



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM

June 07, 2018

7:00 PM

Original posted on June 5
2018@2:36pm. Updated on June 7,
2018@ 11:44 to add the following
Items: 2018-164; 2018-165; 2018-166

Councilors:

Eric R. Steinhilber
President
Precinct 2

James H. Crocker Jr.
Vice President
Precinct 5

John G. Flores
Precinct 1

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**
- 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**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: June 21, 2018

ITEM NO.	INDEX TITLE	PAGE
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A. OLD BUSINESS

FISCAL YEAR 2019 OPERATING BUDGET

2018-111	Appropriation Order in the amount of \$14,532,512 for the purpose of funding the Town's Fiscal Year 2019 Barnstable Police Department budget (Public Hearing) (Majority vote)	5
2018-126	Appropriation Order in the amount of \$275,682 for the purpose of funding the Town's Fiscal Year 2019 Town Council budget (Public Hearing) (Majority vote)	6
2018-127	Appropriation Order in the amount of \$671,810 for the purpose of funding the Town's Fiscal Year 2019 Town Manager budget (Public Hearing) (Majority vote)	7
2018-128	Appropriation order in the amount of \$6,008,108 for the purpose of funding the Town's Fiscal Year 2019 Administrative Services Department budget (Public Hearing) (Majority vote)	8
2018-129	Appropriation Order in the amount of \$22,788,710 for the purpose of funding the Town's Fiscal Year 2019 Employee Benefits budget (Public Hearing) (Majority vote)	9
2018-130	Appropriation Order in the amount of \$9,996,301 for the purpose of funding the Town's Fiscal Year 2019 General Fund Debt Service budget (Public Hearing) (Majority vote)	10
2018-131	Appropriation Order in the amount of \$2,009,000 for the purpose of funding the Town's Fiscal Year 2019 Library and Tourism Grant budgets (Public Hearing) (Majority vote)	11
2018-132	Appropriation Order in the amount of \$250,000 for the purpose of funding the Town's Fiscal Year 2019 Reserve Fund (Public Hearing) (Majority vote)	12
2018-133	Appropriation Order in the amount of \$15,597,099 for the purpose of funding the Town's Fiscal Year 2019 Insurance, Assessments, Transfers and Other Fixed Costs budget (Public Hearing) (Majority vote)	13
2018-134	Community Preservation Fund Administration Expenses and Fiscal Year 2019 Program Set-Asides (Public Hearing) (Majority vote)	14
2018-135	Appropriation Order in the amount of \$2,107,952 for the purpose of paying the Fiscal Year 2019 Community Preservation Fund Debt Service Requirements (Public Hearing) (Majority vote)	15
2018-136	Change to Chapter 86 Article III of the General Ordinances (Public Hearing) (Majority vote)	15-18
2018-137	Revolving Funds Fiscal Year 2019 Revolving Fund Spending Limits (Public Hearing) (Majority vote)	19
2018-146	Appropriation and Transfer Order in the amount of \$100,000 for the Fiscal Year 2018 Airport Enterprise Fund Capital Budget for the purpose of funding various Airport Capital Improvement projects (Public Hearing) (Majority vote)	20-21

2018-148	Appropriation and Transfer order in the amount of \$195,000.00 of Community Preservation Funds for creation and acquisition of conservation restriction 2.18 acres±, 3600 Falmouth Road, Marstons Mills, Map 077, Parcel 005 (Public Hearing) (Majority vote)22-23
2018-149	Appointments to a Board/ Committee/ Commission: Disability Commission: Steven Spillane, 44 Liam Lane, Centerville as a regular member to a term expiring 06/30/2021; Youth Commission: George Cole, c/o Hyannis Youth and Community Center, as a regular student member to a term expiring 06/30/2019 (Second Reading) (May be acted upon)24
2018-150	Reappointments to a Board/Committee/Commission: Airport Commission: Mary Smith as a regular member to a term expiring 6/30/21; John Griffin as a regular member to a term expiring 6/30/2021; Joseph Berlandi as a regular member to a term expiring 6/30/2021; Comprehensive Financial Advisory Committee: John Schoenherr as a regular member to a term expiring 6/30/2021; Hector Guenther as a regular member to a term expiring 6/30/21; Joseph Mladinich as a regular member to a term expiring 6/30/2021; Conservation Commission: Dennis Houle as a regular member to a term expiring 6/30/2021; Community Preservation Committee: F.P. Tom Lee a as a Conservation Commission Representative member to a term expiring 6/30/2021; Council On Aging: Helen Stretch as a regular member to a to a term expiring 6/30/2021; John Alden as a regular member to a term expiring 6/30/2021; Anna Valtsakis as a regular member to a term expiring 6/30/2021; Barbara Cross as a regular member to a term expiring 6/30/2021; Disability Commission: Sheila Mulcahy as a regular member to term expiring 6/30/2021; Historical Commission: Elizabeth Mumford as a regular member to a term expiring 6/30/2021; Cheryl Powell as an alternate member to a term expiring 6/30/2021; Marilyn Fifield as a regular member to a term expiring 6/30/2021; Housing Committee: Donald Lynde as a regular member to a term expiring 6/30/2021; Human Services Committee: Scott Fitzgerald as a representative member to a term expiring 6/30/2021; JFK Memorial Trust Fund: Robert Jones as a regular member to a term expiring 6/30/2021; Lynne Poyant as a regular member to a term expiring 6/30/2021; Library Committee: Suzanne Kelly as a regular member representing Sturgis Library to a term expiring 6/30/2019; Chrystal LaPine as a regular member representing Whelden Library to a term expiring 6/30/2019; Laurie Young as a regular member representing Osterville Library to a term expiring 6/30/2019; Karen Rezendes as a regular member representing Centerville Library to a term expiring 6/30/2019; Margaret Sutphina as a regular member representing Centerville Library to a term expiring 6/30/2019; Fred Schlipp as a regular member representing Sturgis Library to a term expiring 6/30/2019; Licensing Authority: Larry Decker as an associate member to a term expiring 6/30/2021; Old Kings Highway Historic District Commission: Polly Brazelton as an alternate member to a term expiring 6/30/2021; Planning Board: Stephen Helman as a regular member to a term expiring 6/30/2021; Water Quality Advisory Committee: Barry Gallus as a regular member to a term expiring 6/30/2021; Waterways Committee: John Meade as a regular member to a term expiring 6/30/2021; Robert Hazelton as a regular member to a term expiring 6/30/2021; Zoning Board of Appeals: Jake Dewey as a regular member to a term expiring 6/30/2021; Paul Pinard as an associate member to a term expires 6/30/2021; Kyle Evancoe as an associate member to a term expiring 6/30/2021 (Second Reading) (May be acted upon)25

B. NEW BUSINESS

2018-151	Appropriation and Loan Order in the amount of \$340,000 pursuant to Temporary Repair to Private Roads Program regarding Butler Avenue, Ocean Avenue, Clark Avenue, Prospect Avenue, Hotel Avenue, Summerbell Avenue, Lake Elizabeth Drive, Valley Avenue, Laurel Avenue, Vine Avenue in Centerville, MA (Refer to Public Hearing 06/21/18)26-27
2018-152	Acceptance of a 2018 Sustained Traffic Enforcement Program Grant (STEP) award in the amount of \$9,478.03 from the Executive Office of Public Safety and Security, Highway Safety Division (May be acted upon)28-29

2018-153	Acceptance of Fiscal Year 2018 Grant in the amount of \$5,622 for the Pedestrian and Bicycle Safety Enforcement and Equipment (May be acted upon)	30-31
2018-154	Repeal of Section 241-44.1 of the Town Of Barnstable Administrative Code, Agricultural Commission (First Reading)	32
2018-155	Repeal of §241-27 of the Town of Barnstable Administrative Code, Personnel Board and amendments to Chapter 242 of the Barnstable Code, Personnel and Chapter 401, Article VIII, Personnel Regulations (First Reading)	33-36
2018-156	Repeal of Chapter 241-45.2 of the Town of Barnstable Administrative Code, Renewable Energy Commission (First Reading)	37
2018-157	Repeal of Chapter 241-44.5 of the Town of Barnstable Administrative Code, Land Acquisition and Preservation Committee (First Reading)	38
2018-158	Amend §241-45.1A of the Administrative Code Amendment, Human Services Committee, by reducing the number of members from nine to seven (First Reading)	39
2018-159	Order to amend the Zoning Ordinance to prohibit non-medical marijuana in all zoning districts within the Town of Barnstable (Refer to Planning Board)	40-41
2018-160	Confirmation of appointment of Matthew K. Sonnabend as Barnstable Chief of Police (May be acted upon)	42
2018-161	Acceptance of grant in the amount of \$3,753,000 from the Massachusetts Executive Office of Housing and Economic Development MassWorks Infrastructure Program (May be acted upon)	43-44
2018-162	Conservation Restriction to be held by The Compact of Cape Cod Conservation Trusts over approximately 4.07 acres of land on Peppercorn Lane, Cotuit (May be acted upon)	45-46
2018-163	Amending Chapter 240, Article III, of the Zoning Ordinances to create a Cannabis Overlay District-A and Cannabis Overlay District-B and district regulations for establishing and operating registered recreational marijuana dispensaries (Refer to Planning Board)	47-56
2018-164	Appointments to a Board/Committee/Commission: Board of Assessors: William Garreffo, 22 Thornberry Lane, Centerville as a regular member to a term expiring 06/30/2021; Board of Health: John Norman, 1625 Old Post Road, Marstons Mills as a regular member to a term expiring 06/30/2021; Planning Board: Steven Costello, 255 Scudder Road, Osterville, as a regular member to a term expiring 06/30/2021; Sandy Neck Board: Ann Canedy, 70 Van Duzer Road, Cummaquid as a regular member to a term expiring 06/30/2021; Robert Lovell, 12 New London Ave, Marstons Mills as a regular member to a term expiring 06/30/2021; Thomas O'Neill, 58 Holway Drive, West Barnstable as a regular member to a term expiring 06/30/2021 (First Reading)	57
2018-165	Reappointments to a Board /Committee/Commission: Cultural Council: Kimberly Rumberger as a regular member to a term expiring 06/30/2021; Georgia Kreth as a regular member to a term expiring 06/30/2021 (First Reading)	58
2018-166	Administrative Code Amendment- Term Limits for Chairs of Multiple Members Boards, Committees and Commissions (First Reading)	59

Approve Minutes –May 17, 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.

Fiscal Year 2019 Operating Budget Appropriation Orders

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-111

INTRO: 05/03/18, 05/17/18, 06/07/18

Police Department

2018-111 APPROPRIATION ORDER IN THE AMOUNT \$14,532,512 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 BARNSTABLE POLICE DEPARTMENT BUDGET

ORDERED: That the sum of **\$14,532,512** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Barnstable Police Department budget; and to meet such appropriation that **\$14,482,512** be raised from current year revenues and that **\$50,000** be transferred from the Embarkation Fee Special Revenue Fund as presented to the Town Council by the Town Manager.

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-126
INTRO: 05/03/18, 05/17/18, 06/07/18

Town Council Department

2018-126 APPROPRIATION ORDER IN THE AMOUNT OF \$275,682 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 TOWN COUNCIL BUDGET

ORDERED: That the sum of **\$275,682** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Town Council budget as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-127
INTRO: 05/03/18, 05/17/18, 06/07/18

TOWN MANAGER DEPARTMENT

2018-127 APPROPRIATION ORDER IN THE AMOUNT OF \$671,810 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 TOWN MANAGER BUDGET TOWN MANAGER DEPARTMENT

ORDERED: That the sum of **\$671,810** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Town Manager budget as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-128

INTRO: 05/03/18, 05/17/18, 06/07/18

ADMINISTRATIVE SERVICES DEPARTMENT

**2018-128 APPROPRIATION ORDER IN THE AMOUNT OF \$6,008,108 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019
ADMINISTRATIVE SERVICES DEPARTMENT BUDGET**

ORDERED: That the sum of **\$6,008,108** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Administrative Services Department budget as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-129
INTRO: 05/03/18, 05/17/18, 06/07/18

EMPLOYEE BENEFITS

2018-129 APPROPRIATION ORDER IN THE AMOUNT OF \$22,788,710 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 EMPLOYEE BENEFITS BUDGET

ORDERED: That the sum of **\$22,788,710** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Employee Benefits budget, and to meet such appropriation, that **\$21,349,710** be raised from current year revenue, that **\$250,000** be transferred from the Pension Reserve Trust Fund, and that **\$1,189,000** be transferred from the General Fund reserves, as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-130
INTRO: 05/03/18, 05/17/18, 06/07/18

DEBT SERVICE

2018-130 APPROPRIATION ORDER IN THE AMOUNT OF \$9,996,301 FOR THE PURPOSE OF FUNDING THE TOWN'S FY 2019 GENERAL FUND DEBT SERVICE BUDGET

ORDERED: That the sum of **\$9,996,301** be appropriated for the purpose of funding the Town's FY 2019 General Fund Debt Service budget, and to meet such appropriation, that **\$4,206,789** be raised from current year revenue, and that **\$5,677,329** be transferred from the Capital Trust Fund, and that **\$59,283** be transferred from the Embarkation Fee Special Revenue Fund, and that **\$52,900** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-131
INTRO: 05/03/18, 05/17/18, 06/07/18

GRANTS

2018-131 APPROPRIATION ORDER IN THE AMOUNT OF \$2,009,000 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 LIBRARY AND TOURISM GRANT BUDGETS

ORDERED: That the sum of **\$2,009,000** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Library and Tourism Grant budgets as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-132
INTRO: 05/03/18, 05/17/18, 06/07/18

TOWN COUNCIL RESERVE FUND

2018-132 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 RESERVE FUND

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Reserve Fund and that the sum of **\$250,000** be transferred from the General Fund reserves

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-133

INTRO: 05/03/18, 05/17/18, 06/07/18

INSURANCE, ASSESSMENTS, TRANSFERS AND OTHER FIXED COSTS

2018-133 APPROPRIATION ORDER IN THE AMOUNT OF \$15,597,099 FOR THE PURPOSE OF FUNDING THE TOWN'S FY 2019 INSURANCE, ASSESSMENTS, TRANSFERS AND OTHER FIXED COSTS BUDGET

ORDERED: That the sum of **\$15,597,099** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Insurance, Assessments, Transfers and Other Fixed Costs budget as presented to the Town Council by the Town Manager, and that the following sums be transferred from the Town's Enterprise Funds for the purpose of reimbursing administrative, employee benefit and insurance costs budgeted within the General Fund:

- Water Pollution Control\$510,970
- Solid Waste\$344,416
- Water Supply\$177,332
- Airport\$734,716
- Golf Course\$440,012
- Marinas\$67,371
- Sandy Neck\$94,826
- HYCC \$317,446
- PEG \$79,128

And further, that the sum of **\$1,275,000** be transferred from the General Fund reserves all for the purpose of funding the Town's FY 2019 General Fund budget as presented to the Town Council by the Town Manager.

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-134
INTRO: 05/03/18, 05/17/18, 06/07/18

COMMUNITY PRESERVATION FUND ADMINISTRATION

2018-134 COMMUNITY PRESERVATION FUND ADMINISTRATION EXPENSES AND FISCAL YEAR 2019 PROGRAM SET-ASIDES

ORDERED: That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year beginning July 1, 2018, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$393,988** for open space and recreation; **\$393,988** for historic resources; **\$393,988** for community housing; **\$593,486** for a budget reserve, and that the sum of **\$150,000** be appropriated from the annual revenues of the Community Preservation Fund for the administrative expenses the Community Preservation Committee, to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-135
INTRO: 05/03/18, 05/17/18, 06/07/18

COMMUNITY PRESERVATION FUND FISCAL YEAR 2019 DEBT SERVICE

2018-135 APPROPRIATION ORDER IN THE AMOUNT OF \$2,107,952 FOR THE PURPOSE OF PAYING THE FISCAL YEAR 2019 COMMUNITY PRESERVATION FUND DEBT SERVICE REQUIREMENTS

ORDERED: That the Town Council hereby appropriate **\$2,107,952** for the purpose of paying the Fiscal Year 2019 Community Preservation Fund debt service requirements, and to meet such appropriation, that **\$2,014,433** be provided from current year revenues of the Community Preservation Fund and that **\$93,519** be provided from the reserve for the historic preservation program within the Community Preservation Fund

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-136

INTRO: 05/03/18, 05/17/18, 06/07/18

REVOLVING FUNDS

2018-136 CHANGES TO CHAPTER 86 ARTICLE III OF THE GENERAL ORDINANCES

ORDERED: That the following changes be made to the Town's Revolving Fund ordinance under Chapter 86 Article III:

§ 86-7

A. Establishment.

The Town hereby establishes revolving funds, pursuant to Chapter 44, § 53 E 1/2 of the General Laws, within the special revenue accounts of the Town of Barnstable and for use by the designated town departments and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

B. Authorized Revolving Funds.

- (1) Classroom Education Fund, Senior Services Division operated by the Community Services Department.
- (2) Recreation Program Fund, Recreation Division operated by Community Services Department.
- (3) Shellfish Propagation Fund, Natural Resources Division operated by the Marine & Environmental Affairs Department.
- (4) Consumer Protection Fund operated by Licensing Department.
- (5) Geographical Information Technology Fund, Information Technology Department operated by Administrative Services Department.
- (6) Arts and Culture Program Fund operated by Planning and Development Department.
- (7) Asset Management Fund operated by Town Manager Department.

§ 86-8 Operation and Procedures

The Senior Services Division and the Recreation Division of the Community Services Department, the Licensing Department, the Information Technology Department of the Administrative Services Department, the Planning and Development Department, the Marine and Environmental Affairs Department and the Town Manager Department are hereby authorized to operate said funds in the following manner:

A. Revenues

The Finance Director shall account for all funds separately from all other monies of the Town and to which shall be credited only the departmental receipts received in connection with the programs

supported by such revolving fund. Receipts credited to each of these revolving funds shall mean the following:

- (1) For the Classroom Education Fund and the Recreation Program Fund: program registration fees to participate in these programs.
- (2) For the Shellfish Propagation Fund: fees generated from the sale of commercial and recreational shellfish permits and the sale of shellfish related merchandise.
- (3) For Consumer Protection Fund: fees generated for services performed under the weights and measures program.
- (4) For the Geographical Information Systems Fund: fees generated for the production of GIS maps and reports.
- (5) For the Arts and Culture Program Fund: lease payments received from the rental of artist shanties, gifts or contributions received for the support or promotion of arts and culture programs and any revenue generated from Town-sponsored arts and culture programming.
- (6) For the Asset Management Fund: proceeds from the sale of tax foreclosed property and other town owned property not specifically required to be accounted for subject to any other general law for the support and promotion of any expenditure related to the Town's comprehensive asset management program.

B. Expenditures

Expenditures may be made from the revolving funds established and authorized by this ordinance without further appropriation, subject to the following:

- (1) Expenditures shall not be made or liabilities incurred from any of the revolving funds in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund. Expenditures from such revolving funds shall be at the approval of the Town Manager or their designee.
- (2) Expenditures from said fund shall not be made for the purpose of paying any wages or salaries for full-time employees unless the fringe benefits associated with such wages or salaries are also charged to the fund. Subject to the foregoing, the funds may be expended for payment of teachers, recreational instructors, shellfish propagation officers, weights and measures inspectors, and other expenses of programs providing classroom education to participating senior citizens, programs providing recreational activities to participating residents of the Town, shellfish seed stock and related shellfish propagation equipment and shellfish merchandise purchased for resale, weights and measures enforcement, production of GIS reports and, expenses related to the promotion of arts and culture programs and expenses related to the support and promotion of the town's asset management program.
- (3) The total amount spent during a fiscal year shall not exceed the amount authorized by the Town Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Town Council.

C. Interest earned on any revolving fund balance shall be treated as general fund revenue of the Town.

§ 86-9 Annual Spending Limitation.

Annually, at the time the Town budget is submitted to the Town Council, the Town Manager shall submit an order to the Town Council authorizing the spending limitation for each revolving funds set forth in § 86-7.

§ 86-10 Annual report.

At the end of each fiscal year, the Finance Director shall report to the Town Manager the total amount of receipts and expenditures of each revolving fund for the prior fiscal year. The program directors shall report to the Town Manager the programs, services and participants served by each of the programs. The Town Manager shall forthwith cause a report to be made to the Town Council, together with such other information, as the Town Council shall require.

§ 86-11 Revolving Fund closure.

In the event that a revolving fund is not continued in the following fiscal year, the balance in the fund at the end of the fiscal year shall revert to the general fund surplus revenue unless the Town Council, upon the recommendation for a transfer from the Town Manager, votes to transfer such balance to another revolving fund.

RATIONALE: Due to the reorganization proposed as part of the fiscal year 2019 operating budget several changes are needed to the town’s existing ordinance on revolving funds. Three revolving funds are no longer used (Adult Social Day, Building Permits and Police Training) and others are moved to new departments. In addition, a new revolving fund (Asset Management) has been created.

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2018-137
INTRO: 05/03/18, 05/17/18, 06/07/18

REVOLVING FUNDS

2018-137 REVOLVING FUNDS FISCAL YEAR 2019 REVOLVING FUND SPENDING LIMITS

RESOLVED: That the Town Council hereby authorizes the following spending limitations for Fiscal Year 2019 Revolving Funds:

- Senior Services Classroom Education Fund - **\$75,000**
- Recreation Program Fund - **\$525,000**
- Shellfish Propagation Fund - **\$200,000**
- Consumer Protection Fund - **\$400,000**
- Geographical Information Technology Fund - **\$10,000**
- Arts and Culture Program Fund - **\$50,000**
- Asset Management Fund - **\$1,000,000**

DATE	ACTION TAKEN
<u>05/03/17</u>	<u>Refer to Public Hearing 05/17/18</u>
<u>05/17/18</u>	<u>Continue Public Hearing to 06/07/18</u>

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

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM #2018-146
INTRO: 05/17/2018, 06/07/18**

**2018-146 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$100,000
FOR THE FISCAL YEAR 2018 AIRPORT CAPITAL BUDGET FOR THE
PURPOSE OF FUNDING VARIOUS AIRPORT CAPITAL IMPROVEMENT
PROJECTS**

ORDERED: That the sum of **\$100,000** be appropriated for the purpose of supplementing funds requested and approved in Town Council order 2018-104 to fund the Hanger II Drainage Improvements project and that to meet this appropriation, that \$100,000 be transferred from the Airport Enterprise Fund reserves; and that the Airport Commission 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

DATE	ACTION TAKEN
<u>05/17/18</u>	<u>Refer to Public Hearing 06/07/18</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-146
INTRO: 05/17/2018, 06/07/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Katie R. Servis, Assistant Airport Manager
DATE: May 17, 2018
SUBJECT: Appropriation and Transfer Order in the amount of **\$100,000** for the Fiscal Year 2018 Airport Enterprise Fund Capital Budget for the purpose of funding various Airport Capital Improvement projects

BACKGROUND: Massachusetts Department of Transportation (Mass DOT) Aeronautics Division has reached out to airports indicating that they have \$3.5 million in available funding and are looking to fund eligible projects before the end of fiscal year 2018. Airport officials met with Mass DOT and they have agreed to partially fund the drainage improvements to Hanger II. The estimated cost of the base improvements is \$241,900 of which the Mass DOT will fund \$193,520. The Town Council approved this expenditure on April 26th.

The base improvements did not include alternates I and II which cost an additional \$100,000. Mass DOT has initially indicated that they will not participate in funding the alternates; however, Airport officials are still in discussions with Mass DOT in an attempt to change their position. The project was designed to handle a 50-year storm with the installation of a number of underground recharge chambers that would allow for storm water storage so that slower infiltration into the area's storm water system could be realized. Estimation of the full 50-year storm water recharge package revealed higher costs and resulted in splitting the project and identifying alternates; thus, pulling back on some of the recharge chambers means that implementing only the base bid could merely realize a 25-year storm system. Alternate 1 would handle a 50-year storm and cost just over \$94,000. Alternate 2 is the connection and installation of sanitary sewer lines from the town's system to the Airport's ground support equipment building. This is the last remaining non-sewer connected building on the north ramp. While we are tearing apart the ground, pavement and parking lot to install the underground recharge chambers it made sense to include this in the project because if we do not, at some point we will need to rip up the new pavement to install the connection in a year or so to the sewer system.

FISCAL IMPACT: The Airport will use its reserves to fund the additional expenses associated with the project. If Mass DOT reverses their decision and funds a portion of this additional cost the reimbursements will replenish the reserves used to finance this additional cost.

STAFF ASSISTANCE: Katie R. Servis, Assistant Airport Manager; Mark A. Milne, Director of Finance

A. OLD BUSINESS (Refer to Public Hearing 06/07/18)

BARNSTABLE TOWN COUNCIL

ITEM # 2018-148
INTRO: 05/17/18, 06/07/18

2018-148 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$195,000.00 OF COMMUNITY PRESERVATION FUNDS FOR CREATION AND ACQUISITION OF CONSERVATION RESTRICTION 2.18 ACRES±, 3600 FALMOUTH ROAD, MARSTONS MILLS, MAP 077, PARCEL 005

ORDERED: That pursuant to the provisions of the community Preservation Act, G.L. c. 44B, the sum of One Hundred Ninety-Five Thousand and NO/100 (**\$195,000.00**) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for creation and acquisition of a conversation restriction for open space and passive recreation from Barnstable Land Trust, Inc. (“BLT”) representing a portion of the total amount of **\$287,500.00** needed by BLT to purchase and create and the Town to acquire a conservation restriction on a vacant open space lot including passive recreation in Marstons Mills containing 2.18 acres more or less, having a street address of 3600 Falmouth Road, Marstons Mills, shown on Barnstable Assessors Map 77, Parcel 5; that the conversation restriction is hereby approved in the form approved by the Land Acquisition and Preservation Committee and Town Manager subject to further approval by the Secretary of the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs; that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the restriction acquisition and reimbursement for creation as a vacant lot contingent upon public passive recreation rights and BLT raising and expending an **\$80,000.00** Massachusetts Conservation Partnership grant and **\$12,500.00** private funds subject to oversight by the Community Preservation Committee together with the grant and taking as a gift of rights from BLT to the Town for the periodic restoration of Mill Pond, fishway ladders and structures thereon senior to this conservation restriction; and that the President and Town Manager are authorized to execute, receive, deliver and record any written instruments for the stated purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/17/18</u>	<u>Refer to Public Hearing 06/07/18</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-148
INTRO: 05/17/18, 06/07/18

SUMMARY

TO: Town Council
FROM: Town Manager on Behalf of Community Preservation Committee
DATE: May 17, 2018
SUBJECT: Appropriation and Transfer Order in the amount of **\$195,000.00** of Community Preservation Funds for creation and acquisition of Conservation Restriction 2.18 acres±, 3600 Falmouth Road, Marstons Mills, Map 077, Parcel 005

BACKGROUND: The Barnstable Land Trust (BLT) is seeking approval from the Town Council through the Town Manager for Community Preservation Act (CPA) Open Space/Recreation funds in the amount of **\$195,000** for the acquisition of a Conservation Restriction for 3600 Falmouth Road, Marstons Mills; Map 077, Parcel 005. This funding request represents a portion of the total **\$287,500.00** needed by BLT to purchase and create and the Town to acquire a Conservation Restriction with **\$12,500** to be funded by BLT, and **\$80,000** awarded in a State Conservation Partnership Grant, with the condition that conveyance of the land and Conservation Restriction occurs prior to August 15, 2018. 3600 Falmouth Road, Marstons Mills is a 2.18-acre property located at the intersection of Route 149 and Route 28. Acquisition of this parcel alleviates a potential traffic hazard from any new development at this busy intersection and protects another link in the sidewalk from the Village to a nearby shopping center. BLT and the Town already own several parcels for conservation on the pond and connecting stream, the Marstons Mills River and it abuts the popular herring run property. By removing lawns and septic systems, water quality in the pond and stream will be enhanced. The addition of footpaths will enhance Public enjoyment. Demolition of the structures onsite was approved by the Barnstable Historic Commission on March 20, 2018. The property is a significant parcel for both wildlife habitat and water protection while useful for passive recreation with 395 feet of pond shore on Mill Pond. More than half of the lot is designated as Critical Natural Landscape and Priority Habitat for Rare Species. A letter of unanimous support was received by Community Preservation Committee from the Land Acquisition and Preservation Committee. In this partnership, the BLT would own the land subject to a conservation restriction held by the Town.

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: The Town Manager recommends approval of this appropriation order

STAFF ASSISTANCE: On behalf of the Community Preservation Committee

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2018-149
INTRO: 05/17/18, 06/07/18

2018-149 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Disability Commission:** Steven Spillane, 44 Liam Lane, Centerville as a regular member to a term expiring 06/30/2021; **Youth Commission:** George Cole, c/o Hyannis Youth and Community Center, as a regular student member to a term expiring 06/30/2019

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>05/17/18</u>	<u>Refer to Public Hearing 06/07/18</u>

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

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2018-150
INTRO: 05/17/18, 06/07/18

2018-150 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Airport Commission:** Mary Smith as a regular member to a term expiring 6/30/21; John Griffin as a regular member to a term expiring 6/30/2021; Joseph Berlandi as a regular member to a term expiring 6/30/2021; **Comprehensive Financial Advisory Committee:** John Schoenherr as a regular member to a term expiring 6/30/2021; Hector Guenther as a regular member to a term expiring 6/30/21; Joseph Mladinich as a regular member to a term expiring 6/30/2021; **Conservation Commission:** Dennis Houle as a regular member to a term expiring 6/30/2021; **Community Preservation Committee:** F.P. Tom Lee a as a Conservation Commission Representative member to a term expiring 6/30/2021; **Council On Aging:** Helen Stretch as a regular member to a to a term expiring 6/30/2021; John Alden as a regular member to a term expiring 6/30/2021; Anna Valtsakis as a regular member to a term expiring 6/30/2021; Barbara Cross as a regular member to a term expiring 6/30/2021; **Disability Commission:** Sheila Mulcahy as a regular member to term expiring 6/30/2021; **Historical Commission:** Elizabeth Mumford as a regular member to a term expiring 6/30/2021; Cheryl Powell as an alternate member to a term expiring 6/30/2021; Marilyn Fifield as a regular member to a term expiring 6/30/2021; **Housing Committee:** Donald Lynde as a regular member to a term expiring 6/30/2021; **Human Services Committee:** Scott Fitzgerald as a representative member to a term expiring 6/30/2021 **JFK Memorial Trust Fund:** Robert Jones as a regular member to a term expiring 6/30/2021; Lynne Poyant as a regular member to a term expiring 6/30/2021; **Library Committee:** Suzanne Kelly as a regular member representing Sturgis Library to a term expiring 6/30/2019; Chrystal LaPine as a regular member representing Whelden Library to a term expiring 6/30/2019; Laurie Young as a regular member representing Osterville Library to a term expiring 6/30/2019; Karen Rezendes as a regular member representing Centerville Library to a term expiring 6/30/2019; Margaret Sutphina as a regular member representing Centerville Library to a term expiring 6/30/2019; Fred Schlipp as a regular member representing Sturgis Library to a term expiring 6/30/2019; **Licensing Authority:** Larry Decker as an associate member to a term expiring 6/30/2021; **Old Kings Highway Historic District Commission:** Polly Brazelton as an alternate member to a term expiring 6/30/2021; **Planning Board:** Stephen Helman as a regular member to a term expiring 6/30/2021; **Water Quality Advisory Committee:** Barry Gallus as a regular member to a term expiring 6/30/2021; **Waterways Committee:** John Meade as a regular member to a term expiring 6/30/2021; Robert Hazelton as a regular member to a term expiring 6/30/2021; **Zoning Board of Appeals:** Jake Dewey as a regular member to a term expiring 6/30/2021; Paul Pinard as an associate member to a term expires 6/30/2021; Kyle Evancoe as an associate member to a term expiring 6/30/2021

SPONSOR: Appointments Committee

DATE ACTION TAKEN

05/17/18 First Reading

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

B. NEW BUSINESS (Refer to Public Hearing 06/21/18)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-151
INTRO: 06/07/18**

2018-151 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$340,000 PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING BUTLER AVENUE, OCEAN AVENUE, CLARK AVENUE, PROSPECT AVENUE, HOTEL AVENUE, SUMMERBELL AVENUE, LAKE ELIZABETH DRIVE, VALLEY AVENUE, LAUREL AVENUE, VINE AVENUE IN CENTERVILLE

ORDERED: That the sum of **\$340,000** be appropriated for the purpose of making temporary repairs to Butler Avenue, Ocean Avenue, Clark Avenue, Prospect Avenue, Hotel Avenue, Summerbell Avenue, Lake Elizabeth Drive, Valley Avenue, Laurel Avenue, Vine Avenue in the Village of Centerville, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$340,000** and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, and that the Town Manager is further authorized to assess betterments and to accept any grants and/or gifts in relation thereto.

SPONSOR: Britt Beedenbender, Councilor Precinct 4

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-151
INTRO: 06/07/18

SUMMARY

TO: Town Council
THROUGH: Daniel W. Santos, P.E, Director, Department of Public Works
FROM: Mark S. Ells, Town Manager
DATE: June 07, 2018
SUBJECT: Appropriation and Loan Order for **\$340,000** pursuant to Temporary Repair to Private Roads Program regarding Butler Avenue, Ocean Avenue, Clark Avenue, Prospect Avenue, Hotel Avenue, Summerbell Avenue, Lake Elizabeth Drive, Valley Avenue, Laurel Avenue, Vine Avenue in Centerville, MA

BACKGROUND: The successful passage of Chapter 174 of the Acts of 1994 and the passage of House Bills 4409 and 4410 by the State Legislature of Home Rule legislation authorized the Town to expend funds to repair private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). These roads will not be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Butler Avenue, Ocean Avenue, Clark Avenue, Prospect Avenue, Hotel Avenue, Summerbell Avenue, Lake Elizabeth Drive, Valley Avenue, Laurel Avenue, and Vine Avenue in the Village of Centerville have expressed an interest in having repairs made to their private road and 73% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, and installation of drainage structures.

The cost of improvements: Estimated as \$340,000 with a cost per 127 abutters, distributed as 127 full shares, not to exceed \$2,700 per abutter.

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

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

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM#2018-152
INTRO: 06/07/18**

2018-152 ACCEPTANCE OF A FISCAL YEAR 2018 SUSTAINED TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$9,478.03 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION

RESOLVED: That the Town Council hereby accepts a Sustained Traffic Enforcement Program (STEP) Grant award in the amount of **\$9,478.03** from the Executive Office of Public Safety and Security, Highway Safety Division

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM#2018-152
INTRO: 06/07/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Anne E. Spillane, Finance & Support Services Director (BPD)
DATE: June 07, 2018
SUBJECT: Acceptance of a 2018 Sustained Traffic Enforcement Program Grant (STEP) award in the amount of **\$9,478.03** from the Executive Office of Public Safety and Security, Highway Safety Division

BACKGROUND: In September of 2017 the Department received notice that they were qualified for application to this grant in the amount of \$55,000, which has since been reduced to an award of \$9,478.03. The main concept of the program is to allow an eligible department to schedule traffic enforcement patrols on specific times of year and days when their data show crashes and injuries are highest within their respective community. High Visibility Enforcement (HVE) patrols during these times, raises the perception of a greater risk of getting stopped and helps deter impaired and un-belted drivers. Eligibility is determined using crash data from two data collection tools utilized by the State - - the Massachusetts Traffic Records Analysis Center (MasSTRAC) and the Data Driven Approaches to Crime and Traffic Safety (DDACTS). Based on crash rate data, the selected communities are considered “hotspots” for improving traffic safety that could lead to an overall improvement in key traffic safety categories across the Commonwealth. There are a total of 16 departments in the Commonwealth invited to make application for this grant.

ANALYSIS: Acceptance of this grant will assist the Department in targeting specific traffic intersections that have had a history of serious and/or excessive traffic accidents. The goals set in our grant applications are as follows:

- Decrease the number of serious traffic injuries by 10%
- Decrease the number of failure to yield by 10%
- Increase the use of seat belt use rate by 5%
- Decrease distracted driving by 10%
- Decrease the number of “following too close crashes” by 5%

GRANT DETAIL: The grant award will be expended on overtime to conduct enforcements at the following ten locations and also to cover the extensive data entry requirements of the grant:

- Rte 28 @ Bearse’s Way
- Rte 28 @ Phinney’s Lane
- Rte 132 @ Bearse’s Way
- Rte 28 @ Old Stage Rd
- South County Road
- Rte 132 @ 6A
- Rte 28 @ Lumbert Mill
- Scudder Ave., Hyannis
- South Main St., Centerville
- Main St., Centerville

FISCAL IMPACT: There is no required match and the overtime costs of the grant will be reimbursed.

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

STAFF ASSISTANCE: Anne Spillane, Barnstable Police Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-153
INTRO: 06/07/18**

2018-153 ACCEPTANCE OF A FISCAL YEAR 2018 GRANT IN THE AMOUNT OF \$5,622 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANTS AND RESEARCH, HIGHWAY SAFETY DIVISON

RESOLVED: That the Barnstable Town Council does hereby accept the Fiscal Year 2018 Pedestrian and Bicycle Safety Enforcement and Equipment Grant in the amount of **\$5,622** from the Executive Office of Public Safety and Security, Office of Grants and Research, Highway Safety Division

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-153
INTRO: 06/07/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Anne E. Spillane, Finance & Support Services Director (BPD)
DATE: June 07, 2018
SUBJECT: Acceptance of Fiscal Year 2018 Grant in the amount of **\$5,622** for the Pedestrian and Bicycle Safety Enforcement and Equipment

BACKGROUND: The Barnstable Police Department applied in a competitive application for, and was awarded, the Fiscal Year 2018 Pedestrian and Bicycle Safety Enforcement and Equipment Grant, in the amount of \$5,622. The mission of this grant is to develop or enhance effective pedestrian and bicycle enforcement to reduce fatalities and injuries in these areas. The work of the grant will include targeted enforcements on Main Street in Hyannis and streets around Cape Cod Mall, for the purpose of increasing compliance with traffic laws by pedestrians, bicycles, and motorists. The grant also includes an educational component directed towards safe and proper street crossing in the areas of the Sturgis Charter School and Barnstable High School. Forty (40) bicycle helmets will also be purchased with a portion of this grant money to be offered to children on the Kid's Day in August. Overall, the greatest benefit of this grant will be in raising awareness of these safety concerns with motorists and with pedestrians, which hopefully will have a lasting effect in reducing unsafe behaviors.

