



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM

January 3, 2019

7:00 PM

Councilors:

James H. Crocker Jr.
President
Precinct 5

John G. Flores
Vice President
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Britt Beedenbender
Precinct 4

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Matthew Levesque
Precinct 10

Philip N. Wallace
Precinct 11

Paula Schnepf
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator:

Cynthia A. Lovell

Administrative

Assistant:

Kelly Crahan

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. TOWN MANAGER COMMUNICATIONS**
 - **Review of the Town Manager Evaluation**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements**
 - **Town Manager update on Wastewater Management Plan**
- 9. ORDERS OF THE DAY**
 - A. Old Business**
 - B. New Business**
- 10. ADJOURNMENT**

Original posted on 12/28/18@1:24pm
Updated on 12/31/18 to update Item
2019-066 Acceptance of a Grant. Updated
on 01/02/19@ 1:24pm to add Items 2019-
068 through 2019-071 and Review of Town
Manager Evaluation Updated on 01/02/19
@ 3:30pm to add Item 2019-072 through
2019-074

NEXT REGULAR MEETING: January 17, 2019

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A. OLD BUSINESS

2019-063	Appropriation Order in the amount of \$100,000.00 Community Preservation funds for Community Housing Creation Seashore Homes, Inc., 185 Ridgewood Avenue, Hyannis, Development of 1 Affordable Housing Unit within a New Multifamily Development Map 328, Parcel 226 (Public Hearing) (Roll call)	3-4
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B. NEW BUSINESS

2019-066	Acceptance of Federal Fiscal Year 2019 Emergency Management Performance Grant in the amount of \$13,760 from the Massachusetts Emergency Management Agency for the purpose of funding handheld radios used in emergency management operations (May be acted upon)	5-6
2019-067	Acceptance of a grant in the amount of \$14,300 from the Massachusetts Department of Environmental Protection for the purpose of enhancing its waste reduction programs (May be acted upon)	7-8
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Approve Minutes –December 20, 2018

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)

BARNSTABLE TOWN COUNCIL

ITEM # 2019-063
INTRO: 12/20/18, 01/03/19

2019-063 APPROPRIATION ORDER \$100,000.00 COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING CREATION SEASHORE HOMES, INC., 185 RIDGEWOOD AVENUE, HYANNIS

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of One Hundred Thousand (**\$100,000.00**) Dollars be appropriated and transferred from the amount set aside for community housing in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the amounts appropriated for the creation by Seashore Homes, Inc. of one year-round affordable rental unit with household incomes 80% or less of Area Median Income (AMI) within a new multifamily development containing 8 two-bedroom apartments located at 185 Ridgewood Avenue, Hyannis and to execute, deliver, accept and record restrictions or other real property interests for the purposes authorized herein 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>12/20/18</u>	<u>Refer to Public Hearing 01/03/19</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-063

INTRO: 12/20/18, 01/03/19

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: December 20, 2018
SUBJECT: Appropriation Order in the amount of **\$100,000.00** Community Preservation funds for Community Housing Creation Seashore Homes, Inc., 185 Ridgewood Avenue, Hyannis Development of 1 Affordable Housing Unit within a New Multifamily Development Map 328, Parcel 226

BACKGROUND: Seashore Homes, Inc. is seeking approval from the Town Council through the Town Manager for CPA Community Housing funds in the amount of **\$100,000** in support of the development of one deed-restricted, affordable rental unit within a new multifamily development containing 8 two-bedroom apartments located at 185 Ridgewood Avenue, Hyannis; Map 328, Parcel 226. Throughout the permitting process, this new multifamily development has received the support of many local organizations and boards, and has most recently received approval by the Town Council for a Regulatory Agreement through which one deed-restricted affordable rental unit was reserved for residents who make 80% or less of Area Median Income. The Community Preservation Committee voted unanimously for recommendation at their November 26, 2018 meeting. The \$100,000 request represents a portion of the total project budget amount of \$1,200,000. Seashore Homes proposes to create a “pocket neighborhood” by constructing 2 multifamily buildings with site improvements including a shared parking lot with 15 spaces; a shared outdoor space; as well as a private outdoor area for each apartment.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager

STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM: 2019-066
INTRO: 01/03/19**

