



Town of Barnstable Town Council

James H. Crocker Jr Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail: council@town.barnstable.ma.us

MEETING AGENDA

May 20, 2021

7:00 PM

The May 20, 2021 meeting of the Barnstable Town Council will be held remotely and shall be physically closed to the public to avoid group congregation.

Remote Participation Instructions

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

Join Zoom Meeting <https://zoom.us/j/92887126476> Meeting ID: 928 8712 6476
1-888 475 4499 US Toll-free Meeting ID: 928 8712 6476

2. Written Comments may be submitted to:

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

3. The meeting will be televised live via Comcast Channel 18 or can be streamed live on the Town of Barnstable's website:

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

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

7. ACT ON MINUTES (Including Executive Session)

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

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: June 3, 2021

Councilors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grasseti
Precinct 7

Debra S. Dagwan
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

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

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

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2021-139	Order Amending Chapter 184 Sewers and Water of the General Ordinances (Public Hearing) (Roll Call Majority)	4-11
B. NEW BUSINESS		
2021-141	Appropriation Order in the amount of \$6,612,196 for Cape Cod Gateway Airport Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	12
2021-142	Appropriation Order in the amount of \$73,520,899 for Barnstable Public School’s Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	13
2021-143	Appropriation Order in the amount of \$15,373,934 for Barnstable Police Department Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	14
2021-144	Appropriation Order in the amount of \$2,135,301 for the Planning and Development Department Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	15
2021-145	Appropriation Order in the amount of \$2,395,834 for the Community Services Department General Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	16
2021-146	Appropriation Order in the amount of \$3,368,382 for the Golf Course Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	17
2021-147	Appropriation Order in the amount of \$2,891,546 for the Hyannis Youth and Community Center Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	18
2021-148	Appropriation Order in the amount of \$1,261,370 for the Marine & Environmental Affairs Department General Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	19
2021-149	Appropriation Order in the amount of \$714,586 for the Marina Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	20
2021-150	Appropriation and Transfer Order in the amount of \$27,465 for the Marina Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	21
2021-151	Appropriation Order in the amount of \$876,812 for the Sandy Neck Park Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	22
2021-152	Appropriation and Transfer Order in the amount of \$108,000 for the Sandy Neck Park Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	23
2021-153	Appropriation Order in the amount of \$2,353,579 for the Inspectional Services Department Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	24
2021-154	Appropriation Order in the amount of \$10,470,034 for the Public Works Department General Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	25
2021-155	Appropriation Order in the amount of \$3,407,469 for the Solid Waste Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	26

2021-156	Appropriation Order in the amount of \$4,299,130 for the Water Pollution Control Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	27
2021-157	Appropriation Order in the amount of \$7,385,062 for the Water Supply Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	28
2021-158	Appropriation Order in the amount of \$1,202,939 for the Comprehensive Wastewater Management Plan Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	29
2021-159	Appropriation Order in the amount of \$282,975 for the Town Council Department Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	30
2021-160	Amendments to the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization and Chapter 241, Article IV, Municipal Organization (First Reading) (Refer to Second Reading 06/03/2021)	31-34
2021-161	Appropriation Order in the amount of \$1,192,789 for the Town Manager Department General Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	35
2021-162	Appropriation Order in the amount of \$799,097 for the Public, Education & Government (PEG) Access Channels Enterprise Fund Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	36
2021-163	Appropriation Order in the amount of \$6,456,364 for the Administrative Services Department Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	37
2021-164	Appropriation Order in the amount of \$250,000 for the Fiscal Year 2022 Town Council Reserve Fund (Refer to Public Hearing 06/03/2021)	38
2021-165	Appropriation Order in the amount of \$51,369,023 for the Other Requirements Fiscal Year 2022 Operating Budget (Refer to Public Hearing 06/03/2021)	39
2021-166	Appropriation Order in the amount of 3,641,181 for the Community Preservation Committee Fiscal Year 2022 Administrative Expense Budget and Minimum Program Set-Asides (Refer to Public Hearing 06/03/2021)	40
2021-167	Appropriation Order in the amount of \$1,664,958 for the Community Preservation Fund Fiscal Year 2022 Debt Service Budget (Refer to Public Hearing 06/03/2021)	41
2021-168	Fiscal Year 2022 Revolving Fund Spending Limitations Senior Services Classroom Education Fund - \$100,000 Recreation Program Fund - \$525,000 Shellfish Propagation Fund - \$200,000 Consumer Protection Fund - \$600,000 Geographical Information Technology Fund - \$10,000 Arts and Culture Program Fund - \$50,000 Asset Management Fund - \$500,000 (First Reading) (Refer to Second Reading 06/03/2021)	42
2021-169	Acceptance of Provision of General Laws Ch. 40, § 3 Relating To Town Revenue (First Reading) (Refer to Second Reading 06/03/2021)	43-44
2021-177	Appropriation Order in the amount of \$400,000 to fund disposal costs at the Solid Waste Division of the Department of Public Works (Refer to Public Hearing 06/03/2021)	45-46

Approve Minutes: May 06, 2021

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-139

INTRO: 04/15/2021, 05/20/2021

2021-139 ORDER AMENDING CHAPTER 184 SEWERS AND WATER OF THE GENERAL ORDINANCES

ORDERED: That Chapter 184 General Ordinances of the Code of the Town of Barnstable be amended by inserting the following new Article II, Sewer Assessments, and renumbering the current Articles II and III as Articles III and IV:

**ARTICLE II
SEWER ASSESSMENTS**

Section 1: Purpose and Authorization

The purpose of this Article II is to assess all properties receiving benefit or advantage from public sewerage construction within a limited and determinable area, including, but not limited to, as set forth in the Comprehensive Wastewater Management Plan approved by vote of the Town Council on November 7, 2019, and in accordance with Section 1 of Chapter 83 of the General Laws, any other applicable section of said Chapter 83 and any other applicable general or special law.