ANALYSIS: The acceptance of this grant will allow the Barnstable Police Department to take action on the programs as previously described.

FISCAL IMPACT: There is no match on this grant.

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

STAFF ASSISTANCE: Anne E. Spillane, Barnstable Police Department

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-154
INTRO: 06/07/18**

**2018-154 REPEAL OF SECTION 241-44.1 OF THE TOWN OF BARNSTABLE
ADMINSTRATIVE CODE, AGRICULTURAL COMMISSION**

ORDERED: That the Town Council hereby amends the Administrative Code by repealing Section 241-44.1, Agricultural Commission

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-155
INTRO: 06/07/18**

2018-155 REPEAL OF §241-27 OF THE TOWN OF BARNSTABLE ADMINISTRATIVE CODE, PERSONNEL BOARD AND AMENDMENTS TO CHAPTER 242 OF THE BARNSTABLE CODE, PERSONNEL AND CHAPTER 401, ARTICLE VIII, PERSONNEL REGULATIONS.

ORDERED that:

SECTION 1.

The Town Council hereby amends the Administrative Code by repealing §241-27, Personnel Board.

SECTION 2.

The Town Council hereby amends Chapter 242, Personnel, as follows:

By striking the phrase “Personnel Director” wherever it appears in §§242-5, 242-6 and 242-7 and substituting in place thereof the phrase “Human Resources Director”.

By striking the phrase “Personnel Board and” where it appears in §242-5B(2), §242-7A and §242-7B.

By striking the phrase “and the Personnel Board” in §242-6A.

By striking §242-3 and §242-4 in their entirety and sequentially renumbering the remaining sections under Chapter 242.

SECTION 3.

The Town Council hereby amends Chapter 401, Article VIII, Personnel Regulations as follows:

By striking the word “Personnel” wherever it appears in Chapter 401, Article VIII, Personnel Regulations, of the Barnstable Code and by substituting in place thereof the phrase “Human Resources” except under 401-82B and §401-97B(2)-(4).

By striking the phrase “except for persons under the control of the School Committee” in §401-81H.

By striking the phrase “Personnel Board” and substituting in place thereof the phrase “ Human Resources Director” in §401-82B.

By adding the phrase “to the Human Resources Department” at the end of the second sentence in §401-83.

By striking out the definition of “Personnel Board” in its entirety under §401-84.

By striking §401-85B in its entirety and substituting in place thereof the following:

“B.

Administration of classification plan. Each classified position is allocated to a grade. The Human Resources Director is responsible for classifying all positions. The Human Resources Director will recommend changes to the Town Manager for approval. When a new position is established or when a position has changed substantially as to the kind and/or level of work, the Town Manager, a department manager, an employee, or a recognized labor union may initiate a request for a change in classification by submitting a written request to the Human Resources Department accompanied by a position description questionnaire. The Human Resources Director shall document any changes in the position, its duties and/or responsibilities, evaluate the position and shall make a recommendation concerning the reclassification request to the Town Manager. The Town Manager's decision concerning the classification or reclassification request shall be final.”

By striking the phrase “Town Accountant” and substituting in place thereof “Finance Director” in §401-85C.

By striking the second sentence of §401-88A in its entirety.

By striking the first sentence under §401-89D(1)(a) and substituting in place thereof “The vacation accrual for the calendar year in which employees were hired will be as follows:”

By striking the number “five” under §401-89D(4) and substituting in place thereof the number “ten”.

By striking the phrase “Effective July 1, 1998” under §401-89E(4)(b) and by capitalizing the word “After” which follows the stricken phrase.

By striking the phrase “Effective January 1, 2016” under §401-89E(7) and by capitalizing the word “An” which follows the stricken phrase.

By striking the phrase “Effective July 1, 1998” under §401-89G(2) and by capitalizing the word “Upon” which follows the stricken phrase.

By adding the following subsections under §401-89J (1)(a):

“[4]

To care for covered service members and veterans who incurred a serious illness or injury in the line of duty; or

[5]

Any “qualifying exigency” arising out of the fact that a covered military member serving in the National Guard, Reserves, or Regular Armed Forces, called to active duty status in support of a contingency operation. Exigency defined as short notice deployment (limited to 7 calendar days from notice); military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation (limited to 5 days from FMLA leave per leave), post deployment activities (up to 90 days from end of deployment)., additional activities agreed to by the Town and employee.”

By striking the second sentence under §401-90B(4)(b).

By striking the phrase “Personnel Director under §401-90D(1)(b)(2) and substituting in place thereof the phrase “department manager or their designee.”

By adding the phrase “or their designee under §401-90D(3)(a).

By adding the phrase “that requires a pre-employment physical” after “position” under §401-90D(4).

By striking the sentence fifth sentence under §401-92D(2) which currently reads: “The Personnel Director shall make every effort to conduct an exit interview with each employee who resigns and will verify the employee's reasons for leaving.”

By striking the phrase “and be removed two years after the appraisal year” under §401-

By striking the “Effective July 1, 1998 under §401-94D(2).

By striking “Personnel Board” under §401-97B(2)-(4) and substituting in place thereof “Human Resources Director.”

By striking §401-79 Personnel Board in its entirety and sequentially renumbering the remaining sections in Chapter 401, Article VIII

SPONSOR:

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-155
INTRO: 06/07/18

SUMMARY

TO: Town Council
FROM: Appointments Committee
DATE: June 7, 2018
SUBJECT: Elimination of the Personnel Board and the Updating of the Personnel Regulations.

ANALYSIS: The duties of the Personnel Advisory Board include:

1. Advise the Town Manager on problems arising in personnel management and be available to the Manager for discussion of critical personnel policy decisions.
2. Conduct any special study it deems advisable for the improvement of personnel management in the Town government.
3. Render assistance to the Town Manager in the officer's role in collective bargaining, when requested, by providing information and data in matters related to the collective bargaining process.

These duties were more necessary when the Human Resources function was provided by 2-3 employees. The increase in the size and professionalization of the Human Resources operation over the past 15-20 years has rendered most, if not all of the responsibilities of the Personnel Advisory Board redundant or no longer necessary. A testament to this is the fact the Board has not met since July of 2016 due to a lack of quorum. During that time, Human Resources has been able to provide all the necessary advice, policy development, collective bargaining work, and job evaluation without any major issues.

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-156
INTRO: 06/07/18**

**2018-156 REPEAL OF CHAPTER 241-45.2 OF THE TOWN OF BARNSTABLE
ADMINSTRATIVE CODE, RENEWABLE ENERGY COMMISSION**

ORDERED: That the Town Council hereby amends the Administrative Code by repealing Chapter 241-45.2, Renewable Energy Commission

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-157
INTRO: 06/07/18**

**2018-157 REPEAL OF CHAPTER 241-44.5 OF THE TOWN OF BARNSTABLE
ADMINISTRATIVE CODE, LAND ACQUISITION AND
PRESERVATION COMMITTEE**

ORDERED: That the Town Council hereby amends the Administrative Code by repealing Chapter 241-44.5, Land Acquisition and Preservation Committee

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM #2018-158
INTRO: 06/07/18**

**2018-158 AMEND §241-45.1A OF THE ADMINISTRATIVE CODE AMENDMENT,
HUMAN SERVICES COMMITTEE, BY REDUCING THE NUMBER OF
MEMBERS FROM NINE TO SEVEN**

ORDERED: That §241-45.1A of the Administrative Code (Composition and term of office) be amended by striking the phrase “of at least nine” in the first sentence therein and by substituting in place thereof the number “seven.”

So the first sentence of §241-45.1A would read “There shall be a Human Services Committee consisting of seven members, representing Barnstable’s diverse community.”

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-159
INTRO: 06/07/18**

2018-159 ORDER TO AMEND THE ZONING ORDINANCE TO PROHIBIT NON-MEDICAL MARIJUANA IN ALL ZONING DISTRICTS WITHIN THE TOWN OF BARNSTABLE

ORDERED: That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article I, Prohibited Uses, §240-10, is hereby amended by adding a new paragraph E as follows:

“E. All types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses.”

SPONSOR: Eric R. Steinhilber, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-159
INTRO: 06/07/18

SUMMARY

TO: Town Council
FROM: Eric R. Steinhilber, Town Council President
DATE: June 7, 2018
SUBJECT: Order to amend the Zoning Ordinance to Prohibit Non-Medical Marijuana in all Zoning Districts within the Town of Barnstable

BACKGROUND: the residents of the Town of Barnstable went to the polls on November 8, 2016 to vote on Question 4.

QUESTION 4 LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016

SUMMARY

The proposed law would permit the possession, use distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of such items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the State Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments.

The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; record keeping; health and safety standards; packing and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana business and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales excise tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law. Marijuana-related activities authorized under this proposed law could not be basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than smoking); and would permit employers to prohibit consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to person under the age of 21 would be unlawful.