**2019-066 ACCEPTANCE OF FEDERAL FISCAL YEAR 2019 EMERGENCY
MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF \$13,760
FROM THE MASSACHUSSETS EMERGENCY MANAGEMENT AGENCY
FOR THE PURPOSE OF FUNDING HANDHELD RADIOS USED IN
EMERGENCY MANAGEMENT OPERATIONS**

RESOLVED: That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2019 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency in the amount of **\$13,760** and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager,

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM: 2019-066
INTRO: 01/03/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: January 3, 2019
SUBJECT: Acceptance of Federal Fiscal Year 2019 Emergency Management Performance Grant in the amount of \$13,760 from the Massachusetts Emergency Management Agency for the purpose of funding handheld radios used in emergency management operations

BACKGROUND: Barnstable Police Department applied for and was awarded the Federal Fiscal Year 2019 Emergency Management Grant from the Massachusetts Emergency Management Agency (MEMA) in the amount of **\$13,760**. The Barnstable Police Department coordinates the emergency management operations for the Town of Barnstable and the Chief of Police serves as the Emergency Management Director. It has been a multiyear goal to replace all of the department's portable radios used by Emergency Management personnel utilizing this Emergency Management grant. Many of the radios are obsolete in terms of parts availability and in meeting optimum levels of interoperable communications standards. In the event of an emergency, it is imperative that emergency management personnel have the ability to communicate regionally with all Cape Cod police and fire departments, the Barnstable County Sheriff's Department and the Massachusetts State Police. The grant will be utilized for the replacement of four (4) portable radios and high capacity radio batteries.

ANALYSIS: The acceptance of this grant will allow the Department to update and purchase equipment that will be a vital tool in emergency operations. All equipment must be purchased by 6/30/19.

FISCAL IMPACT: This grant requires a 100% match, which is met via the annual maintenance contract for the Reverse 911 public notification system purchased through PCMG, Inc., and exceeds the match requirement of **\$13,760**.

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

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne E. Spillane, Barnstable Police Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2019-067
INTRO: 01/03/19**

2019 -067 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$14,300 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF ENHANCING ITS WASTE REDUCTION PROGRAMS.

RESOLVED, that the Town Council hereby accepts a grant award in the amount of **\$14,300.00** from the Massachusetts Department of Environmental Protection for the purpose of enhancing its waste reduction programs through the acquisition of public space and outdoor event recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other related expenses enumerated in the Recycling Dividends Program (RDP) contract. and that the Town Manager is authorized to expend the grant monies for the purpose specified herein.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-067
INTRO: 01/03/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: January 3, 2019
SUBJECT: Acceptance of a grant in the amount of **\$14,300** from the Massachusetts Department of Environmental Protection for the purpose of enhancing its waste reduction programs

BACKGROUND: The Town has been awarded a **\$14,300** grant from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP). The grant award was made because of specific programs and policies the Town has implemented to maximize reuse, recycling and waste reduction.

ANALYSIS: The acceptance of this grant will allow the Solid Waste Division and the Town to enhance its waste reduction programs through the acquisition of public space and outdoor event recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other approved expenses enumerated in the RDP contract.

FISCAL IMPACT: There is no Grantee cost share or match requirement.

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

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

B. NEW BUSINESS (Refer to Public Hearing 02/07/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-068
INTRO: 01/03/19**

2019-068 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$250,000 FOR A FEASIBILITY STUDY AND PRELIMINARY INVESTIGATIONS OF THE WASTEWATER TREATMENT FACILITY AT JOINT BASE CAPE COD

ORDERED: That the sum of **\$250,000** be appropriated and transferred from the Comprehensive Water Management and Private Way Fund for the purpose of a feasibility study and preliminary investigations to evaluate the potential of the Town utilizing the wastewater treatment facility at Joint Base Cape Cod for future sewer expansion, including the payment and costs incidental and related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-068
INTRO: 01/03/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: January 3, 2019
SUBJECT: Appropriation and Transfer Order in the amount of **\$250,000** for a Feasibility Study and preliminary investigations of the Wastewater Treatment Facility at Joint Base Cape Cod

BACKGROUND: The towns of Bourne, Falmouth, Mashpee and Sandwich have been studying the feasibility of utilizing the existing wastewater treatment facility at Joint Base Cape Cod for their future wastewater needs. It is anticipated that the facility and effluent disposal beds will require significant upgrades to allow for the projected additional flow from surrounding communities. Due to the proximity of planned infrastructure in Mashpee and Sandwich to the western portion of the Town of Barnstable, it may be more cost effective for future sewered areas in the western portion of the Town to be treated at an expanded Joint Base Cape Cod facility than the Town's Water Pollution Control Facility in Hyannis. Additionally, there are anticipated water quality benefits associated with treating and disposing of effluent outside of the Town's boundaries.