Section 2: Definitions

For the purpose of this Article II, the following words shall be considered to have the following meanings:

- (1) Commercial Use: Occupancy of premises for financial gain including profit such as business and industrial uses.
- (2) Commercial Sewer Unit: Shall be equivalent to 330 gallons of actual or reasonably anticipated daily sewage volume, as determined by the Director of the Department of Public Works based on Title 5 of the State Environmental Code, 310 CMR 15.203, System Sewage Flow Design Criteria. For purposes of determining the number of Commercial Sewer Units to be assessed, volume in an amount up to and including 330 gallons shall be deemed one Commercial Sewer Unit. An additional Commercial Sewer Unit shall be assessed for each additional 330 gallons of volume.
- (3) Compensatory Sewer Privilege Fee: A fee that is assessed in lieu of a sewer assessment to reflect the increased use of a property in situations where: (a) a sewer assessment has been assessed to an undeveloped property based on the number of potential Sewer Units and said property is ultimately developed to accommodate a greater number of Sewer Units than that originally assessed; or (b) a sewer assessment has been assessed to a developed parcel and subsequently the use of that parcel has changed or intensified to accommodate a greater number of Sewer Units than that originally assessed; or (c) no sewer assessment was assessed to an Unbuildable Lot and that lot subsequently is issued a building permit.
- (4) Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including room or rooms for living, sleeping, and eating; provided that, solely for the purposes of this Article II, such complete living facilities that contain one bedroom or fewer shall be a Half Dwelling Unit.

- (5) Force Main: A line without access from individual properties providing access from pumping station to pumping station or to trunk and sewer main.
- (6) General Benefit Facilities: Improvements, such as pumping stations, trunk and force mains, acquisition of land or interests in land, which will provide benefit or advantage to an area exceeding that served by the Special Benefit Facilities. Ordinarily, General Benefit Facilities will serve a major part of a Pumping District.
- (7) Lateral Line: Sewer conduit from a house to a street.
- (8) Multifamily Use: Occupancy of premises with two or more dwelling units.
- (9) Pumping District: An area, as identified by the Department of Public Works, which consists of a collection of sewer mains that connect to generally used infrastructure, such as pump stations, trunk mains and force mains that moves sewage from said collection of sewer mains to a treatment facility.
- (10) Residential Sewer Units: Shall be equivalent to the number of existing Dwelling Units, including Accessory Dwelling Units as defined by the Zoning Ordinance, and the number of potential Dwelling Units on the property, as permitted under the Zoning Ordinance of the Town of Barnstable for the district in which the property is located; provided, that any Accessory Dwelling Unit that did not exist at the time of assessment shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section 4F hereof; provided further, that a Half Dwelling Unit shall be assessed as one half of one Sewer Unit.
- (11) Semi-public Use: Occupancy of premises by private non-profit organizations, including without limitation private schools, hospitals, and religious institutions.
- (12) Sewer Main: The line serving as a conduit for sanitary sewerage from the lateral lines from each individual property.
- (13) Special Benefit Facilities: The sewer main to which a lateral line from an individual abutting property can be connected, acquisition of land or interests in land, pumping stations that are required to service a specific project area and any other costs of improvements required to service a specific project area.
- (14) Trunk Main: The line serving as a conduit for sanitary sewerage from a number of sewer mains and lateral lines. Trunk mains shall be considered as those lines ten (10) inches and over in diameter.
- (15) Unbuildable Lot: At the time at which a sewer assessment would have been imposed, a lot, as determined by the assessors of the Town, on which there is no apparent legal way to build a legal residence or commercial building because the lot does not conform to the Town's building regulations or Zoning Ordinance.
- (16) Uniform Unit Method: A means by which sewerage construction costs shall be equally divided between the total number of existing and potential Sewer Units to be served after having proportioned the costs resulting from the construction of Special and General Benefit Facilities.
- (17) Zoning Ordinance: The Zoning Ordinance in effect in the Town of Barnstable at the time the sewerage assessment is levied.

Section 3: Basic Requirements

The Town Manager shall assess sewerage construction costs to all properties receiving benefit or advantage on the basis of the Uniform Unit Method. The Town Manager shall separate the costs of the

General Benefit Facilities from those of the Special Benefit Facilities. The proportional cost of the Special and General Benefit Facilities shall be assessed in accordance with Section 5 hereof.

Section 4: Determination of Sewer Units

Section 4A: Each parcel of land in a Pumping District shall be converted into permanent Residential or Commercial Sewer Units, as defined herein, by the DPW for the purpose of proportionally dividing the construction costs equitably among such parcels of land.

Section 4B: Developed Residential Lots

A residential lot that contains one Dwelling Unit shall be assessed as one Sewer Unit. If such residential lot contains more than one Dwelling Unit, the number of assessed Residential Sewer Units shall equal the number of Dwelling Units. Single family dwellings shall comprise one Residential Sewer Unit; single family dwellings which have an Accessory Dwelling Unit as defined by the Zoning Ordinance within the single family residence or in a detached building on the same lot shall comprise two Residential Sewer Units; duplex dwellings shall comprise two Residential Sewer Units; three-family dwellings shall comprise three Residential Sewer Units; four-family dwellings shall comprise four Residential Sewer Units; and multiple family dwellings (in excess of four dwelling units) shall comprise one Residential Sewer Unit for each apartment in a rental property and one Residential Sewer Unit for each dwelling unit in a condominium complex; provided that the number of Residential Sewer Units in the foregoing list shall be adjusted accordingly for Half Dwelling Units. A Dwelling Unit that occupies two residential lots in such a way that only one Dwelling Unit is allowed shall be assessed as one Residential Sewer Unit.

Section 4C: Lots Capable of Division or Sub-Division

1. Residential Lots Capable of Division or Sub-Division

Residentially zoned land which is capable of being divided or sub-divided according to the Zoning Ordinance shall be assessed as currently used plus one additional Sewer Unit for each lot which could be created in accordance with the Zoning Ordinance. At the property owner's request, the time for payment of such additional assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon.