The proposed law would take effect on December 15, 2016

A YES VOTE would allow persons 21 and older to possess, use and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana products.

A NO VOTE would make no changes in the current laws relative to marijuana.

ANALYSIS: The voters of Barnstable voted in the following:

Blanks votes	485
Yes vote	12,432
No vote	13,463

STAFF SUPPORT: Ruth Weil, Town Attorney

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-160
INTRO: 06/07/18**

**2018-160 CONFIRMATION OF APPOINTMENT OF MATTHEW K. SONNABEND AS
BARNSTABLE CHIEF OF POLICE**

RESOLVED: That the Barnstable Town Council hereby confirms the appointment by Town Manager Mark S. Ells of Matthew K. Sonnabend as Chief of Police

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-161
INTRO: 06/07/2018**

2018-161 ACCEPTANCE OF GRANT IN THE AMOUNT OF \$3,753,000 FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT 2017 MASSWORKS INFRASTRUCTURE PROGRAM

RESOLVED: That the Town Council does hereby accept the 2017 MassWorks Infrastructure grant award in the amount of **\$3,753,000** from the Commonwealth of Massachusetts Executive Office of Housing & Economic Development for the “Hyannis Regional Commercial Center Traffic and Pedestrian Improvement” project 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
- ___ Rationale
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2018-161
INTRO: 06/07/2018

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, AICP, Director of Planning & Development
DATE: June 7, 2018
SUBJECT: Acceptance of grant in the amount of **\$3,753,000** from the Massachusetts Executive Office of Housing and Economic Development MassWorks Infrastructure Program

BACKGROUND: The Departments of Public Works and Planning & Development successfully applied for a \$3.753 million public infrastructure grant from the Commonwealth of Massachusetts Executive Office of Housing & Economic Development MassWorks Infrastructure Program. These grant funds will provide funding to install traffic signals at the intersections of Phinney's Lane and Kidd's Hill Road and Wilkens Lane and Attucks Lane; sewer and water infrastructure on Merchant's Way (between Kidd's Hill and Business Lane); and over two miles of sidewalk on the northwest side of Independence Drive and connecting roadways.

ANALYSIS: The two intersections targeted for improvement provide primary access to key regional commercial and/or industrial areas of the Town with potential to support new or expanded business opportunities and job growth. Establishing safe and efficient multi-modal access to these areas addresses identified mobility concerns, and aims to leverage private investment in surrounding property. These improvements compliment regulatory efforts currently underway to promote investment in retail centers to increase their sustainability in the face of changes to the retail environment and to encourage the redevelopment of these properties into multi-modal economic centers.

The targeted water and sewer infrastructure improvements support an area that already hosts a number of the Town's major employers. These improvements enhance industrially zoned property in a regionally designated 'Industrial Service and Trade Area'. Proactive public investment in the area's infrastructure is intended to support new and existing land uses that generate year-round jobs and accommodate major projects that may be required to undergo Development of Regional Impact review.

Further, this project aligns with a proposed extension of the Cape Cod Rail Trail, a regional bikeway and shared use path. This project will connect new residents of the area to this regional amenity through safe and dedicated pedestrian accommodations.

FISCAL IMPACT: Matching funds for this grant were provided from Cape Cod Commission Development of Regional Impact mitigation funds.

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

STAFF ASSISTANCE: Daniel Santos, Director of Public Works; Amanda Ruggiero, Assistant Town Engineer; Elizabeth Jenkins, Planning & Development Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-162
INTRO: 06/07/18**

2018-162 APPROVE THE CONSERVATION RESTRICTION BETWEEN BARNSTABLE LAND TRUST, INC. (GRANTOR) AND THE COMPACT OF CAPE COD CONSERVATION TRUSTS (GRANTEE)

RESOLVED, that the Town Council approve the Conservation Restriction between Barnstable Land Trust, Inc. (grantor), and The Compact of Cape Cod Conservation Trusts (grantee), over approximately 4.07 acres of land on 0 Peppercorn Lane, Map 16 Parcel 029 Lot 002, and 35 Peppercorn Lane, Map 16 Parcel 029 Lot 001, for the purposes of preserving open space, water quality, and rare species habitat.

SPONSOR: Councilor Jessica Rapp Grassetti, Precinct 7

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-162
INTRO: 06/07/18

SUMMARY

TO: Town Council
FROM: Janet Milkman, Barnstable Land Trust; Mark Robinson, Compact of Cape Cod Conservation Trusts
DATE: June 07, 2018
SUBJECT: Conservation Restriction to be held by The Compact of Cape Cod Conservation Trusts over approximately 4.07 acres of land on Peppercorn Lane, Cotuit

SUMMARY: This item has been placed on the agenda for the Council's approval of a Conservation Restriction (CR) to be granted by Barnstable Land Trust, Inc. (BLT) and held by the Compact of Cape Cod Conservation Trusts covering 4.07 acres, more or less, on Peppercorn Lane in Cotuit.

BACKGROUND: The Pozen family intends to donate two wooded, environmentally-significant lots in Cotuit to the Barnstable Land Trust, Inc. (BLT). The State has determined that this land gift is eligible for the landowners to receive a State Conservation Land Tax Credit for their donation. The tax credit program requires that a separate non-profit hold a conservation restriction to further protect the land for conservation in perpetuity. All CRs held by non-profits must be approved by the Town (and the State) under G.L. Ch. 184, ss. 31-33. Town Council action is needed for the Town to approve the CR and the family to receive their tax benefits for the donation.

ANALYSIS: This proposed conservation restriction conforms to the Open Space Policy of the Town, adopted in 1981, which "encouraged grants of conservation restrictions" which yielded "benefits to the Town," and furthers the Town of Barnstable's 2018 Update to its Open Space Plan. Specifically, the Conservation Restriction offers the following public benefits and will:

- prevent disturbance of wetlands (white cedar swamp across Peppercorn Lane),
- preserve upland forest,
- preserve open space,
- preserve important natural habitats of fish, wildlife or plants, (potential vernal pool)
- prevent construction on land of natural resource value

APPROVALS: The Conservation Commission voted its approval on May 1, 2018. Land Acquisition and Preservation Committee voted to recommend the Conservation Restriction to Town Council on April 9, 2018.

FISCAL IMPACT: The two lots are to be donated to the tax-exempt Barnstable Land Trust before the conservation restriction gets recorded. The CR does not affect the tax valuation since the land will be exempt as owned by a conservation non-profit for its charitable purpose.

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-163
INTRO: 06/07/2018**

2018-163 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES TO CREATE A CANNABIS OVERLAY DISTRICT-A AND CANNABIS OVERLAY DISTRICT-B AND DISTRICT REGULATIONS FOR ESTABLISHING AND OPERATING REGISTERED RECREATIONAL MARIJUANA DISPENSARIES

ORDERED:

Section 1.

That Chapter 240, Article III of the Zoning Ordinance is hereby amended by adding a new Section 240-30.1 "Cannabis Overlay Districts" as follows:

§240-30.1 Cannabis Overlay Districts.

- A. District established. A Cannabis Overlay District (COD) is hereby established and shall be considered as superimposed over any other districts established by this chapter in two areas, COD-A and COD-B, and is shown as an overlay on the Official Zoning Map established pursuant to § 240-6, Zoning Map, herein.
- B. Purpose; applicability; use.
- (1) Purpose. To provide for the location of Medical Marijuana Treatment Centers (MMTC) and Recreational Marijuana Establishments (RME), as defined herein, in accordance with Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017 and G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, in locations suitable for lawful MMTCs and RMEs and to minimize adverse impacts of MMTCs and RMEs on adjacent properties, residential neighborhoods, historic sites, schools and other locations where minors congregate by regulating the siting, design, placement, security, modification and removal of MMTCs and RMEs.
 - (2) Applicability. The cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution, or dispensing of marijuana is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted under this section.
 - (3) Use. Within the COD-A, licensed Medical Marijuana Treatment Centers (MMTC) and Recreational Marijuana Establishments (RME) may be permitted as a conditional use, provided a special permit is first obtained from the Zoning Board of Appeals. Within the COD-B, only non-retail Recreational Marijuana Establishments (RME) may be permitted as a conditional use, provided a special permit is first obtained from the Zoning Board of Appeals. All special permits granted under this section shall be subject to the provisions of §240-125C and §240-24.1.2.E. (as applicable) herein and subject to all additional standards and conditions of this section.
- C. Definitions. Any term not specifically defined herein shall have the meaning as defined in Massachusetts General Laws Chapter 94G, §1, and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana.

CANNABIS OR MARIJUANA OR MARIHUANA - All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

MEDICAL MARIJUANA TREATMENT CENTER - Also known as a Registered Marijuana Dispensary (RMD), a not-for-profit entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

RECREATIONAL MARIJUANA ESTABLISHMENT – Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA CULTIVATOR – An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

RECREATIONAL MARIJUANA ESTABLISHMENT, CRAFT MARIJUANA COOPERATIVE – A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA PRODUCT MANUFACTURER – An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA RETAILER – An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

RECREATIONAL MARIJUANA ESTABLISHMENT, INDEPENDENT TESTING LABORATORY – A laboratory that is licensed by the Cannabis Control Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission;
- (b) independent financially from any Medical Marijuana Treatment Center, Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA RESEARCH FACILITY – An entity licensed to engage in research projects by the Cannabis Control Commission.

- D. Cap on the Number of Special Permits for Recreational Marijuana Retailers
Pursuant to MGL c. 94G §3(a)(2), the number of Recreational Marijuana Retailers shall be limited to three (3) establishments in Town of Barnstable to be located in COD-A only, which is fewer than 20 per cent of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL c. 138 §15
- E. On-Site Consumption. On-site consumption of recreational marijuana products at MMTCs or RMEs shall be prohibited unless permitted by a local ballot initiative process, as allowed by MGL 94G §3(b).
- F. Requirements for Recreational Marijuana Establishments and Medical Marijuana Treatment Centers. Recreational Marijuana Establishments and Medical Marijuana Treatment Centers shall comply with the following requirements:
- (1) General
- (a) MMTCs and RMEs shall comply with applicable State and local laws, regulations, ordinances, codes, conditions and agreements with the Town, including, but not limited to, Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, M.G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017 and M.G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, the Town of Barnstable’s General Ordinances, the Town of Barnstable’s Zoning Ordinances, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the MMTCs and RMEs (including, but not limited to, the Town’s Zoning Board of Appeals special permit), and agreements between the MMTC or RME and the Town, including host community agreements.
 - (b) MMTCs and RMEs shall maintain all permits and licenses required by State and local laws. Any voiding of the Cannabis Control Commission’s or Department of Health’s license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Department of Health or Cannabis Control Commission approval), and any revocation or suspension of the Recreational Marijuana Establishment’s Cannabis Control Commission license shall result in an automatic suspension of the special permit pending hearing or the opportunity therefore afforded to the MMTC or RME and pending further determination by the Zoning Board of Appeals.
 - (c) All taxes and charges owed to the Town must be paid on a current basis. Failure to pay all taxes and charges shall be subject to the provisions of Chapter 121 of the Barnstable Code and all other available legal remedies.
 - (d) An approved Host Community Agreement shall be required prior to granting a Special Permit for a Recreational Marijuana Establishment and Medical Marijuana Treatment Centers.
 - (e) Dimensional requirements. Except where it is explicitly stated otherwise in this section, MMTCs or RMEs shall conform to the dimensional requirements applicable within the underlying and other overlaying zoning districts.
 - (f) Parking. The required number of parking spaces for a MMTC registered marijuana dispensary or a RME, Marijuana Retailer shall be one space for every 200 square feet of gross floor area; and one space for every 700 square feet of gross floor area for any type of MMTCs except marijuana dispensaries or RMEs except Marijuana Retailers. The Zoning Board of Appeals shall also rely on the recommendation of Site Plan Review.
 - (g) Loading. The Zoning Board of Appeals may require loading bays based on the recommendation of site plan review and/or based on the needs of the proposed use.
 - (h) Landscaping. For MMTCs or RMEs in the COD-A, Landscape requirements in the underlying zoning district shall apply. For MMTCs or RMEs in the COD-B, §240-53. Landscape requirements for parking lots shall apply.
 - (i) Landscape Buffers. The landscape setback from any residential property line shall be 20 feet. Landscape buffers shall be densely landscaped with a combination grasses, tress, and shrubs providing year-round screening.

- (j) Signage. For MMTCs or RMEs in the COD-B, signage shall not exceed two signs, the total area of which shall not exceed 24 square feet. No part of any freestanding sign shall exceed six feet above existing average grade. External illumination of signage may be permitted only during actual hours of businesses. In the COD-A, the signage requirements of the underlying zoning district pursuant to Article VII of this chapter shall apply. The Zoning Board of Appeals may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.
- (k) Groundwater Protection. Uses and development in the COD-A and COD-B shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts as applicable.

(2) Operational Requirements

- (a) All MMTC or RME's licensed operations shall be conducted within a building at a fixed location.
- (b) No MMTC or RME shall allow cultivation, processing, manufacture, sale or display of Marijuana or Marijuana Products to be visible to the public without the use of binoculars, aircraft, or other optical aids.
- (c) MMTCs and RMEs may cultivate, process, test, store and manufacture Marijuana or Marijuana Products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the MMTC or RME to access the area.
- (d) The hours of operation for a RME shall be those conditioned by the RME's special permit. The hours of operation of MMTC or RME Retailer shall be limited to the hours between 8:00 a.m. to 8:00 p.m.
- (e) MMTCs and RMEs shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.
- (f) MMTCs and RMEs shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.
- (g) MMTC and RME operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the MMTC or RME, or in use of Marijuana in any manner that violates State or local law.
- (h) MMTC and RME operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties.
- (i) MMTCs and RMEs shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, or into a wastewater treatment system or in any other manner that may contaminate the groundwater and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of any adjoining use or property.
- (j) MMTCs and RMEs shall be required to remove all Marijuana and Marijuana Products by the earlier of: prior to surrendering its State-issued license; or within six (6) months of ceasing operations.
- (k) MMTCs and RMEs are prohibited from use of on-site self-service displays. Self-service displays are defined to mean displays from which customers may select Marijuana or Marijuana Products without assistance from an employee or store personnel, and include vending machines.
- (l) MMTCs and RMEs must display a sign legible from the exterior of the building in which the MMTC or RME is located either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Must be 21 years or older and show identification to enter this establishment."
- (m) Solid and liquid waste, including waste composed of or containing marijuana, finished marijuana, Marijuana-Infused Product, or byproducts of marijuana processing shall be stored, secured, managed, and disposed of in accordance with State Law and all other applicable statutes and ordinances and regulations of the Town.

(3) Security-Specific Requirements

- (a) MMTCs and RMEs shall submit and receive the approval of the Barnstable Police Department for its required security and emergency procedures, including a disaster plan, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures,

police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment.

- (b) Lighting shall be designed and maintained so as to protect adjacent properties from intrusive lighting; however, in accordance with State Law, the exterior perimeter of MMTCs and RMEs shall be sufficiently lit to facilitate surveillance.
- (c) MMTCs and RMEs shall secure every entrance so that access to areas containing the storage of Marijuana products are restricted to employees and others permitted by the MMTC or RME to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents and emergency personnel.
- (d) MMTCs and RMEs shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.
- (e) MMTCs and RMEs shall file an emergency procedures, including a disaster plan, with the Town's Fire, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified
- (f) Landscaping shall be in compliance with the requirements set forth herein, except that in accordance with State Law, MMTCs and RMEs shall maintain trees, bushes, and other exterior vegetation so that they do not allow for a person or persons to conceal themselves from sight.

(4) Access to Premises and Information/Reporting/Record-Keeping

- (a) MMTCs and RMEs shall be subject to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police and applicable Fire Department on week-days between 8:00 a.m. to 5:00 p.m. to determine the MMTC or RME's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this section. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the MMTC or RME. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.
- (b) MMTCs and RMEs shall cooperate and comply with requests for information made by the Building Commissioner or designee, including agents from the Planning & Development, Building, Health, Police, Fire and Public Works Departments.
- (c) Within twenty-four (24) hours of receipt of notice of it, MMTCs and RMEs shall file with the Town Manager, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis Control Commission and Massachusetts Department of Public Health) regarding the MMTC or RME, the Cannabis Control Commission license, or the Department of Public Health Certificate of Registration.

(5) Additional Location Requirements for MMTCs and RMEs,

- (a) No MMTC or RME shall be located within 500 feet, as measured from each lot line of the subject lot, or the following preexisting uses: K-12 educational use; childcare center; or children's camp.

G. Site Plan Review for MMTCs and RMEs. MMTCs and RMEs shall be subject to Article IX, Site Plan Review, §240-102.

H. Special Permits. The following apply to special permits to operate a MMTC or RME.

- (1) Application requirements: Applicants shall include with their special permit application:

- (a) Copies of any required licenses and permits relating to the operation of the MMTC or RME, or, if an application for a required license or permit is pending, a copy of the application.
 - (b) Evidence of the applicant right to use the proposed site as an MMTC or RME, such as a deed, lease or purchase and sales agreement.
 - (c) A copy of the Site Plan Review Approval.
 - (d) A description of the security measures, required by this section, approved by Barnstable Police Department and MDPH or CCC for the MMTC or RME, as applicable.
 - (e) A copy of emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, approved by MDPH or CCC for the MMTC or RME, as applicable.
 - (f) A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between MMTC or RME, as applicable.
 - (g) A copy of proposed waste disposal procedures.
 - (h) Proof of liability insurance that is in accordance with 105 CMR 725.105(Q) or any applicable regulations promulgated by the CCC.
 - (i) Any waivers from MDPH or the CCC regulations issued for the MMTC or RME, as applicable.
 - (j) A copy of the Community Host Agreement.
 - (k) Any other materials requested by the Special Permit application form, as well as any other additional materials the Planning and Development Department determines is necessary for review, such as Department reports or transportation studies or a license application.
- (2) Special permit criteria, The Zoning Board of Appeals, subject to the provisions of §240-125C. shall not approve any application for a special permit unless it finds that in its judgment all of the following conditions are met:
- (a) That the MMTC or RME has demonstrated compliance with or the ability to comply where the requirements are prospective with all of the General Requirements set forth in this section.
 - (b) That the MMTC or RME has an approved Host Agreement.
 - (c) That the MMTC or RME has a security and public safety plan approved by the Barnstable Police Department.
 - (d) Issuance of the special permit would not contravene the cap on the number of special permits that may be granted to Recreational Marijuana Retailers (see subsection 4 of this section).
 - (e) The location is compliant with this section in its entirety.
 - (f) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
 - (g) Traffic generated by client trips, employee trips, and deliveries to and from the MMTC or RME shall not create a substantial adverse impact on nearby residential uses.
 - (h) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises for an MMTC or RME, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing MMTC or RME location or transfer of an existing license to a new owner shall require a new Special Permit pursuant to the Barnstable Zoning Ordinance.

I. Revocation

In accordance with 105 CMR 105(O), Requirements Upon Expiration, Revocation or Voiding of Certificate of Registration of RMD, should DPH take action under this section, the special permit for a MMTC shall be null and void.

J. Implementation

This section shall not be implemented in a manner that conflicts or interferes with the operation of M.G.L. c. 94G, 94I or the regulations promulgated thereunder, including 935 CMR 500.

K. Severability

The provisions of § 240-30.1 are severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Section 3

That the official zoning map of the Town of Barnstable is hereby amended by adding the Cannabis Overlay District-A (COD-A) and Cannabis Overlay District (COD-B) as shown on the maps entitled:

- “Proposed Amendment to the Town Zoning Map Creating the Cannabis Overlay District”
 - “Proposed Amendment to the Hyannis Zoning Map Creating the Cannabis Overlay District”
 - “Proposed Amendment to the Barnstable Zoning Map Creating the Cannabis Overlay District”
 - “Proposed Amendment to the Marstons Mills Zoning Map Creating the Cannabis Overlay District” and
 - “Proposed Amendment to the Osterville Zoning Map Creating the Cannabis Overlay District”
- dated June 1, 2018, as prepared by the Town of Barnstable GIS Unit.

Section 4

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended adding “Cannabis Overlay District-A” and “Cannabis Overlay District-B” under Overlay Districts.

SPONSORS: Britt Beedenbender, Town Councilor Precinct 4; Jennifer Cullum, Town Councilor Precinct 13; Paula K. Schnepf, Town Councilor Precinct 12

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-163
INTRO: 06/07/2018

SUMMARY

TO: Town Council
FROM: Britt Beedenbender, Town Councilor Precinct 4; Jennifer Cullum, Town Councilor Precinct 13; Paula K. Schnepp, Town Councilor Precinct 12
DATE: June 7, 2018
SUBJECT: Adult Use Cannabis A Responsible Plan that Capitalizes in Economic Opportunities

RATIONALE: In 2016 voters in the Commonwealth of MA approved a ballot measure to legalize adult-use cannabis. In the Town of Barnstable there was almost an even split with 6 out of 7 precincts voting yes, with Precinct 11 missing a majority yes vote by 3.

Adult use cannabis is legal in Massachusetts. You can possess it, you can consume it and you can grow it. Citizens should be able to buy it legally as well and the state has left it to municipalities to determine how, where and in what manner. Prohibiting legal sales will guarantee a market of unsafe, untested product sold by unlicensed dealers who don't check IDs and don't pay taxes. Like Prohibition 100 years ago, marijuana forced lots of untaxable, unregulated transactions into the shadows and the wrong people were enriched.

We can ignore the fact that the state has legalized adult-use or we can be pro-active and thoughtful in how we zone, tax and regulate it. Through this process we will plan for growth, generate new dollars, lessen the impact of the black market and ensure quality and safety through regulation.

Responsible adults want access to adult-use cannabis and the economic opportunities that come with it.

Attached is a proposal for zoning along with a by-law that allows for adult-use cannabis in the Town of Barnstable. Approving this measure would position Barnstable as a leader on this issue as it recognizes the myriad of opportunities this industry can offer and in doing so is planning for growth and for the future of Barnstable.

Approving this measure is in alignment with a number of priority areas in the Town of Barnstable's Strategic Plan.

1. Finance

Goal: Provide a viable financial plan for meeting the operational and capital needs of the town with a balanced budget that includes ongoing cost reductions, maintaining reserves, and aggressively pursuing new growth dollars and revenue sources.

In 2017 the legal cannabis industry generated \$9 billion in revenue, \$1.4 billion in taxes and 121,000 jobs. In Eagle County, CO, a resort community similar to the Town of Barnstable, adult use cannabis generated about \$14M last year in adult-use sales which equates to \$415,000 in tax revenue based on 3% rate.

Several revenue opportunities exist if Barnstable approves this measure. State law requires that marijuana establishments execute host community agreements with municipalities in which they operate. Agreements may include a community impact fee of up to 3% gross sales. SIRA

Naturals in Milford just agreed to a deal that plans for 5 annual payments of \$250,000 to the town to go toward mitigating any impacts the facility could have and towards improving public health safety and security. Barnstable may also accept the local sales tax option and collect an additional 3% on retail sales of cannabis. In addition to new revenue opportunities through fees and sales, Barnstable stands to gain from gross dollars and employment opportunities from the creation of viable new businesses in our town.

2. Economic Development

Goal: Town Council and Town Manager to support and grow a vibrant economy with a diversity of businesses, both for-profit and non-profit, and a strong labor force.

The adult-use cannabis industry will offer year-round skilled and unskilled jobs to Cape Codders. These jobs include growers, technicians, bakers, researchers and systems specialists. As an example, SIRA Naturals in Milford employs 65 people who make between \$32,000-\$90,000. Additional opportunities exist for training and education in agricultural practices, plant science and systems management.

Cannabis businesses retain workers and utilize services from a wide variety of collateral sectors, such as construction, engineering, security, legal, insurance, real estate, and retail. Colorado's regulated cannabis market generated \$2.4 billion in overall economic activity in 2015. Tourism, jobs, real estate, education and tax revenue have all seen dramatic increases.

3. Public Health and Safety

Goal: Protect and promote the health, safety, and high quality of life of all town residents and visitors.

We cannot control users but we can control how they obtain their product, through a regulated and safe establishment that guarantees that the product is safe, tested and taxed. Our residents and our visitors deserve that option if they so desire.

Providing access to adult-use cannabis to responsible adults will diminish access and use by teens. In 2016 the Healthy Kids Colorado Study found that teens found marijuana harder to obtain because the legal market reduces the base for dealers. Studies in both CO and WA conducted after legalization found use decreased amongst youth.

Opioid use is a problem in our community and adult-use cannabis can be used successfully to reduce use and impact. Several recent studies have shown a decrease in opioid use in states that have legalized cannabis, and that cannabis can be used as a tool to decrease opioid use overall as either an alternative pain management or as a treatment for addiction.

A strategy included under this Goal was to "develop and implement a substance use prevention plan in collaboration with key stakeholders." Revenue from adult-use cannabis through a Community Host Agreement would provide funds to support this goal and to develop an education and prevention plan that is developed in collaboration with community stakeholders working on substance use from a range of perspectives.

Adult-use cannabis needs to be legitimized. It's not good for social cohesion as minorities are disproportionately criminalized and law-abiding citizens are asked to move into the shadows and procure cannabis from dealers. Law-abiding citizens should be able to access marijuana, as they do

alcohol and cigarettes, from legitimate sources to ensure quality and safety, and should not feel stigmatized for it.

This by-law provides a road map by which we can plan, regulate and tax this emerging industry.

The investments being made by the state have created an opportunity for us. There are responsible adults in our community who would like reliable access to locally-sourced cannabis - cannabis that is accurately labeled and predictable in its potency, cannabis that is tested for safety from undesirable contaminants, cannabis that does not sustain illegal black markets. When responsible adults purchase these products, they generate legitimate tax revenue and they create jobs for the retailers, the manufacturers, the laboratory technicians and local farmers...*who deserve this opportunity.*

This is the future and we should not run from it.

STAFF SUPPORT: Britt Beedenbender, Town Councilor Precinct 4; Jennifer Cullum, Town Councilor Precinct 13; Paula K. Schnepf, Town Councilor Precinct 12

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

ITEM # 2018-164
INTRO: 06/07/18

2018-164 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Board of Assessors:** William Garreffi, 22 Thornberry Lane, Centerville as a regular member to a term expiring 06/30/2021; **Board of Health:** John Norman, 1625 Old Post Road, Marstons Mills as a regular member to a term expiring 06/30/2021; **Planning Board:** Steven Costello, 255 Scudder Road, Osterville, as a regular member to a term expiring 06/30/2021; **Sandy Neck Board:** Ann Canedy, 70 Van Duzer Road, Cummaquid as a regular member to a term expiring 06/30/2021; Robert Lovell, 12 New London Ave, Marstons Mills as a regular member to a term expiring 06/30/2021; Thomas O'Neill, 58 Holway Drive, West Barnstable as a regular member to a term expiring 06/30/2021

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-165
INTRO: 06/07/18**

2018-165 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Cultural Council:** Kimberly Rumburger as a regular member to a term expiring 06/30/2021; Georgia Kreth as a regular member to a term expiring 06/30/2021

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B.NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-166
INTRO: 06/07/18**

2018-166 ADMINISTRATIVE CODE AMENDMENT- TERM LIMITS FOR CHAIRS OF MULTIPLE MEMBERS BOARDS, COMMITTEES AND COMMISSIONS

ORDERED:

Section 1.

That §241-8E of the Administrative Code be amended by adding the following sentence after the first full sentence contained therein: “No Chair shall serve more than three (3) consecutive terms.” So that §241-8E shall read:

- E. Multiple-member board internal organization. Each multiple-member board shall, at a minimum, annually elect from its membership a chair, vice chair and clerk. Boards may further elect a treasurer, and such other officer or officers as are deemed necessary or as is required by statute. No Chair shall serve more than three (3) consecutive terms. The annual election shall occur in July of each year, or as near after appointment of new members by the Town Council. The Town Council shall be notified of the officers of the board upon their election. The chair shall preside over all meetings of the board, and shall be the official representative of the board in all proceedings before the Town Council and other officials of the Town. The vice chair shall perform the chair's functions, in the absence of the chair. The clerk shall be responsible for the certification of the board's meeting minutes, observance of the public records law, and maintenance of other records of the board.

Section 2.

That this amendment shall take effect on July 1, 2018.

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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