ANALYSIS: Under this project, the Town will hire a consultant to study the feasibility of further expanding the Joint Base Cape Cod wastewater treatment facility to accommodate additional flows from the western portion of the Town of Barnstable. With growing interest in further expansion of sewers in the western portion of the Town, it is recommended that the Town begin this study immediately in order to determine if utilizing the JBCC facility is an option that the Town should further pursue and to begin further discussions with surrounding communities and regulatory agencies.

FINANCIAL IMPACT: Funding for this appropriation will be provided from the Comprehensive Water Management and Private Way fund which has an available balance of \$16,447,139. There is no impact to the department of Public Work's operating budget as a result of this appropriation.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works and Amanda Ruggiero, P.E., Interim Town Engineer

B. NEW BUSINESS (Refer to Public Hearing 02/07/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-069
INTRO: 01/03/19**

**2019-069 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$835,000
FOR THE DESIGN OF ROADWAY AND UTILITY WORK**

ORDERED: That the sum of **\$735,000** be appropriated and transferred from the Comprehensive Water Management and Private Way Fund and that the sum of **\$100,000** be appropriated and transferred from the Water Supply Enterprise Fund reserves for the purpose of funding the design of roadway and utility work, including the payment and costs incidental and related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM NO.: 2019-069
INTRO: 01/03/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: January 3, 2019
SUBJECT: Appropriation and Transfer Order in the amount of **\$835,000** for the design of roadway and utility work

BACKGROUND: Vineyard Wind plans to begin construction in 2020 on a project which will install over 5.1 miles of underground 220kV Transmission Cable from Covell's Beach to the interconnection point at the substation proposed on Independence Drive. The work will involve installing large underground utility duct banks and underground vaults within the following lengths of roadway: Craigville Beach Road between Covell's Beach and Strawberry Hill Road; Strawberry Hill Road from Craigville Beach Road and Wequaquet Lane, Wequaquet Lane between Strawberry Hill Road and Phinney's Lane; Phinney's Lane from Wequaquet Lane to Attucks Lane; Attucks Lane from Phinney's Lane to Independence Drive; and Independence Drive from Attucks Lane to near Communication Way. Approximately 3.8 miles of this route is targeted for future sewer expansion in the Town's wastewater plan. This project does not proposed sewerage the neighborhoods off this route at this time. Approximately 3,100 linear feet of existing 50-year old water main owned and operated by the Hyannis Water System will need to be relocated as a result of the project.

ANALYSIS: Vineyard Wind plans to begin construction in 2020, which will include complete road reconstruction or mill and overlay. As a result, it will be cost advantageous for the Town to participate with Vineyard Wind to complete planned utility improvements along the project length as part of this project. Additionally, Vineyard Wind's duct bank will congest the roadways and makes it difficult to install these utilities after their work has been completed. In order to participate with Vineyard Wind in this project, it is imperative that the design of the new sewer mains and the water relocations be completed as soon as possible.

FINANCIAL IMPACT: Funding for this project will be provided from the Comprehensive Water Management and Private Way Fund and Water Supply Enterprise Fund reserves. The Comprehensive Water Management and Private Way Fund will provide \$735,000 and has an available balance of \$16,447,139. The Water Supply Enterprise Fund reserves will provide \$100,000 and was recently certified at \$2,157,029. There is no impact to the Department of Public Work's operating budget.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends funding this appropriation and transfer order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works and Amanda Ruggiero, P.E., Interim Town Engineer.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-070
INTRO: 01/03/19**

2019-070 RESOLVE ACCEPTANCE OF EASEMENT 307 FALMOUTH ROAD (ROUTE 28) HYANNIS, MA

RESOLVED: That the Town Manager is authorized to accept, execute, deliver and record on behalf of the Town an easement for a sewer pit from The Northeastern Conference Corporation of Seventh-Day Adventists on property having a street address of 307 Falmouth Road (Route 28), Hyannis to be held under the care, custody and charge of the Department of Public Works, Water Pollution Control Division.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-070
INTRO: 01/03/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: January 3, 2019
SUBJECT: Resolve acceptance of easement 307 Falmouth Road (Route 28) Hyannis, MA

BACKGROUND: As part of the MassDOT intersection improvements of Route 28 and Bearse's Way to the Cape Cod Mall entrance, MassDOT entered into an agreement with the Department of Public Works for full reimbursement to relocate the existing vacuum pits for each abutter along Route 28. The existing vacuum pits would not allow for vehicular traffic and had to be relocated off the shoulder. With many utility conflicts within this congested roadway, one vacuum pit located at 307 Falmouth Road will be required to be installed on private property and will further require a permanent easement.

ANALYSIS: Acceptance of this easement is critical to the construction schedule for the MassDOT project at the intersection of Route 28 and Bearse's Way. Department of Public Works, Water Pollution Control Division staff requires having access to this vacuum pit via this permanent easement for future operation and maintenance.

FISCAL IMPACT: The future operation and maintenance costs of the vacuum pit will be included in the operating budget of the Sewer Enterprise Fund.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works, Amanda Ruggiero, P.E., Interim Town Engineer

B. NEW BUSINESS (Refer to Public Hearing 02/07/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-071
INTRO: 01/03/19**

**2019-071 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$250,000
FOR CONCEPTUAL PLANNING AND DESIGN OF THE FIRST STAGE OF
SEWER EXPANSION IN COTUIT**

ORDERED: That the sum of **\$250,000** be appropriated and transferred from the Comprehensive Water Management and Private Way Fund for the purpose of conceptual planning and design of the first stage of sewer expansion in Cotuit, including the payment and costs incidental and related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-071
INTRO: 01/03/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: January 3, 2019
SUBJECT: Appropriation and Transfer Order in the amount of **\$250,000** for Conceptual Planning and Design of Sewer Expansion in Cotuit

BACKGROUND: During public outreach of the draft wastewater plan, interest developed with expanding the plan to include a traditional approach for the Village of Cotuit. The draft wastewater plan targets areas that modeling efforts have identified as requiring significant nitrogen removal to improve water quality in the coastal embayments. Including this village would provide a solution for Zone II water protection, properties requiring innovative approach to their existing septic systems upon redevelopment and for economic development.

ANALYSIS: Under this project, the Town will retain a consultant to begin conceptual planning efforts for further expansion of sewer into Cotuit. The effort is anticipated to include conceptual design scenarios, phasing recommendations, cost estimates and public outreach.

FINANCIAL IMPACT: Funding for this appropriation will be provided from the Comprehensive Water Management and Private Way Fund which has a current available balance of \$16,447,139. There is no operating budget impact as a result of funding this appropriation.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works and Amanda Ruggiero, P.E., Interim Town Engineer

B. NEW BUSINESS (Refer to Second Reading 01/17/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-072
INTRO: 01/03/19**

2019-072 ORDER TO CREATE A WATER STABILIZATION FUND FOR THE PURPOSE OF MAKING COMPREHENSIVE IMPROVEMENTS TO THE TOWN'S DRINKING WATER AND FIRE READINESS SERVICES

ORDERED: That the Town of Barnstable create a Water Stabilization Fund in accordance with General Law c. 40, § 5B of the Massachusetts General Laws for the purpose of making comprehensive improvements to the Town's drinking water and fire readiness services.

BACKGROUND: Under G.L. c. 40, § 5B, municipalities may create one or more stabilization funds, which are special reserves into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. There are no caps on the amount that could be appropriated into the fund in any year and the aggregate balances of all stabilization funds for a city or town. Appropriations made into the fund are approved by a majority vote. Appropriations from a stabilization fund must be approved by a two-thirds vote. Likewise, a two-thirds vote is needed to create a stabilization fund and to change its purpose. A new local acceptance provision was added by the Municipal Modernization Act, which took effect on November 7, 2016, as the fourth paragraph of G.L. c. 40, § 5B. If accepted, the local legislative body, by a two-thirds vote, may dedicate to a stabilization fund certain revenue streams, including revenue from fees and charges, except revenues already reserved by law for particular purposes and locally assessed taxes and excises.

RATIONALE: The Town of Barnstable's Water Supply Division is responsible for providing commercial and residential properties in Hyannis, Hyannisport and West Hyannisport with a safe, efficient and effective means of obtaining drinking water and fire-readiness services. The protection of this valuable resource is one of the highest priorities of the Town. Over the past several years the Town has invested millions of dollars into the water system for new well exploration, treatment systems, distribution improvements, interconnections with other systems and storage facilities. The creation of a stabilization fund for the purpose of making comprehensive improvements to this system of assets and infrastructure will assist with ensuring its safety, long-term reliability and quality.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends the creation of this fund.

STAFF ASSISTANCE: Mark Milne, Director of Finance

B. NEW BUSINESS (Refer to Second Reading 01/17/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-073
INTRO: 01/03/19**

**2019-073 ORDER TO ACCEPT THE 4TH PARAGRAPH OF MGL CHAPTER 40 §5B
ALLOWING FOR THE DEDICATION OF CERTAIN REVENUE STREAMS TO
STABILIZATION FUNDS WITHOUT FURTHER APPROPRIATION**

ORDERED: That the Town Council accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which provides for the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2019.

RATIONALE: Acceptance of this paragraph will allow the Town Council to dedicate a minimum of 25 percent and up to 100 percent of a particular fee, charge or receipt to a stabilization fund, subject to a two-thirds vote of the Town Council.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends the acceptance of this language.

STAFF ASSISTANCE: Mark Milne, Director of Finance

B. NEW BUSINESS (Refer to Second Reading 01/17/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-074
INTRO: 01/03/19**

**2019-074 ORDER TO DEDICATE FUTURE HOST COMMUNITY AGREEMENT
PAYMENTS FROM VINEYARD WIND TO THE WATER STABILIZATION
FUND**

ORDERED: That the Town Council dedicates 100 percent of the “Host Community Agreement Payments” collected under Host Community Agreement entered into with Vineyard Wind to the Water Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2020 beginning on July 1, 2019

BACKGROUND: If the Town Council accepts the fourth paragraph of G.L. c. 40, § 5B, the Town Council may vote to dedicate a revenue source to a stabilization fund by a two-thirds vote. The vote must include the (1) specific revenue source being dedicated; (2) the percentage of that revenue source being dedicated, which must be at least 25 percent of the source; and (3) the fund into which the revenue source is being dedicated.

The vote must take place before July 1 of the fiscal year in which the dedication is to begin. A dedication may be terminated in the same manner, i.e., by a two-thirds vote of the Town Council, but cannot terminate unless it has been in effect for at least three fiscal years.

Any fee, charge or other receipt may be dedicated to a stabilization fund, except real and personal property taxes, motor vehicle excises, boat excises, farm animal and machinery excises, classified forest, farm and recreational land and penalty taxes, community preservation surcharges and municipal water infrastructure surcharges cannot be dedicated to a stabilization fund. Also, fees, charges or other receipts already reserved by law for expenditure for a particular purpose cannot be dedicated to a stabilization fund. This includes revenues dedicated by general laws or special acts and revenues dedicated because the town accepted a statute or otherwise acted under a statute to dedicate them.

RATIONALE: Vineyard Wind propose to construct an 800 megawatt wind generating facility in federal waters and connect that facility via cables into state waters and eventually to an electric substation in the town in order to connect to the regional electric grid. The town believes that certain components of the project could pose environmental risks to the town’s public drinking water supplies if not properly designed and managed. The town’s public water supply wells are located down-gradient from the proposed substation. The Host Community Agreement Payments will allow the Town to protect its valuable drinking water resources by making storage, distribution and treatment improvements to the system as well as the development of new wellheads up gradient of the proposed substation. This will also significantly reduce the impact on water rates charged to property owners tied into the town’s water system.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends the approval of dedicating this revenue stream for the purpose of making water system improvements.

STAFF ASSISTANCE: Mark Milne, Director of Finance