



Town of Barnstable Town Council

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TOWN COUNCIL MEETING AGENDA December 02, 2021 7:00 PM

Councillors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Jeffrey Mendes
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

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

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

The December 02, 2021 Town Council Meeting of the Barnstable Town Council shall be conducted remotely and shall be physically closed to the public. Alternative public access shall be provided as set forth below.

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

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

Join Zoom Meeting <https://zoom.us/j/95332988076> Meeting ID: 953 3298 8076
US Toll-free 888 475 4499

3. Written Comments may be submitted to:

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

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

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

Councilors:

Matthew Levesque
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Precinct 10

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Vice President
Precinct 12

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EXECUTIVE SESSION

The Town Council will enter executive session pursuant to G.L. c. 30A, sec. 21(a) (3) to discuss strategy with respect to litigation since a discussion in open session may have a detrimental effect on the litigating position of the Town and Town Council. Specifically, the Council will discuss two lawsuits filed against the Town by the Conservation Law Foundation regarding claims under the Clean Water Act and Title 5 of the Massachusetts Environmental Code, respectively.

PUBLIC SESSION

- **Town Council Election of 2022 Officers**
President
Vice President

10. ADJOURNMENT

NEXT REGULAR MEETING: December 16, 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.

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2022-051	Appointment to a Board/Committee/Commission: Infrastructure and Energy Committee: Kathryn Hautanen, as a regular member to a term expiring 06/2024 (May be acted upon) (Roll Call Majority)	10
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2022-055	Approving the conservation restriction on land located at 0 Beech Leaf Island Road, 0 Bay Lane, 0 Thornberry Road and 0 South Main Street between Barnstable Land Trust (Grantor) and the compact of Cape Cod Conservation Trusts (Grantee) (May be acted upon) (Roll Call Majority)	22-24
2022-056	Supplemental Appropriation Order in the amount of \$350,000 for the purpose of funding the Fiscal Year 2022 Department of Public Work’s Fiscal Year 2022 Operating Capital Budget (Refer to Public Hearing 12/16/2021)	25-26
2022-057	Authorization to expend a grant in the amount of \$11,700 from the Massachusetts Department of Environmental Protection for the purpose of enhancing the reduction of waste and increasing recycling (May be acted upon) (Roll Call Majority)	27-28
2022-058	A Resolution that the Town Council Petition the County Commissioners of Barnstable County formally discontinue three sections of County Highway, namely three portions of Phinney’s Lane which, combined, extend from Wequaquet Lane to Massachusetts Route 28, A/K/A Falmouth Road (May be acted upon) (Roll Call Majority)	29-30

Approve Minutes: November 18, 2021

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-039
INTRO: 11/04/2021, 12/02/2021

2022-039 APPROPRIATION ORDER IN THE AMOUNT OF \$39,600 FOR THE PURPOSE OF FUNDING SURVEY WORK FOR PROPOSED SIDEWALK IMPROVEMENTS ON EAST BAY ROAD AND WIANNO AVENUE IN OSTERVILLE VILLAGE

ORDERED: That the amount of **\$39,600** be appropriated from the General Fund Reserves for the purpose of funding survey work for proposed sidewalk improvements on East Bay Road and Wianno Avenue in Osterville Village, including the payment of costs incidental or related thereto; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

SPONSOR: David W. