



# Town of Barnstable Town Council

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## MEETING AGENDA TOWN HALL HEARING ROOM January 17, 2019 7:00 PM

### Councilors:

James H. Crocker Jr.  
President  
Precinct 5

John G. Flores  
Vice President  
Precinct 1

Eric R. Steinhilber  
Precinct 2

Paul Hebert  
Precinct 3

Britt Beedenbender  
Precinct 4

Paul C. Neary  
Precinct 6

Jessica Rapp Grassetti  
Precinct 7

Debra S. Dagwan  
Precinct 8

James M. Tinsley  
Precinct 9

Matthew Levesque  
Precinct 10

Philip N. Wallace  
Precinct 11

Paula Schnepf  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

### 1. ROLL CALL

### 2. PLEDGE OF ALLEGIANCE

### 3. MOMENT OF SILENCE

### 4. PUBLIC COMMENT

### 5. COUNCIL RESPONSE TO PUBLIC COMMENT

### 6. TOWN MANAGER COMMUNICATIONS

#### • **Presentation on Chapter 337 of the Acts of 2018-An Act Regulating and Insuring Short-Term Rentals**

- Ryan Castle, CEO, Cape and Islands Association of Realtors:  
Property Owners' Obligations
- Mark Milne, Director of Finance  
Summary of Key Points of Act Affecting Municipalities and  
Municipal Actions
- Elizabeth Jenkins, Director of Planning and Development  
Local Regulatory Considerations

### 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: February 7, 2019**

Original posted on 1/15/19@1:24pm.  
Update on 1/16/19@ 11:15 to add  
Items 2019-083; 2019-084; 2019-085

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Approve Minutes –January 3, 2019

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**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

**A. OLD BUSINESS (Roll call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-042**

**INTRO: 11/01/2018, 11/15/18, 12/06/18, 01/17/19**

**2019-042 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES TO EXPAND THE HIGHWAY BUSINESS DISTRICT**

**ORDERED:** That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

**Section 1.**

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable, Massachusetts, is hereby amended by expanding the Highway Business (HB) District as shown on the maps entitled:

- “Proposed Amendment to the Town Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Centerville Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Hyannis Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Osterville Zoning Map Expanding the Highway Business District in Centerville and Hyannis.”

all dated October 26, 2018, as prepared by the Town of Barnstable GIS Unit.

**Section 2**

That Chapter 240, Article III, § 240-26 "Highway Office" of the Zoning Ordinance is hereby deleted.

**Section 3**

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended by striking the Office Districts section and the associated “Highway Office District.”

**SPONSORS:** Zoning & Regulatory Committee members

DATE	ACTION TAKEN
<u>11/01/18</u>	<u>Refer to Joint Public Hearing with the Planning Board on 11/15/18</u>
<u>11/15/18</u>	<u>Opened and Continued to a Joint Public Hearing with the Planning Board 12/06/18</u>
<u>12/06/18</u>	<u>Public Hearing closed/ Continued to 01/17/19</u>
<input type="checkbox"/>	Read Item
<input type="checkbox"/>	Motion to Open Public Hearing
<input type="checkbox"/>	Rationale
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Close Public Hearing
<input type="checkbox"/>	Council Discussion
<input type="checkbox"/>	Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2019-042**

**INTRO: 11/01/2018, 11/15/18, 12/06/18, 01/17/19**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Town Council Zoning & Regulatory Committee  
**DATE:** November 1, 2018  
**SUBJECT:** Amending Chapter 240, Article III, of the Zoning Ordinances to Expand the Highway Business District

**RATIONALE:** This proposed amendment to Highway Business District boundaries would expand the commercial zoning in areas along the Route 28 corridor, the West Main Street corridor and around the West End Rotary in the Villages of Centerville and Hyannis. The areas to be rezoned feature preexisting nonconforming uses; zoning district boundaries that do not match parcel boundaries; and/or other locations where infill development potential may exist.

This map amendment is presented concurrently with proposed comprehensive changes to the Highway Business District. This amendment would rezone the entirety of the land area currently zoned HO Highway Office to Highway Business, and thus the HO District is proposed to be repealed with this amendment.

The proposed amendments to the district boundary received a favorable recommendation from the Town Council Zoning and Regulatory Subcommittee members in attendance at the meeting on October 18, 2018 listed as sponsors herein.

**STAFF ASSISTANCE:** Elizabeth Jenkins, Director of Planning & Development

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-064  
INTRO: 12/20/18, 01/17/19**

**2019-064 AMEND ZONING ORDINANCE, ARTICLE III. DISTRICT REGULATIONS, § 240-39(K) SIGNS IN THE SHOPPING CENTER REDEVELOPMENT OVERLAY DISTRICT (SCROD)**

**ORDERED: Section 1.**

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section D, Definitions be amended to strike the definition of MAJOR STORE: “MAJOR STORE - A store having 50,000 or more contiguous square feet of gross floor area occupied by a single tenant or occupant and operated under a single trade name.”

**Section 2.**

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (1)(c), be amended to replace “150 square feet” with “170 square feet”, so the subsection reads: (c) Maximum area: not to exceed 170 square feet per side exclusive of structures holding the sign. Reasonable efforts shall be exercised to minimize the size of any such supporting structures.

**Section 3.**

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (2), be struck in its entirety and replaced with the following:

Wall signs identifying retail stores or restaurants having gross leasable area of greater than 25,000 square feet or having exterior public entrances; the food court; and the regional shopping center, provided that no wall sign shall extend higher than the top of the parapet wall:

(a) Maximum letter height: five feet for signs accessory to anchor and major stores, and four feet for other such signs. This letter height restriction shall not apply to emblems, logos, or other designs associated with the sign display.

(b) Maximum area:

[a] Anchor stores (for each tenant with a gross leasable area of 45,000 sq.ft or more): The maximum sign area for any one display shall not exceed 200 sq.ft for the first sign; the maximum sign area for any additional display shall be 150 sq.ft. There shall only be one sign display per eligible elevation. An additional sign allowance of 30 sq.ft shall be provided for entrance door and awning signs.

[b] Major stores (for each tenant with a gross leasable area of 12,000 sq.ft or more): The maximum sign area for any one display shall not exceed 120 sq.ft. There shall only be one sign display per eligible elevation. An additional sign allowance of 15 sq.ft shall be provided for entrance door and awning signs.

[c] In-Line store (for each tenant with an exterior entrance): The maximum sign area for any one display shall not exceed 50 sq.ft for tenants with storefronts less than 50 linear feet in length. An additional square foot of sign area shall be allowed for each linear foot of storefront above 50; the maximum sign area for any one display shall not exceed 75 square feet. There shall only be one sign display per tenant. An additional sign allowance of 10 sq.ft shall be provided for entrance door and awning signs.

[d] Mall entrances: The maximum sign area for any one display shall not exceed 50 sq.ft. There shall only be one sign per each eligible mall entrance.

**Section 4.**

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (7) pertaining to electronic reader boards be struck in its entirety and subsequent subsections shall be renumbered (7) through (11).

**SPONSOR:** Vice President James H. Crocker, Jr., Councilor Precinct 5; James M. Tinsley, Councilor Precinct 9

DATE	ACTION TAKEN
<u>12/20/18</u>	<u>Refer to Planning Board</u>

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2019-064**  
**INTRO: 12/20/2018**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Michael J. Ford, Esq. Attorney for Simon Properties through Elizabeth S. Jenkins, Planning & Development Director  
**DATE:** December 20, 2018  
**SUBJECT:** Zoning Ordinance Amendment for Wall Signs in the Shopping Center Overlay District

**BACKGROUND:** This is a proposed amendment to the Zoning Ordinance, Article III District Regulations, Section 240-39 Shopping Center Redevelopment Overlay District (SCROD), which applies to the Cape Cod Mall in Hyannis.

This request is a comprehensive amendment to the wall sign regulations in the Shopping Center Redevelopment Overlay District to address the tenant and associated façade changes planned for the mall façade facing Route 132. Simon is proposing to backfill the former Sears space with Target, introduce a second major anchor tenant, and reconfigure the “in-line” tenant spaces. The proposed changes will result in a façade renovation that creates a greater exterior presence for the smaller tenants. This amendment updates the wall sign allowances to accommodate this reconfiguration. The proposal increases the total number of wall signs allowed, with modest increases to allowed sign size. It also updates definitions to reflect the proposed new categorization of stores.

**ANALYSIS:** The freestanding sign provisions of the ordinance are proposed to be updated to increase the signage allowance from 150 sq.ft to 170 sq.ft per sign. The provision for an electronic reader boards are proposed to be eliminated. At this time, the Mall is definitively proposing to update the Route 132 signage; the Route 28 sign with the reader board is scheduled to be updated at a later date.

The Cape Cod Mall is property is subject to a Cape Cod Commission Development of Regional Impact decision and associated design guidelines, including several pertaining to signage design and illumination.

The Zoning Board of Appeals recently granted a sign variance request for the property to allow the signage scheme proposed by Target, but requested that a comprehensive sign plan, and associated regulatory changes, be put in place for future tenants. This amendment is a fulfillment of that request.

**STAFF ASSISTANCE:** Elizabeth S. Jenkins, Planning & Development



**A. OLD BUSINESS (Public Hearing) (Roll call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-065  
INTRO: 12/20/18, 01/17/19**

**2019-065 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$38,000.00  
COMMUNITY PRESERVATION FUNDS FOR ACQUISITION OF  
CONSERVATION RESTRICTION 5.92 ACRES±, 0 BUMPS RIVER ROAD,  
MARSTONS MILLS, MAP 168 PARCEL 009.**

**ORDERED:** That pursuant to the provisions of the community Preservation Act, G.L. c. 44B, the sum of Thirty Eight Thousand and NO/100 (**\$38,000.00**) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for acquisition by the Town for open space conservation and passive recreation from Barnstable Land Trust, Inc. (“BLT”) representing a portion of the total amount of \$40,300.00 needed by BLT to purchase with associated costs a vacant open space in Marstons Mills containing 5.92 acres more or less, having a street address of 0 Bumps River Road, Marstons Mills, shown on Barnstable Assessors Map 168 as Parcel 9; that a conservation restriction to be held by BLT is hereby approved in the form approved by the Land Acquisition and Preservation Committee and Town Manager subject to 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 acquisition subject to oversight by the Community Preservation Committee; and that the Town Council 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 upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
<u>12/20/18</u>	<u>Refer to Public Hearing 01/17/19</u>

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

## BARNSTABLE TOWN COUNCIL

ITEM # 2019-065  
INTRO: 12/20/18, 01/17/19

### SUMMARY

**TO:** Town Council  
**FROM:** Town Manager on Behalf of Community Preservation Committee  
**DATE:** December 20, 2018  
**SUBJECT:** Appropriation and Transfer order in the amount of **\$38,000.00** Community Preservation Funds for acquisition of conservation restriction 5.92 acres±, 0 Bumps River Road, Marstons Mills, Map 168 Parcel 009

**BACKGROUND:** The Town is seeking approval from the Town Council through the Town Manager for CPA Open Space/Recreation funds in the amount of \$38,000 for the acquisition of 0 Bumps River Road, Centerville; Map 168, Parcel 009. This funding request represents a portion of the total budget for the project of \$115,300 with a \$75,000 Massachusetts Conservation Land Tax Credit Program award to be provided and \$2,300 funded by Barnstable Land Trust. 0 Bumps River Road Centerville is a potentially developable 5.92 acre parcel of land on Mill Pond, part of the Bumps River Wetland Corridor which contains priority habitat for rare species. The Town and BLT have made a significant investment in this area and this parcel is the last remaining undeveloped lot on the west side of Mill Pond. The Land Acquisition and Preservation Committee voted unanimously in support of its acquisition. This parcel was identified by the Town as a priority acquisition property since the first Open Space Plan in the 1980s, but was not available for purchase. Acquisition of this parcel for open space/passive recreation will protect water quality and wildlife along the Bumps River, Scudder Bay and Coombs Bog and preserve a scenic view of Mill Pond from Bumps River Road, providing connection to 27 acres of Town-owned land and the opportunity for public walking trails. Protection of the parcel from development will ensure preservation of archaeological resources including artifacts, soil deposits and features in associated with ancient and historic period Native American populations. In this partnership Barnstable Land Trust will hold the conservation restriction.

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

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

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

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-070**  
**INTRO: 01/03/19, 01/17/19**

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

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

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

DATE	ACTION TAKEN
<u>01/03/19</u>	<u>Refer to Second Reading</u>
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2019-070**  
**INTRO: 01/03/19, 01/17/19**

## SUMMARY

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

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

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

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

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

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

**A. OLD BUSINESS (May be acted upon) (Roll Call 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-072  
INTRO: 01/03/19, 01/17/19**

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

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

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

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

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

**STAFF ASSISTANCE:** Mark Milne, Director of Finance

DATE	ACTION TAKEN
<u>01/03/19</u>	<u>Refer to Second Reading 01/17/19</u>

\_\_\_\_\_

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-073**  
**INTRO: 01/03/19, 01/17/19**

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

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

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

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

**STAFF ASSISTANCE:** Mark Milne, Director of Finance

DATE	ACTION TAKEN
<u>01/03/19</u>	<u>Refer to Second Reading 01/17/19</u>

\_\_\_\_\_

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

**A. OLD BUSINESS (May be acted upon) (Roll Call 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-074**  
**INTRO: 01/03/19, 01/17/19**

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

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

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

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

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

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

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

**STAFF ASSISTANCE:** Mark Milne, Director of Finance

DATE	ACTION TAKEN
<u>01/03/19</u>	<u>Refer to Second Reading 01/17/19</u>

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



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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-075**

**INTRO: 01/17/19**

**2019-075 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$250,000.00 FOR COMMUNITY HOUSING CREATION BY FRIENDS OR RELATIVES WITH AUTISM RELATED DISABILITIES, INC. (FORWARD)**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of Two Hundred Fifty Thousand and No/100 (\$250,000.00) Dollars be appropriated and transferred from the amount set aside for community housing in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the amounts appropriated for the creation by Friends or Relatives with Autism Related Disabilities, Inc. (FORWARD) of two purpose-built homes on five (5) acres of land in the Town of Dennis for eight (8) adults with autism having household incomes of less than 100% of Area Median Income (AMI) and to execute, deliver, accept and record subordinate leasehold mortgages as security for the purposes authorized herein subject to oversight by the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2019-075**

**INTRO: 01/17/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** January 17, 2019  
**SUBJECT:** Appropriation and Transfer Order in the amount of **\$250,000.00** for Community Housing Creation By Friends Or Relatives With Autism Related Disabilities, Inc. (FORWARD) at 131 Hokum Rock Road, Dennis, MA

**BACKGROUND:** Friends or Relatives With Autism & Related Disabilities (FORWARD), a non-profit organization, is seeking approval from the Town Council through the Town Manager for CPA Community Housing funds in the amount of \$250,000 in support of the construction of two purpose-built homes for 8 adults with autism on 5 acres of town-owned land in Dennis located at 131 Hokum Rock Road. Cape Abilities will operate the facility and provide 24/7 onsite services for the residents. The project is certified by the Department of Developmental Disabilities (DDS) and future residents will be selected by the Cape & Islands DDS Area office which includes Barnstable. This \$250,000 CPA funding request represents a portion of the total \$2,004,258 budget with \$1,600,000 already committed by Dennis CPC, 2 Mass grants and private giving. At the August 27, 2018 CPC meeting, the Committee voted unanimously to recommend the Application of FORWARD on its merits and to authorize the Chair to consult with the Legal Department for the development of adequate security measures for the Town's legal interest in the property.

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

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

**STAFF ASSISTANCE:** Lindsey Counsell, Chair, on behalf of the Community Preservation Committee

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-076  
INTRO: 01/17/19**

**2019-076 RESOLVE TO AUTHORIZE THE TOWN COUNCIL PRESIDENT TO DELEGATE THE RESPONSIBILITY TO SERVE AS AN EX-OFFICIO MEMBER OF ALL TOWN COUNCIL COMMITTEES TO THE VICE PRESIDENT IN THE ABSENCE OF THE PRESIDENT**

**RESOLVED**, that, pursuant to Town Council Rule 2, the Town Council hereby authorizes the Council President, James Crocker Jr., to delegate the responsibility to serve as an ex-officio member of all Town Council Committees to Council Vice President, John Flores, in the absence of the President.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-077  
INTRO: 01/17/2019**

**2019-077 ACCEPTANCE OF FISCAL YEAR 2019 MASSWILDLIFE HABITAT  
MANAGEMENT GRANT IN THE AMOUNT OF \$11,820 FROM THE  
COMMONWEALTH OF MASSACHUSETTS FOR THE WEST BARNSTABLE  
CONSERVATION AREA**

**RESOLVED:** That the Town Council does hereby accept the MassWildlife Habitat Management Grant award in the amount of **\$11,820** from The Commonwealth Of Massachusetts Division of Fisheries and Wildlife for the management of the West Barnstable Conservation Area through the use of prescribed burning and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

**SPONSOR:** Mark Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2019-077**  
**INTRO: 01/17/2019**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Darcy Karle, Administrator, Conservation  
**DATE:** January 17, 2019  
**SUBJECT:** Acceptance of Fiscal Year 2019 Masswildlife Habitat Management grant in the amount of **\$11,820** from the Commonwealth of Massachusetts for the West Barnstable Conservation Area

**BACKGROUND:** The Town of Barnstable was awarded an \$11,820 MassWildlife Habitat Management Grant. This grant supports a project to restore pitch pine-oak woodland in the West Barnstable Conservation Area through the use of prescribed burning. Ten to twenty acres of Pitch Pine-Oak Woodland will be restored with prescribed fire to prevent this habitat type from succeeding into a more mesic forest with a closed canopy. This ecosystem depends on a periodic fire regime to maintain a native plant species composition and limit non-native and undesirable species. Regular surface fires provide habitat for a variety of wildlife, maximizing native plant and wildlife species biodiversity by creating a mosaic of successional fire response stages. Without fire, large areas of pitch pine oak-woodland at West Barnstable Conservation Area will likely degrade into less suitable habitat. Habitat will be improved for both target game species and several “Species of Greatest Conservation Need”.

The grant funds contracted services to prepare for and conduct the prescribed burn, in addition to the services of the West Barnstable Fire District to oversee the project. The project must be completed by June 30, 2019.

**FISCAL IMPACT:** No funding match is required by this grant program. The Town will support this grant through the dedication of staff time for project oversight and management.

**STAFF ASSISTANCE:** Darcy Karle, Conservation Administrator

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-078  
INTRO: 01/17/2019**

**2019-078 ACCEPTANCE OF FISCAL YEAR 2019 PLANNING ASSISTANCE GRANT IN THE AMOUNT OF \$50,000 FROM THE COMMONWEALTH OF MASSACHUSETTS TO REVISE ZONING AND REGULATORY REQUIREMENTS FOR INCREASED HOUSING PRODUCTION IN DOWNTOWN HYANNIS**

**RESOLVED:** That the Town Council does hereby accept the Planning Assistance Grant award in the amount of **\$50,000** from The Commonwealth Of Massachusetts Executive Office of Energy and Environmental Affairs for the for the purpose of hiring a consultant to revise zoning and regulatory standards in Downtown Hyannis to support increased housing production that is compatible with traditional development patterns and meets a range of housing needs and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

**SPONSOR:** Mark Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2019-078  
INTRO: 01/17/2019

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Elizabeth Jenkins, Planning & Development Director  
**DATE:** January 17, 2019  
**SUBJECT:** Acceptance of Fiscal Year 2019 Planning Assistance grant from the Commonwealth of Massachusetts in the amount of **\$50,000** to revise zoning and regulatory requirements for increased housing production in downtown Hyannis

**BACKGROUND:** The Town of Barnstable was awarded a \$50,000 grant from Massachusetts Executive Office of Energy and Environmental Affairs' Planning Assistance Grant program. The funding will be used to revise zoning and regulatory requirements in Downtown Hyannis with the goal of creating a regulatory environment that encourages substantial housing production, while building on traditional neighborhood forms and the unique characteristics that give Hyannis its sense of place.

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

**ANALYSIS:** The goal the project that would be funded by this grant is to meet the housing needs of Barnstable residents while supporting a livable community that offers housing for all income ranges and household styles, transportation choices, access to jobs and basic needs, and recreation and cultural opportunities utilizing smart growth strategies that preserve the unique characteristics that gives Hyannis its sense of place.

This proposal represents a major step towards implementing the goals of Barnstable's Local Comprehensive Plan, Housing Production Plan and Growth Incentive Zone Strategic Plan by crafting revised zoning for downtown Hyannis, with a particular focus on residential development that responds to local context through form and design considerations. Current zoning allows for multi-family residential and mixed-use development, but very few units have been permitted by-right. This project will pursue revisions to the existing zoning ordinance and regulatory requirements that allow for efficient models of compact housing by-right through a code crafted to correspond with the historic development patterns of downtown Hyannis.

This project will be based on the results of a community outreach effort currently being conducted in partnership with the Cape Cod Commission (the "Community Resiliency by Design" project), which engages area residents in defining the form and character of housing types they feel are appropriate for Downtown. Comprehensive revitalization of downtown Hyannis calls for a vibrant residential base and smart growth techniques to ensure future residential development is built at a human scale. Work from Community Resiliency by Design includes community visioning sessions, local visual preference surveys, and conceptual housing designs completed by Union Studio Architects and the Commission, supported through a Fiscal Year 2018 EOEA Planning Assistance Grant.

**FISCAL IMPACT:** The 25% funding match required for this grant program is met through the in-kind contribution of staff time as well as funds from the Planning & Development operating budget which leveraged this award and Barnstable's participation in the community outreach effort that is the precursor to these anticipated regulatory changes.

**STAFF ASSISTANCE:** Arden Cadrin, Housing Coordinator, Planning & Development Paul Wackrow, Principal Planner, Planning & Development

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

**BARNSTABLE TOWN COUNCIL**

**ITEM #2019-079**  
**INTRO: 01/17/19**

**2019-079      TRANSFER ORDER OF \$50,000 TO FUND A QUALIFIED CONSULTANT TO FACILITATE PUBLIC OUTREACH AND TO REVISE AND DRAFT REGULATIONS PERTAINING TO SHORT-TERM RENTAL OF DWELLING UNITS.**

**ORDERED:** That the sum of **\$50,000** be transferred from the Town Council Reserve Fund to fund a qualified consultant to facilitate public outreach and to revise and draft regulations pertaining to short-term rental of dwelling units.

**SPONSOR:** James H. Crocker Jr., Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

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



# BARNSTABLE TOWN COUNCIL

**ITEM #2019-079**  
**INTRO: 01/17/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark Ells, Town Manager  
**THROUGH:** Elizabeth Jenkins, director of Planning and Development  
**DATE:** January 17, 2019  
**SUBJECT:** Transfer Order of \$50,000 Fund to fund a qualified consultant to facilitate public outreach and to revise and draft regulations pertaining to short-term rental of dwelling units.

**RATIONALE:** On December 28, 2018, Governor Baker signed legislation regulating the short-term rental of dwelling units in Massachusetts, commonly conducted through websites such as AirB&B and VRBO. The passage of this legislation compels a review of the Town's zoning regulations pertaining to this use. Current regulations need to be modernized and revised for consistency with the new legislation. The goal of new regulations is to ensure residents have clear understanding of what is and is not permitted when it comes to renting a dwelling; create enforceable standards that promote the safety of our residents and guests; understand the impact of the industry on our housing supply; and maintain and balance the appeal of the town as a visitor destination and quality year-round community. The requested funding will allow this effort to be expedited and conducted concurrently with the implementation of the new legislation.

**FISCAL IMPACT:** Funding this unforeseen expenditure from the Town Council Reserve Fund will allow the town to go forward immediately with the hiring of a qualified consultant to facilitate public outreach and to revise and draft regulations pertaining to short-term rental of dwelling units.

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

**STAFF ASSISTANCE:** Elizabeth Jenkins, Director of Planning & Development

**B. NEW BUSINESS (First Reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM #2019-080  
INTRO: 01/17/19**

**2019-080 AUTHORIZATION FOR THE AIRPORT COMMISSION TO ENTER INTO A FORTY-NINE YEAR LEASE FOR THE PROPERTY IDENTIFIED AS MAP 311, PARCEL 092 AND ADDRESSED AS 790 IYANNOUGH ROAD/ROUTE 132, HYANNIS, MA**

**ORDERED:** That the Town Council hereby authorizes the Barnstable Airport Commission on behalf of the Inhabitants of the Town of Barnstable to enter into a lease for a term of forty-nine (49) years with WS Landing at Hyannis LLC and/or WS Development Associates LLC or any of its affiliates for property identified as Map 311, Parcel 092 and addressed as 790 Iyannough Road/Route 132, Hyannis, MA

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2019-080  
INTRO: 01/17/19

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Katie R. Servis, Airport Manager  
**DATE:** January 17, 2018  
**SUBJECT:** Authorization for the Airport Commission to enter into a Forty-Nine year lease for the property identified as Map 311, Parcel 092 and addressed as 790 Iyannough Road/Route 132, Hyannis, Ma

**SUMMARY:** On April 26, 2018 the Chief Procurement Officer (CPO) for the Town of Barnstable on behalf of the Barnstable Municipal Airport Commission (Airport), and Town Manager of the Town of Barnstable (Town), solicited responses through a Request for Proposals (RFP) process from interested parties for the ground lease for up to 49 years of a commercially developed property of approximately 25 acres located at 790 Iyannough Road/Route 132 in Hyannis, Massachusetts, known presently as the Capetown Plaza (and also known as the KMART plaza). This highly visible property is centrally located in Cape Cod's primary regional commercial district. The Hyannis Route 132 commercial corridor is an employment center and the main destination for Cape Cod residents and visitors seeking a wide range of goods and services. The property benefits from access to Route 132 (Iyannough Road), a major regional roadway and proximity to the Barnstable Municipal Airport. It is located across from the Cape Cod Mall, the region's only enclosed mall. It is minutes away from downtown Hyannis and historic Hyannis Main Street, home to the John F. Kennedy Hyannis Museum and HyArts Cultural District, a cultural hub for residents and visitors known for its restaurants, local artists and festivals.

The property is located in the Town of Barnstable on land controlled by the Barnstable Municipal Airport, and has operated under a ground lease since 1968 (the "Existing Ground Lease"). The term of the Existing Ground Lease, including all extensions is set to expire in 2024. The Airport's intent with the RFP is to execute a ground lease for the redevelopment of the property for its highest and best use, consistent with the development plans and interests of the Airport and the Town of Barnstable.

According to Massachusetts General Law, M.G.L. Chapter 90 Section 51F, any airport commission wishing to let or lease property may do so if the lease term does not exceed 20-years. Any period in excess of twenty years requires that the Airport Commission seek the approval of the mayor, city/town council and/or the approval of a town meeting, as the case may be, based on the structure of town government.

Due to the nature of the property's potential use, any lease with a term less than a twenty year lease would be deemed inappropriate for the parcel and would not allow potential developers adequate return on investment and ability to amortize a tenant's investment. Additionally, a term less than 20-years for this parcel would prevent the airport from realizing the full benefits of the land and its potential development. Therefore, the Airport Commission is seeking approval for the ground lease for up to 49 years.

## **Why 49-Years?**

Barnstable Municipal Airport has been identified by Congress as one of 3,321 public-use airports that are important to national air transportation and the National Aerospace System. As such, the Federal Aviation Administration (FAA) includes Barnstable Airport in its National Plan of Integrated Airport Systems (NPIAS) and issues federal funding via the Airport Improvement Program (AIP). Such funding is in the form of grants for the planning and development of the nation's public-use airports. With the grant comes assurances that various federal laws and rules shall be complied with in the performance of grant agreements for airport development and airport planning. These obligations require the recipients to maintain and operate their facilities safely and efficiently and in accordance with specified conditions.

Although the FAA does not read every lease an airport has with its tenants, the FAA does require that the lease abide by a set of rules. The term (or length) of the lease is one such rule that the FAA weighs in on. The FAA is agreeable to ground leases with term lengths of 10, 20, 30 and 40 years depending on the type of business. They want to ensure that the years are sufficient to retire a tenant's initial financing and provide a reasonable return for the tenant's development of major facilities. However, the FAA specifically stresses that leases that exceed 50 years may be considered a disposal of the property in that the term of the lease will likely exceed the useful life of the structures erected on the property. FAA offices will not consent to proposed lease terms that exceed 50 years.

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

**STAFF ASSISTANCE:** Katie R. Servis, Airport Manager

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-081  
INTRO: 01/17/19**

**2019-081 TRANSFER ORDER IN THE AMOUNT OF \$45,000 TO FUND THE REPLACEMENT OF THE HEATING/VENTILATION/COOLING (HVAC) SYSTEM AT THE HYANNIS GOLF COURSE CLUBHOUSE**

**ORDERED:** That the sum of \$45,000 be transferred from the Town Council Reserve Fund to fund the replacement of the HVAC system at the Hyannis Golf Course Clubhouse.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM # 2019-081  
INTRO: 01/17/19

## SUMMARY

**TO:** Town Council  
**FROM:** Bruce McIntyre, Director, Golf Division  
**DATE:** January 17, 2019  
**SUBJECT:** Transfer Order of **\$45,000** from the Town Council Reserve Fund for the Replacement of the HVAC System at Hyannis Golf Course Clubhouse

**BACKGROUND:** The Golf Division is seeking emergency procurement assistance to replace a failed HVAC unit responsible for heating and cooling at the Hyannis Golf Course clubhouse building. A Fiscal Year 2020 decision package request has been submitted for the replacement of this system; however, the unit suffered a catastrophic failure and has been deemed inoperable. The unit is over 20 years old and well past its useful life. The restaurant and function room are open year-round for business. It is essential that we replace the system expeditiously not only for the facility users, but to prevent potential freeze damage to the buildings water pipes.

**ANALYSIS:** The HVAC unit is located above the ceiling in the restaurant area. Replacement of the existing system as well as a ductless system were evaluated. Replacing the existing system is the preferred option for the following reasons:

- There are asbestos containing ceilings and sheetrock compounds on the ceilings and walls of almost all the spaces that would receive a split-system installation. A split system, although faster to install, would affect these finishes and require asbestos abatement work.
- The split system lifespan is 10 years vs a 20 year lifespan for an HVAC unit replacement.
- The split systems are known to be dirty and end up with mildew inside that needs to be cleaned biannually
- A split system installation would require installation of compressors and exterior conduit piping and condensation piping on the exterior / interior of the building. Electric and gas connections already exist for the existing failed system in the attic.
- Split system installation would affect the appearance of interior spaces recently renovated.
- Although faster to install, HVAC installers are months away from being able to install a split system based on their current schedule.

The project includes electrical panel upgrades necessary for code compliance and fire prevention.

**FISCAL IMPACT:** Funding this unforeseen expenditure from the Town Council Reserve Fund will allow the town to go forward immediately with the replacement of this essential system to the golf operations. A subsequent agenda item will be brought forward to reimburse the General Fund with a transfer from the Golf Course Enterprise Fund when the project is completed.

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

**STAFF ASSISTANCE:** Mark Marinaccio, Town Architect, Steve Sundelin, Structures and Grounds

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

**BARNSTABLE TOWN COUNCIL**

**ITEM #2019-082  
INTRO: 01//17/19**

**2019-082 ACCEPTANCE OF FISCAL YEAR 2019 LEGISLATIVE EARMARK GRANT IN THE AMOUNT OF \$45,000 FROM THE MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH FOR THE PURPOSE OF FUNDING HOMELESS OUTREACH SHELTERING SERVICES IN THE EVENT OF SEVERE COLD TEMPERATURES**

**RESOLVED:** That the Barnstable Town Council does hereby accept a Fiscal Year 2019 Legislative Earmark Grant from the Commonwealth of Massachusetts, Department of Mental Health of **\$45,000**, 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 #2019-082**  
**INTRO: 01/17/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Matthew K. Sonnabend, Chief of Police  
**DATE:** January 17, 2019  
**SUBJECT:** Acceptance of a Fiscal Year 2019 Legislative Earmark grant in the amount of **\$45,000** from the Massachusetts Department of Mental Health for the purpose of funding Homeless Outreach Sheltering Services in the event of severe cold temperatures

**BACKGROUND:** The Barnstable Police Department was notified by the Massachusetts Department of Mental Health that the Town of Barnstable was being awarded an earmark grant in the amount of \$45,000 to fund outreach services to the homeless in the form of shelter in the event of severe cold weather. Sheltering will be offered for up to twenty (20) homeless persons not suitable for traditional sheltering in the most extreme weather and will not exceed 20 days in the winter season. Without these services these homeless individuals run the risk of perishing in the extreme cold.

**ANALYSIS:** The acceptance of this earmark grant will allow the Department to work in partnership with the Duffy Health Center. Duffy Health Center will identify homeless individuals in need of emergency shelter services due to life-threatening weather and extended outdoor exposure. \$30,000 will be allocated and distributed by the Duffy Health Center to cover the costs of prearranged sheltering in the Towns of Barnstable and Yarmouth for the individuals served. \$10,000 will be allocated to the Barnstable Police Department and Yarmouth Police Department to fund personnel costs for police services provided to the shelters in each town, as may be required. \$2,500 will be allocated to the Duffy Health Center for the costs of administering the program and \$2,500 will be allocated to the Barnstable Police Department for costs of administering the earmark grant and completing required paperwork and follow-up reporting.

**FISCAL IMPACT:** The allocation of funds will be modified as needed. This is a reimbursement grant for sheltering, personnel and administrative costs. Each town and organization must expend the funds upfront and subsequently submit for reimbursement providing a full accounting of the expenses associated with the provision of sheltering services.

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

**STAFF ASSISTANCE:** Chief Matthew K. Sonnabend, Barnstable Police Department; Sgt. Jennifer Ellis, Barnstable Police Department; Anne Spillane, Barnstable Police Department



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-083  
INTRO: 01/17/19**

**2019-083            APPROPRIATION ORDER IN THE AMOUNT OF \$147,725.00  
COMMUNITY PRESERVATION FUNDS FOR PRESERVATION AND  
RESTORATION SAINT MARY'S EPISCOPAL CHURCH , 3055 MAIN  
STREET (ROUTE 6A), BARNSTABLE**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c. 44B, the sum of One Hundred Forty-Seven Thousand Seven Hundred Twenty-Five and NO/100 (**\$147,725.00**) Dollars be appropriated and transferred from the amount set aside for historic resources in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the appropriation made available for interior fire suppression (sprinkler) system, and exterior door, trim and entrance for preservation and restoration of the historic resource consisting of the Saint Mary's Episcopal Church building at 3055 Main Street, Barnstable and accept, execute, deliver and record an historic restriction and/or other real property interests to secure the amounts expended for the purposes set forth herein, subject to oversight by the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2019-083**  
**INTRO: 01/17/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair on Community Preservation Committee  
**DATE:** January 17, 2019  
**SUBJECT:** Appropriation order in the amount of **\$147,725.00** Community Preservation Funds for preservation and restoration of Saint Mary's Episcopal Church , 3055 Main Street (Route 6a), Barnstable

**BACKGROUND:** Saint Mary's Episcopal Church, located at 3055 Main Street, Barnstable (Route 6A), is seeking an appropriation of CPA Historic Preservation funds in the amount of \$147,725.00 for a small portion of a capital project. The CPA funding request is for the following work on the church: \$113,242 for a portion of the cost for installation of an interior fire protection (sprinkler) system, water line, controls and new fire hydrant; \$9,500 for replacing/replicating exterior doors, replacement/replication of exterior trim work; and \$24,983.20 for restoring the front entrance to its original form by demolition and replacement of the entrance with original bluestone. The fire suppression system will be installed throughout the church complex consisting of the church and attached social hall, however the CPA request is only for the historic church structure portion.

The church structure dates from the eighteen-nineties (1890s). The exterior has solidly positive exterior historic attributes, principally the unique English Country Tudor shingle style architecture. The church is located in the vicinity of other historic resources which have been the subject of past committee CPA recommendations and appropriations for historic preservation projects. At the December 11, 2018 Barnstable Historical Commission hearing, members voted unanimously that the church is a contributing structure in the Old King's Highway Regional Historic District. Numerous community organizations and partners also use Saint Mary's meeting rooms, parish hall, and church for secular activities.

The community preservation request is a small portion (7.6%) of a capital improvement project encompassing the entire church complex with a total budget of \$1,927,730.00. The remaining balance will be raised privately through a capital campaign currently underway which to date stands at \$1,051,000.

At the November 26, 2018 CPC meeting, the Committee voted unanimously to approve the application of Saint Mary's Episcopal Church with an appropriate document to be executed to fulfillment of the Town's interest in the historic resource, preservation and restoration. The possibility of a mortgage instead of a Historic Preservation Restriction was mentioned.

**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 this appropriation.

**STAFF ASSISTANCE:** On behalf of the Community Preservation Committee

**B. NEW BUSINESS (First Reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-084**  
**INTRO: 01/17/19**

**2019-084 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Hyannis Main Street Waterfront Historic District Commission:** Jonathan Kanter, 17 Ash Circle, Cotuit, MA as a regular member holding a real estate license to a term expiring 6/20; **Zoning Board of Appeals:** Paul Pinard from an associate member to a full member to a term expiring 6/19

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**B. NEW BUSINESS (First Reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-085**  
**INTRO: 01/17/19**

**2019-085 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:**

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Steamship Authority:** Eric Shufelt as the Town of Barnstable Representative member to a term expiring 12/31/19

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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