2. Commercial, Industrial, Business and Semi-public Lots Capable of Division or Sub-Division

Commercial, industrial, business, and semi-public lots which could be divided or sub-divided according to the Zoning Ordinance shall be assessed as currently used plus one additional Commercial Sewer Unit for each additional 330 gallons of reasonably anticipated daily sewage volume which could be generated from the use in accordance with the Zoning Ordinance. At the property owner's request, the time for payment of such additional assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon.

Section 4D: Improved Commercial, Industrial, Business, and Semi-public Lots and Uses

Improved commercial, industrial, business, and semi-public lots and uses shall be assessed according to the reasonably anticipated sewage volume to be generated from the use. 330 gallons of actual or anticipated daily sewage volume shall equal one Commercial Sewer Unit.

Section 4E: Unbuildable Lots

An Unbuildable Lot shall not be assessed any Sewer Units, provided that upon the issuance of a building permit, said lot shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section 4F below.

Section 4F: Changes in Use or Intensity of Use

In the event that existing uses on a parcel of land are changed or intensified under any circumstance, including without limitation issuance of a building permit for what had been classified as an Unbuildable Lot at the time a sewer assessment otherwise would have been imposed, changes in zoning, variance from the Zoning Ordinance, new construction and changes in use or reconfiguration, resulting in greater actual or potential sewage output than that established at the time of the original assessment or at the time the decision was made not to assess, the Town Manager or his or her designee shall assess a Compensatory Sewer Privilege Fee to reflect the new or increased use. The Compensatory Sewer Privilege Fee shall be computed based on the number of Sewer Units attributable to the new or increased use; provided that the amount of the fee for each such Sewer Unit shall be no greater than the initial maximum amount, as adjusted and most recently in effect, in accordance with Section 5A hereof. The Compensatory Sewer Privilege Fee shall be levied either at the time of connection of new or additional flow to the public sewer or upon Town of Barnstable approval of the change in use. Payment of the Compensatory Sewer Privilege Fee shall be made in accordance with the process for payment of assessments set forth in Section 8 hereof; provided that if the property owner chooses to apportion the payments, the Town will apply the same interest rate as that which would have been imposed for a sewer assessment on the property. Compensatory Sewer Privilege Fees collected by the Town shall be placed into a Sewer Privilege Fee Fund to be established by the Town and such monies shall be used to pay costs associated with the operation and maintenance costs of the Town's sewer system and wastewater treatment facility.

Section 5: Cost Determination and Apportionment Using the Uniform Unit Method

Section 5A: Sewer Cost Determination and Apportionment for Residential Land and Uses

Sewer assessments shall be based on one hundred percent (100%) of the cost of Special and General Benefit Facilities, as determined in accordance with the formulas set forth below. The actual assessment per Residential or Commercial Sewer Unit shall be the allocated cost or Seventeen Thousand Dollars (\$17,000.00) (the "initial maximum amount"), whichever is lower. This initial maximum amount will remain in effect until June 30 of the year following the calendar year in which the first sewer assessments are made. Thereafter, the initial maximum amount may be adjusted annually as of July 1 of each year by the percentage change in the construction cost index as calculated by the Gordian Company for the immediately preceding year ending June 30, as determined by the Town Manager. In the event that Gordian ceases to publish such index, the Department of Public Works will select an index which most closely resembles the Gordian index and the substitute index shall then be used for so long as the Director of the Department of Public Works determines that the substitute index accurately reflects market conditions.

Section 5B: Cost and Assessment of General Benefit Facilities

1. The cost of General Benefit Facilities and of Special Benefit Facilities shall be determined separately from each other.
2. The cost of General Benefit Facilities for a Pumping District shall be divided by the number of Sewer Units in such Pumping District. The result of such calculation shall be the General Benefit Facility Unit Cost.
 - a. The General Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets and have the capability to connect to the sewer system so that the property will receive a direct benefit and advantage upon connection to the sewer system.
 - b. The General Benefit Facility Unit Cost shall not be assessed to Sewer Units that do not currently abut existing streets to be sewered but shall be assessed at such later time as such Sewer Units shall have the capability to connect to the sewer system and directly benefit from the General Benefit Facilities.

Section 5C: Cost and Assessment of Special Benefit Facilities

1. The cost of Special Benefit Facilities for a Pumping District shall be divided by the number of Sewer Units in such Pumping District. The result of such calculation shall be the Special Benefit Facility Unit Cost.
 - a. The Special Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets and have the capability to connect to the sewer system so that the property will receive a direct benefit and advantage upon connection to the sewer system.
 - b. The Special Benefit Facility Unit Cost shall not be assessed to Sewer Units that do not currently abut existing streets to be sewerred but shall be assessed at such later time as such Sewer Units shall have the capability to connect to the sewer system and directly benefit from the Special Benefit Facilities.

Section 6: Estimated Assessments

The Town may assess and collect estimated sewer assessments in connection with the construction of water pollution collection, pumping, treatment and disposal facilities. The total amount of such estimated sewer assessments shall not exceed the lesser of: (i) one-half of the Town's liability under all contracts it has entered into for the construction of such facilities or (ii) the amount of any cap on sewer assessments as determined under Section 5 multiplied by the total number of Residential and Commercial Sewer Units. The total of such estimated assessments shall be determined by the same method to be used for the determination of the actual assessments upon the completion of the work. When the final costs of construction of the facilities have been determined, the Town may assess and collect actual sewer assessments for the balance owed. The interest rate on estimated sewer assessments will be the rate as determined under Section 8.

Section 7: Sewer Connection Costs

The cost of connecting the abutter to the completed section of sewer will be assessed back to the property abutter at one hundred percent (100%) of the cost. Property abutters may elect to pay the entire cost of connection upon completion or may choose to have it added to their sewer assessment. Alternatively, property abutters may elect to privately arrange and pay for the connection to the completed section of sewer.

Section 8: Interest Rate on Apportioned Sewer Assessments (NOTE: Ability to make payments over 30 years is subject to acceptance by the Town of G.L. c. 83, sec. 15D)

At the time of assessment, the property owner will have the option to pay the full amount of the assessment within thirty (30) days, or to make a partial payment on the assessment and apportion the unpaid balance over future tax bills for a period of their choosing, up to 30 years, or to apportion the full assessment over future tax bills for a period of their choosing, up to 30 years. The Town will apply an interest rate to the sewer assessment at an annual fixed rate of two percent (2.0%) above the borrowing costs the Town incurs on the loan. If multiple loans are issued, a blended rate will be used to calculate the Town's borrowing cost. The property owner may pay the total remaining principal amount due at any time without a prepayment penalty.

Section 9: Deferral of Charges (NOTE: Section c. 83, sec 16G needs to be accepted by the Town)

In accordance with and subject to the provisions of Section 16G of Chapter 83 of the General Laws, the Department of Public Works shall, upon application of the owner of real property served by the common sewers, if such owner is receiving an exemption from property taxes under clause Forty-first A of Section 5 of Chapter 59 of the General Laws with respect to such property, defer charges for said use of the common sewers. An application for deferral may be filed with the Department of Public Works within the time limit established for the filing of an application for exemption under said clause Forty-first A.

Section 10: Abatements

A property owner aggrieved by a sewer assessment imposed under this Article II may apply for abatement thereof by filing a request for abatement with the Town Manager on a form provided by the Department of Public Works within six months of the date of notice of such Assessment. The Town Manager shall make a final ruling on the application within 45 days from the date of filing. The filing of the application does not stay the payment of the sewer assessment, which must be paid as assessed. If the abatement request is allowed, the appropriate refund will be made by the Town. A property owner who is aggrieved by the refusal of the Town Manager to abate an assessment in whole or in part may within thirty days after notice of the decision of the Town Manager appeal therefrom by filing a petition for the abatement of such assessment in the superior court in accordance with Section 7 of Chapter 80 of the General Laws.”

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-139
INTRO: 04/15/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Karen L. Nober, Town Attorney, Mark A. Milne, CPA, Director of Finance
DATE: April 15, 2021
SUBJECT: Order Amending Chapter 184 Sewers and Water of the General Ordinances

BACKGROUND: The Comprehensive Wastewater Management Plan (CWMP) is a 30-year construction plan to extend sewer service to 11,800 properties across Town. It is a science-based plan for meeting the Total Maximum Daily Loads (TMDLs) in our estuaries that will protect the health of our waters. By collecting and treating wastewater, the sewers will safeguard the health of our coastal waters, ponds and drinking water for generations to come. The program also provides ancillary benefits to the community in the form of increased opportunities for housing, economic development and the redevelopment of underutilized property.

The current estimated cost for planning purposes of the 30-year plan is approximately \$1.4 billion, including construction, borrowing costs and inflation. This will be reviewed at regular intervals and updated based on new information. The Town has already made significant progress in identifying resources to address this plan. Through legislative action at both the state and local levels the Town has created over 50% of the estimated funding sources needed for this program. An existing dedicated revenue stream consisting of proceeds from the local room occupancy tax on traditional lodging, short-term rental occupancy tax, local meals tax and a new excise tax of 2.75% that applies to all types of lodging on Cape Cod is estimated to provide over one-half of the funding needed for this program. As additional properties are brought on-line with the public sewer system additional revenue will be provided from sewer user charges. Options for financing the remaining costs of the plan are being developed to equitably allocate the costs to property owners in accordance with the benefits they will receive from the sewer construction. One of these options is a sewer assessment that is charged to property owners who will have the ability to tie into the public sewer system as it is built out.

RATIONALE: There are two methods that can be used to calculate sewer assessments. 1) A fixed uniform rate or uniform unit. The fixed uniform rate is based upon the estimated average cost of all the sewers therein, according to the frontage of such land on any way in which a sewer is constructed, or according to the area of such land within a fixed depth from such way, or according to both such frontage and area. 2) A uniform unit method is based upon sewerage construction costs divided among the total number of existing and potential sewer units to be served. Each sewer unit shall be equal to a single family residence.

Under either method, the size of a structure on the property, the number of people that could potentially live in a structure or the assessed value of a property cannot be used to determine the sewer assessment. The Town is proposing to equalize the sewer assessment to all affected property owners by capping it at \$17,000. This would apply to either method chosen so the uniform unit method is recommended as sewer units are more easily determined. If the Town wants to execute a strategy that would determine sewer assessments based upon a group of property owner's perceived ability to pay; therefore charging different sewer assessments amounts to different groups of property owners, a strategy would have to be implemented whereby the assessment would be determined on a project by project basis as the system is built out.

All property owners in Town benefit from the quality of life and economic advantages provided by pristine beaches, ponds and drinking water. However, the properties that are to be connected to the public sewer system will gain added advantages of state-of-the-art wastewater treatment service resulting in enhanced property values. A property tied into a public sewer system has the potential to command a higher market value and increased marketability compared to a similar home with a private on-site system due to the eventual failure of the on-site system and potential significant cost of its replacement. A recent study involving active brokers/agents and developers found universal agreement that the introduction of sewers will result in increased market values and greater marketability. The study's market analysis showed that sewers resulted in an increase in single family residential property values estimated at 6-13% with an average of 8%, and an increase in property values on vacant acreage estimated at 15-25%. In another recent study prepared for the Sound View Sewer Coalition, LLC of South Lyme, CT, appraisers concluded that the estimated benefit of public sewer to residential property was 7% and 10% for restaurant/mixed use property. Furthermore, a property tied into the public sewer system will never have to incur the cost of replacing an on-site system and will benefit from reliable sewer service operated and maintained by the Town, and receive an improved roadway in front of their property. Accordingly, one of the options proposed to close the funding gap for the CWMP is that property owners that will have the ability to connect to sewer service pay an additional charge in the form of a sewer assessment for receiving these public benefits.

The Sewer Assessment Ordinance would create a sewer assessment that would apply only to properties that will be receiving new sewer service. The sewer assessment will not apply to a property that is already tied into the public sewer system or properties that currently have the ability to tie into the public sewer system. A cap on the sewer assessment of \$17,000 per sewer unit is recommended at the start of the program. This amount reflects only a portion of the actual cost of sewerage the property. It is also less than the potential increase in property value an owner can realize from by being connected to public sewer service. For example, an assessment of \$17,000 represents approximately 4% of the median residential assessed value in town (\$388,500) when the connection to sewer service could increase a residential property's value by as much as 6% to 13% based on the studies referenced above. The \$17,000 also approximates what it could cost to replace an on-site system. In addition, the roadway in front of the properties to be sewerage will be improved.

It is proposed that the sewer assessment be adjusted annually in accordance with a construction cost index to recognize inflation and provide equity in assessments for those paying the assessment in today's dollars versus those who will be assessed in the future. This is the maximum assessment for a residential property and some actual assessments could in fact be a lower amount. The exact costs for each affected property owner are not known until construction contracts are awarded and a project is completed.

FISCAL IMPACT: The Sewer Assessment Ordinance described above would not cover the entire remaining funding needed to implement the CWMP. The strategy for meeting this additional need will be developed once the Sewer Assessment Ordinance is finalized.

STAFF ASSISTANCE: Karen L. Nober, Town Attorney, Charles S. McLaughlin, Jr., Sr. Town Attorney, Kathleen Connolly, Assistant Town Attorney, Mark A. Milne, CPA, Director of Finance

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-141
INTRO: 05/20/2021**

2021-141 APPROPRIATION ORDER IN THE AMOUNT OF \$6,612,196 FOR CAPE COD GATEWAY AIRPORT ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$6,612,196** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Airport Enterprise Fund budget, and to meet such appropriation that **\$6,612,196** be raised from current year revenues by the Airport Enterprise Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-142
INTRO: 05/20/2021**

**2021-142 APPROPRIATION ORDER IN THE AMOUNT OF \$73,520,899 FOR
BARNSTABLE PUBLIC SCHOOL'S FISCAL YEAR 2022 OPERATING
BUDGET**

ORDERED: That the amount of **\$73,520,899** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Barnstable Public Schools budget, and that to meet this appropriation that **\$72,570,368** be raised from current year revenues, and that **\$950,531** be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-143
INTRO: 05/20/2021**

**2021-143 APPROPRIATION ORDER IN THE AMOUNT OF \$15,373,934 FOR
BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2022 OPERATING
BUDGET**

ORDERED: That the amount of **\$15,373,934** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Barnstable Police Department budget; and to meet such appropriation that **\$15,373,934** be raised from current year revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-144
INTRO: 05/20/2021**

**2021-144 APPROPRIATION ORDER IN THE AMOUNT OF \$2,135,301 FOR THE
PLANNING AND DEVELOPMENT DEPARTMENT FISCAL YEAR 2022
OPERATING BUDGET**

ORDERED: That the amount of **\$2,135,301** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Planning and Development Department budget, and that to meet this appropriation that **\$1,913,001** be raised from current year revenues, that **\$45,000** be provided from the Wetlands Protection Special Revenue Fund, and that **\$177,300** be provided from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-145
INTRO: 05/20/2021**

**2021-145 APPROPRIATION ORDER IN THE AMOUNT OF \$2,395,834 FOR THE
COMMUNITY SERVICES DEPARTMENT GENERAL FUND FISCAL YEAR
2022 OPERATING BUDGET**

ORDERED: That the amount of **\$2,395,834** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Community Services Department General Fund budget; and to meet such appropriation that **\$2,395,834** be raised from current year revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-146
INTRO: 05/20/2021**

2021-146 APPROPRIATION ORDER IN THE AMOUNT OF \$3,368,382 FOR THE GOLF COURSE ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$3,368,382** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Golf Course Enterprise Fund budget; and to meet such appropriation that **\$2,990,457** be raised from Enterprise Fund revenues, that **\$286,500** be transferred from the set-aside for recreation and open space within the Community Preservation Fund, and that **\$91,425** be provided from the Golf Course Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-147
INTRO: 05/20/2021**

**2021-147 APPROPRIATION ORDER IN THE AMOUNT OF \$2,891,546 FOR THE
HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND FISCAL
YEAR 2022 OPERATING BUDGET**

ORDERED: That the amount of **\$2,891,546** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that **\$167,866** be raised from Enterprise Fund revenues, that **\$1,391,458** be raised in the General Fund, that **\$1,145,401** be transferred from the Capital Trust Fund, and that **\$186,821** be provided from the Hyannis Youth and Community Center Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-148
INTRO: 05/20/2021**

**2021-148 APPROPRIATION ORDER IN THE AMOUNT OF \$1,261,370 FOR THE
MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND
FISCAL YEAR 2022 OPERATING BUDGET**

ORDERED: That the amount of **\$1,261,370** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Marine & Environmental Affairs Department General Fund budget, and to meet such appropriation, that **\$913,370** be raised from current year revenue and that **\$348,000** be provided from the Waterways Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-149
INTRO: 05/20/2021**

2021-149 APPROPRIATION ORDER IN THE AMOUNT OF \$714,586 FOR THE MARINA ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$714,586** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Marina Enterprise Fund budget; and to meet such appropriation that **\$626,716** be raised from Enterprise Fund revenues, that **\$46,981** be provided from the Capital Trust Fund, that **\$30,000** be raised in the General Fund, and that **\$10,889** be provided from the Marina Enterprise Fund reserves as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-150
INTRO: 05/20/2021**

**2021-150 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$27,465
FOR THE MARINA ENTERPRISE FUND FISCAL YEAR 2022 OPERATING
BUDGET**

ORDERED: That the amount of **\$27,465** be appropriated and transferred from the Marina Enterprise Fund reserves to the General Fund for the reimbursement of capital costs paid for by the General Fund on behalf of the Marina Enterprise Fund in Fiscal Year 2021.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-151
INTRO: 05/20/2021**

2021-151 APPROPRIATION ORDER IN THE AMOUNT OF \$876,812 FOR THE SANDY NECK PARK ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$876,812** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Sandy Neck Park Enterprise Fund budget; and to meet such appropriation that **\$836,958** be raised from Enterprise Fund revenues, and that **\$39,854** be provided from the Sandy Neck Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-152
INTRO: 05/20/2021**

**2021-152 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$108,000
FOR THE SANDY NECK PARK ENTERPRISE FUND FISCAL YEAR 2022
OPERATING BUDGET**

ORDERED: That the amount of **\$108,000** be appropriated and transferred from the Sandy Neck Park Enterprise Fund reserves to the General Fund for the reimbursement of capital costs paid for by the General Fund on behalf of the Sandy Neck Park Enterprise Fund in Fiscal Year 2021.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-153
INTRO: 05/20/2021**

2021-153 APPROPRIATION ORDER IN THE AMOUNT OF \$2,353,579 FOR THE INSPECTIONAL SERVICES DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$2,353,579** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Inspectional Services Department budget, and to meet such appropriation, that **\$2,353,579** be raised from current year revenue as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-154
INTRO: 05/20/2021**

**2021-154 APPROPRIATION ORDER IN THE AMOUNT OF \$10,470,034 FOR THE
PUBLIC WORKS DEPARTMENT GENERAL FUND FISCAL YEAR 2022
OPERATING BUDGET**

ORDERED: That the amount of **\$10,470,034** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Public Works Department General Fund budget, and to meet such appropriation, that **\$10,390,393** be raised from current year revenue, that **\$54,640** be provided from the Embarkation Fee Special Revenue Fund, and that **\$25,000** be provided from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-155
INTRO: 05/20/2021**

2021-155 APPROPRIATION ORDER IN THE AMOUNT OF \$3,407,469 FOR THE SOLID WASTE ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$3,407,469** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Solid Waste Enterprise Fund budget, and to meet such appropriation that **\$2,978,376** be raised from the Enterprise Fund revenues, and that **\$429,093** be provided from the Solid Waste Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-156
INTRO: 05/20/2021**

**2021-156 APPROPRIATION ORDER IN THE AMOUNT OF \$4,299,130 FOR THE
WATER POLLUTION CONTROL ENTERPRISE FUND FISCAL YEAR 2022
OPERATING BUDGET**

ORDERED: That the amount of **\$4,299,130** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Department of Public Works Water Pollution Control Enterprise Fund budget, and to meet such appropriation that **\$4,253,136** be raised from the Enterprise Fund revenues, and that **\$45,994** be provided from the Water Pollution Control Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-157
INTRO: 05/20/2021**

2021-157 APPROPRIATION ORDER IN THE AMOUNT OF \$7,385,062 FOR THE WATER SUPPLY ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$7,385,062** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Department of Public Works Water Supply Enterprise Fund budget, and to meet such appropriation that **\$7,025,062** be raised from the Enterprise Fund revenues, that **\$318,229** be provided from the Comprehensive Water Management Stabilization Fund, that **\$41,771** be provided from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-158
INTRO: 05/20/2021**

**2021-158 APPROPRIATION ORDER IN THE AMOUNT OF \$1,202,939 FOR THE
COMPREHENSIVE WASTEWATER MANAGEMENT PLAN FISCAL YEAR
2022 OPERATING BUDGET**

ORDERED: That the amount of **\$1,202,939** be appropriated for the purpose of funding the Fiscal Year 2022 Comprehensive Wastewater Management Plan operating budget, and to meet such appropriation, that **\$1,202,939** be provided from the Sewer Construction and Private Way Maintenance and Improvement Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-159
INTRO: 05/20/2021**

2021-159 APPROPRIATION ORDER IN THE AMOUNT OF \$282,975 FOR THE TOWN COUNCIL DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$282,975** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Town Council budget and to meet such appropriation, that **\$282,975** be raised from current year revenue, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
06/03/2021)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-160
INTRO: 05/20/2021**

2021-160 AMENDMENTS TO THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, AND CHAPTER 241, ARTICLE IV, MUNICIPAL ORGANIZATION

ORDERED:

SECTION 1

That the Town Council hereby amends the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, § 241-25, Licensing Authority, by striking subsection C. (2) in its entirety and inserting the following new subsection C. (2) in its place:

“C. Interrelationships

(2) Town Manager: The Licensing Authority interacts with the Town Manager for the purposes of receiving administrative support for its deliberations and responsibilities, to include but not be limited to the office of the Town Manager, including the Licensing program within that office, Legal and Health.”

SECTION 2

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-46, Offices and standards, by striking subsection B, Municipal organization, in its entirety and inserting the following new subsection B in its place:

“B. Municipal organization. The municipal agencies of the Town consist of the office of the Town Manager and the seven municipal departments under the jurisdiction of the Town Manager. The seven departments and their respective divisions are as follows:

- (1) Administrative Services, encompassing Legal, Information Technology, Human Resources and Finance;
- (2) Community Services, encompassing Recreation, Golf and Senior Services;
- (3) Inspectional Services, encompassing Building, Health and Weights and Measures;
- (4) Marine and Environmental Services, encompassing Harbormaster and Natural Resources;
- (5) Planning and Development, encompassing Regulatory Review, Comprehensive Planning, Community Development, Economic Development, Conservation and Parking;

(6) Police; and

(7) Public Works, encompassing Administration and Technical Support, Highway, Solid Waste, Structures and Grounds, Water Pollution Control and Water Supply.”

SECTION 3

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-47.1, Town Manager, subsection D, Department heads, by striking subsection (1)(l) in its entirety.

SECTION 4

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, by deleting § 241-47.29, Licensing Department, in its entirety.

SECTION 5

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-47.1, Town Manager, by adding the following new subsection E:

“E. Licensing program. There shall be placed within the office of the Town Manager a Licensing program, which seeks to protect the public interest through enforcement of laws and regulations relating to licensing of certain businesses. The Licensing program operates pursuant to applicable provisions of the Town Code and the following state laws: MGL Chapter 100 concerning auctions; and MGL Chapters 136, 138 and 140 concerning licensing. The Licensing program provides administrative support, conducts inspections and compliance activities, and enforces laws and regulations regulating business entities licensed by the Town Manager and the Licensing Authority. The Licensing program provides enforcement of all licensing and issues related to special events on Town-owned property and public ways, private parking lots, underground storage tanks, narrative bus tours, outdoor dining and Pedi cabs. The Licensing program interacts with the Police, Planning and Development and Inspectional Services departments concerning licensing activities. The Licensing program interacts with various boards and committees with concurrent jurisdiction, such as Site Plan Review, Board of Health and Zoning Board of Appeals, and provides administrative and compliance support for the Licensing Authority.”

SECTION 6

That the Town Council hereby amends the Administrative Code, Chapter 241, Article IV, Municipal Organization, § 241-47.21, Inspectional Services Department, by adding the following new subsection C:

“C. Weights and Measures Division.

1. Purpose. The Weights and Measures Division seeks to protect the public interest through enforcement of laws and regulations relating to weights and measures of certain businesses.
2. Authorities and Responsibilities.

The Weights and Measures Division operates pursuant to applicable provisions of the Town Code and the following state laws: MGL Chapters 94 through 99 concerning weights and

measures. The Weights and Measures Division is responsible for code compliance and enforcement of all laws pertaining to the sale of commodities by weight or measure, the inspection and testing of weighing and measuring devices, the operation and use of electronic retail checkout systems, the method of sale of commodities and the labeling of prepackaged commodities.

3. Interrelationships.

(1) Town Manager. The Weights and Measures Division interacts with the office of the Town Manager, including the Licensing program within that office, concerning administrative support, code compliance and enforcement of all issues relating to weights and measures.

(2) Other departments. The Weights and Measures Division interacts with the Police and Planning and Development concerning the provision of measurement devices for various purposes. Other interaction is with the Town Clerk, Public Works and Tax Collector in provision of measurement devices activities for various purposes.

(3) Other. The Weights and Measures Division interacts with community groups and agencies, private enterprises, state agencies and other municipalities to seek effective accomplishment of goals and objectives.”

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-160
INTRO: 05/20/2021

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Karen L. Nober, Town Attorney
SUBJECT: Amendments to the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, and Chapter 241, Article IV, Municipal Organization

RATIONALE: The Fiscal Year 2022 Operating Budget proposes to make several changes to the Town's organizational structure. This item amends the Administrative Code to align it with the proposed organizational structure.

Specifically: the Interrelationships section for the Licensing Authority is proposed to be updated to reflect current program and division names; the Licensing Department is proposed to be eliminated as a department and included as a program within the Town Manager's Office; the Director of Licensing position is proposed to be eliminated as a Department Head; and the Weights and Measures Division, currently within the Licensing Department, is proposed to be a division within the Inspectional Services Department.

STAFF SUPPORT: Mark A. Milne, CPA, Director of Finance; David Anthony, Director of Property and Risk Management; Lynne M. Poyant, Director of Communications

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-161
INTRO: 05/20/2021**

**2021-161 APPROPRIATION ORDER IN THE AMOUNT OF \$1,192,789 FOR THE TOWN
MANAGER DEPARTMENT GENERAL FUND FISCAL YEAR 2022
OPERATING BUDGET**

ORDERED: That the amount of **\$1,192,789** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Town Manager General Fund budget and to meet such appropriation, that **\$1,192,789** be raised from current year revenue, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-162
INTRO: 05/20/2021**

2021-162 APPROPRIATION ORDER IN THE AMOUNT OF \$799,097 FOR THE PUBLIC, EDUCATION & GOVERNMENT (PEG) ACCESS CHANNELS ENTERPRISE FUND FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$799,097** be appropriated for the purpose of funding the Town’s Fiscal Year 2022 Public, Education & Government (PEG) Access Channels Enterprise Fund budget, and to meet such appropriation, that **\$799,097** be raised from the PEG Enterprise Fund revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/3/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-163
INTRO: 05/20/2021**

2021-163 APPROPRIATION ORDER IN THE AMOUNT OF \$6,456,364 FOR THE ADMINISTRATIVE SERVICES DEPARTMENT FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$6,456,364** be appropriated for the purpose of funding the Town's Fiscal Year 2022 Administrative Services Department budget, and to meet such appropriation, that **\$6,456,364** be raised from current year revenue, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-164
INTRO: 05/20/2021**

2021-164 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE FISCAL YEAR 2022 TOWN COUNCIL RESERVE FUND

ORDERED: That the amount of **\$250,000** be appropriated for the purpose of funding the Town Council's Fiscal Year 2022 Reserve Fund and to meet such appropriation, that **\$250,000** be provided from the General Fund reserves.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-165
INTRO: 05/20/2021**

2021-165 APPROPRIATION ORDER IN THE AMOUNT OF \$51,369,023 FOR THE OTHER REQUIREMENTS FISCAL YEAR 2022 OPERATING BUDGET

ORDERED: That the amount of **\$51,369,023** be appropriated for the purpose of funding the Town’s Fiscal Year 2022 Other Requirements budget, and to meet such appropriation, that **\$43,740,853** be raised from current year revenue, that **\$220,000** be provided from the Pension Reserve Trust Fund, that **\$6,295,178** be provided from the Capital Trust Fund, that **\$45,360** be provided from the Embarkation Fee Special Revenue Fund, that **\$41,040** be provided from the Bismore Park Special Revenue Fund, and that the sum of **\$1,026,592** be transferred from the General Fund reserves all for the purpose of funding the Town’s Fiscal Year 2021 General Fund budget as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-166
INTRO: 05/20/2021**

**2021-166 APPROPRIATION ORDER IN THE AMOUNT OF 3,641,181 FOR THE
COMMUNITY PRESERVATION COMMITTEE FISCAL YEAR 2022
ADMINISTRATIVE EXPENSE BUDGET AND MINIMUM PROGRAM SET-
ASIDES**

ORDERED: That, pursuant to the provisions of General Law Chapter 44B Section 6, for the fiscal year beginning July 1, 2021, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$522,873** for open space and recreation; **\$522,873** for historic resources; **\$522,873** for community housing; **\$1,872,562** for a budget reserve, and that the sum of **\$200,000** 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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to a Public Hearing 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-167
INTRO: 5/20/2021**

**2021-167 APPROPRIATION ORDER IN THE AMOUNT OF \$1,664,958 FOR THE
COMMUNITY PRESERVATION FUND FISCAL YEAR 2022 DEBT SERVICE
BUDGET**

ORDERED: That the Town Council hereby appropriate the amount of **\$1,664,958** or the purpose of paying the Fiscal Year 2021 Community Preservation Fund debt service requirements, and to meet such appropriation, that **\$1,587,546** be provided from current year revenues of the Community Preservation Fund and that **\$77,412** be provided from the reserve for the historic preservation program within the Community Preservation Fund.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading) (Refer to Second Reading 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-168
INTRO: 05/20/2021**

2021-168 FISCAL YEAR 2022 REVOLVING FUND SPENDING LIMITATIONS

RESOLVED: That the Town Council hereby authorizes the following spending limitations for Fiscal Year 2022 Revolving Funds:

- Senior Services Classroom Education Fund - **\$100,000**
- Recreation Program Fund - **\$525,000**
- Shellfish Propagation Fund - **\$200,000**
- Consumer Protection Fund - **\$600,000**
- Geographical Information Technology Fund - **\$10,000**
- Arts and Culture Program Fund - **\$50,000**
- Asset Management Fund - **\$500,000**

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading) (Refer to Second Reading 06/03/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-169
INTRO: 05/20/2021**

2021-169 ACCEPTANCE OF PROVISION OF GENERAL LAWS CH. 40, § 3 RELATING TO TOWN REVENUE

RESOLVED: That the Town Council hereby accepts the proviso in General Laws Chapter 40, Section 3, allowing monies received from the rental or lease of any public building or property, or space within a building or property, other than a building or property under the control of the School Committee, to be held in a revolving fund and expended for the upkeep and maintenance of any facility under the control of the board, committee or department head in control of the building or property.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-169
INTRO: 05/20/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, CPA, Director of Finance
DATE: May 20, 2021
SUBJECT: Acceptance of Provision of General Laws Ch. 40, § 3 Relating To Town Revenue

RATIONALE: Massachusetts General Laws Ch. 40, §3 allows for monies received from the rental or lease of any public building or property, or space within a building or property to be held in a revolving fund and expended for the upkeep and maintenance of any facility under the control of the board, committee or department head in control of the building. Any balance in the fund at the close of the fiscal year must be closed to the General Fund.

A local option proviso within Massachusetts General Laws Ch. 40, §3, if accepted by the Town Council, would permit any unexpended balance at the end of the fiscal year to remain in the revolving fund and be used for the upkeep and maintenance of any facility. This would dedicate these funds for this purpose.

The Town owns several properties which it currently leases. Leasing the facilities provides the town a revenue source as well as the avoidance of utility expenses and routine maintenance costs which are covered by the tenants. In addition, having the facilities occupied offers the additional protection against vandalism, keeps the Town's insurance cost down and the asset's deterioration by neglect. The properties in this group include; but are not limited to, the Old Town Hall, YMCA, Cape Cod Maritime Museum, Trayser Museum, CJ's Ranch and the Mills Airfield in Marstons Mills.

The Town Council adopted this proviso for school facilities that are under the authority of the School Committee back in June 2011 under Town Council Order 2011-141.

FISCAL IMPACT: Allowing any unexpended lease and rental income remaining in the revolving fund at the end of the fiscal year will allow for the funds to be dedicated for the upkeep of town facilities as opposed to having them close to the General Fund surplus.

STAFF SUPPORT: Mark A. Milne, CPA, Director of Finance

B. NEW BUSINESS (Refer to Public Hearing 06/03/2020)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-177
INTRO: 05/20/2021**

2021-177 APPROPRIATION ORDER IN THE AMOUNT OF \$400,000 FOR THE PURPOSE OF FUNDING DISPOSAL COSTS AT THE SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS

ORDERED: That the amount of **\$400,000** be appropriated for the purpose of funding disposal costs at the Solid Waste Division of the Department of Public Works, and that to fund this appropriation that \$400,000 be provided from the Solid Waste Enterprise Fund reserves.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-177
INTRO: 05/20/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: May 20, 2021
SUBJECT: Appropriation Order in the amount of **\$400,000** to fund disposal costs at the Solid Waste Division of the Department of Public Works

BACKGROUND: The Solid Waste Division operates the Transfer Station & Recycling Center. The services provided at the Transfer Station are funded by fees charged to users and sticker holders. These fees are used to cover the costs associated with operating and disposing of items and materials we accept. The appropriated budget is calculated using estimated material totals and expected disposal costs. Changes to these figures can impact the budget in various ways. In Fiscal Year 2021, the Transfer Station has seen unexpected increases to the amount of hard to recycle items (CHARM), Household Hazardous Waste and Construction & Demolition (C&D) material disposed of at the facility. This unexpected increase has significantly increased the cost of disposal incurred by the Solid Waste Division.

ANALYSIS: Preparation of the Solid Waste Division budget for Fiscal Year 2021 did not anticipate significant increases to amounts materials being disposed. The Solid Waste Division charges fees for disposal of items and offers stickers for a fee to residents. The fees charged are calculated to cover the costs of disposal for materials at the facility. The requested appropriation will cover the disposal costs for the remainder of Fiscal Year 2021. Revenue projections for Fiscal Year 2021 are expected to result in a revenue surplus which will offset the appropriation request and result in a favorable budget variance.

FISCAL IMPACT: Funding for this appropriation is provided from the Solid Waste enterprise Fund's reserves which currently have a balance of \$1,135,241. As a result of the increase in activity, revenue collected at the transfer station is expected to exceed the budget estimate by a projected \$900,000. This will replenish most of the reserves used to balance the Fiscal Year 2021 operating budget including this request.

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

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