTRO: 02/03/2022**

2022-076 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 PLANNING ASSISTANCE GRANT IN THE AMOUNT OF \$37,500 FROM THE COMMONWEALTH OF MASSACHUSETTS TO UPDATE DESIGN GUIDELINES AND HISTORIC DISTRICT GUIDELINES IN DOWNTOWN HYANNIS

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2022 Planning Assistance Grant in the amount of **\$37,500** from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs for the purpose of hiring a consultant to update the Town’s downtown design guidelines (the “Design & Infrastructure Plan”) together with the guidelines for the Hyannis Main Street Waterfront Historic District to promote new development balanced with the protection of historic resources and community heritage.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-076
INTRO: 02/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development
DATE: February 03, 2022
SUBJECT: Authorization to expend a Fiscal Year 2022 Planning Assistance Grant in the amount of **\$37,500** from the Commonwealth of Massachusetts to update design guidelines and historic district guidelines in downtown Hyannis

BACKGROUND: The Planning Assistance Grant program is part of the Baker Administration's effort to encourage municipalities to implement land use regulations to diversity housing choices consistent with the Massachusetts Sustainable Development Principals and is part of the technical assistance offered to "Housing Choice Initiative" communities.

ANALYSIS: The Town of Barnstable was awarded a \$37,500 grant from Massachusetts Executive Office of Energy and Environmental Affairs' Planning Assistance Grant program. The funding will be used to update the Town's downtown design guidelines (the "Design & Infrastructure Plan") and the guidelines for the local Historic District that encompasses the walkable urban core of Hyannis Main Street (the Hyannis Main Street Waterfront Historic District). The design guidelines and historic district guidelines would be consolidated into one cohesive design document for downtown. The updated guidelines would serve to balance new compact development with the protection of historic resources and community heritage. These guidelines would streamline the development review process downtown by ensuring zoning and historic district regulations align and that developers and local decision-makers are guided by clear and consistent expectations for the quality and character of new growth. The process to develop these updated guidelines would include community input and participation of the Hyannis Main Street Waterfront Historic District Commission.

FISCAL IMPACT: The funding match required for this grant program is met through the in-kind contribution of staff time as well as funds from the Planning & Development operating budget which leveraged this award.

STAFF ASSISTANCE: Elizabeth Jenkins, Director, Planning & Development; Kate Maldonado, Assistant Director, Planning & Development

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-077
INTRO: 02/03/2022**

2022-077 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$7,500 FROM THE MASSACHUSETTS CULTURAL COUNCIL’S CULTURAL DISTRICT GRANT PROGRAM FOR THE BARNSTABLE VILLAGE CULTURAL DISTRICT

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2022 grant in the amount of **\$7,500** from the Massachusetts Cultural Council’s Cultural District Grant Program for the purpose of funding the installation of informational signage in front of five historically significant buildings promoting their historical heritage and providing links to the artsbarnstable.com website and to the self-guided walking tour of Barnstable Village.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2022-077
INTRO: 02/03/2022

SUMMARY

TO: Town Council
FROM: Elizabeth Jenkins, Director of Planning & Development
DATE: February 03, 2022
SUBJECT: Authorization to expend a Fiscal Year 2022 Cultural District Grant in the amount of **\$7,500** from the Massachusetts Cultural Council's Cultural District Grant Program for the Barnstable Village Cultural District

SUMMARY: The Town of Barnstable, through its Planning & Development Department, has been awarded a \$7,500 grant in support of the Barnstable Village Cultural District from the Massachusetts Cultural Council (MCC) Cultural District Grant Program.

Grant funds will support the funding for graphic design, production, and installation of informational signage in front of five historically significant buildings. Signage will include text and photos to highlight their historical heritage in the village. These signs will include a QR code to the artsbarnstable.com website as well as a link to the self-guided walking tour map of Barnstable Village. Funds will also support a social media campaign to promote the walking tour. These signs and walking tour assist in showcasing the many historical and cultural assets in the village. Sign locations include:

- Sturgis Library, oldest Public Library in the country housed in same original building
- Barnstable Comedy Club, oldest continuously working theater in the US, celebrating its 100th anniversary
- Coast Guard Heritage Museum, in the Trayser Building
- Old Jail and Blacksmith Shop

The MCC requires communities with more than one cultural district to propose projects that will take place in each district. Barnstable has two cultural districts, the Barnstable Village Cultural District and the Hyannis HyArts Cultural District. These funds are in line with the goals of the state's Cultural District Initiative, and with the District-specific objectives identified in the year-end annual report to the MCC.

These activities support the following Cultural District goals:

SENSE OF PLACE: leveraging the district's heritage and seaside locations express its unique character and continue improving upon the self-guided historical walking trail with creation, production and placement of signage in front of several historical cultural assets along Main Street, Barnstable Village.

CULTURAL DESTINATION: Market the district with offerings from planned activities to self-guided outdoor opportunities to increase year round visitation.

FISCAL IMPACT: No funding match is required for this grant award. No general funds will be expended on this program.

STAFF ASSISTANCE: Melissa Chartrand, Arts & Culture Coordinator, Planning & Development; Roberta Miller, Executive Director, Cape Cod Art Center

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-078
INTRO: 02/03/2022**

2022-078 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$7,500 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT GRANT PROGRAM FOR THE HYANNIS HYARTS CULTURAL DISTRICT

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2022 grant in the amount of **\$7,500** from the Massachusetts Cultural Council's Cultural District Grant Program for the purpose of providing financial assistance to expand programming efforts along the Walkway-to-the-Sea, from the Hyannis Village Green to the harbor front. This will increase revenue for the creative community, provide additional attractions to generate excitement and interest in our vibrant downtown, and enhance connectivity throughout the Hyannis HyArts Cultural District.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2022-078
INTRO: 02/03/2022

SUMMARY

TO: Town Council
FROM: Elizabeth S. Jenkins, Director, Planning & Development
DATE: February 03, 2022
SUBJECT: Authorization to expend a Fiscal Year 2022 Cultural District Grant in the amount of **\$7,500** from the Massachusetts Cultural Council's Cultural District Grant Program for the Hyannis HyArts Cultural District

BACKGROUND: The Town of Barnstable, through its Planning & Development Department, has been awarded a \$7,500 grant in support of the Hyannis HyArts Cultural District from the Massachusetts Cultural Council (MCC) Cultural District Grant Program.

Grant funds will support and expand programming efforts at the Hyannis HyArts Artist shanties along the Walkway-to-the-Sea, from the Hyannis Village Green to Hyannis Harbor. This will increase revenue for the creative community, provide additional attractions to generate excitement and interest in our vibrant downtown, and enhance connectivity throughout the Hyannis HyArts Cultural District.

Grant funds will support:

1. Design and fabrication of two portable platforms for entertainers to use while on site at the artist shanties and along Hyannis Main Street. Platforms will have a cohesive look and brand colors to support the Arts Barnstable & Main Street Hyannis BID partner collaborations.
2. Hiring local creatives to host a variety of programs at the Hyannis HyArts Artist shanties May through October, 2022. Entertainment will rotate throughout the season and include musical and theatrical performances, puppet shows and a family friendly game zone.
3. Social media campaign to specifically promote the entertainment series.

The MCC requires communities with more than one cultural district to propose projects that will take place in each district. Barnstable has two cultural districts, Barnstable Village Cultural District and the Hyannis HyArts Cultural District.

These funds are in line with the goals of the state's Cultural District Initiative, and with the District-specific objectives identified in the year-end annual report to the MCC.

These activities support the following cultural district goals:

SENSE OF PLACE: Support programming efforts creating active and engaging moments in the heart of the Hyannis HyArts Cultural District.

CREATIVE ECONOMY: Facilitate opportunities for the public to interact with members of the creative economy; support programs that engage the public and profit artists.

CULTURAL DESTINATION: Market the district to increase year round visitation; strengthen visual identity with consistent, repetitive branding in marketing efforts.

HYANNIS HYARTS ARTIST SHANTIES: Operate and expand opportunities for creative; partner with others to offer special programs and events to establish this as a must see destination each year.

FISCAL IMPACT: No funding match is required for this grant award. No general funds will be expended on this program.

STAFF ASSISTANCE: Melissa Chartrand, Arts & Culture Coordinator, Planning & Development

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-079
INTRO: 02/03/2022**

2022-079 AUTHORIZATION TO EXPEND A GRANT IN THE AMOUNT OF \$6,805 FROM THE MASSACHUSETTS ASSOCIATION OF COUNCILS ON AGING TO SUPPORT CAREGIVER RESPITE AT THE BARNSTABLE ADULT COMMUNITY CENTER

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a grant in the amount of **\$6,805** from the Massachusetts Association of Councils on Aging to support the Council on Aging Division’s Respite Program by funding eleven 3-hour respite sessions through June 30, 2022.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-079
INTRO: 02/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Madeline Noonan, Director, Community Services
DATE: February 03, 2022
SUBJECT: Authorization to expend a Grant in the amount of **\$6,805** from the Massachusetts Association of Councils on Aging to support caregiver respite at the Barnstable Adult Community Center

BACKGROUND: The Massachusetts Association of Councils on Aging (MCOA) is awarded funding each year through a Service Incentive Grant from the Executive Office of Elder Affairs (EOEA). These funds are then awarded by MCOA on a competitive basis to local Councils on Aging to support community needs for older adults. The Barnstable Council on Aging Division has been awarded \$ 6,805 to fund the provision of caregiver respite services. Specifically, the grant will fund eleven (11) 3-hour respite sessions through June 30, 2022 at the Barnstable Adult Community Center.

We are grateful to MCOA and EOEA for their generous funding support.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant.

STAFF ASSISTANCE: Donna Burns, Director, Council on Aging

B. NEW BUSINESS (May Be Acted Upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM#2022-080
INTRO: 2/03/22**

2022-080 TRANSFER ORDER IN THE AMOUNT OF \$104,000 FOR THE SCHOOL ADMINISTRATION BUILDING MECHANICAL IMPROVEMENT PROJECT

ORDERED: That the amount of **\$104,000** be transferred from the Capital Improvement Project approved under Town Council Order 2019-149, New Municipal Pier Design, and added to the Capital Improvement Project approved under Town Council Order 2019-148, School Administration Building Mechanical Improvement Project, for a revised total appropriation amount of \$1,100,000 for the purpose of funding project management and any contingencies that may arise in the project, including the payment of costs incidental or related thereto, and that the Town Manager is authorized to contract for and expend the funds made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM#2022-080
INTRO: 02/03/22

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: February 03, 2022
SUBJECT: Transfer Order in the Amount of **\$104,000** for the Purpose of Funding the School Administration Building Mechanical Improvement Project

BACKGROUND: Construction and bid documents were completed for the School Administration Building Mechanical Improvement Project by CBI Consulting Architects in the fall of 2021. Bids were received and opened on October 28, 2021. The bid price of the lowest qualified bidder exceeds the budgeted project amount of the current appropriation when including DPW project management costs and a set-aside for contingencies.

ANALYSIS: Funds were available to award the project to the lowest bidder, but in order to do so, contingency and other planned soft cost expenses were eliminated. This transfer request will reinstate project management costs and a contingency budget. Contingency funds are important on renovation projects as unforeseen circumstances frequently arise.

FISCAL IMPACT: There is no General Fund operating impact as a result of this budget transfer. The Town is not proceeding with the project originally proposed under 2019-149; therefore, these funds may be used for another purpose.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works; Mark A. Milne, C.P.A., Director of Finance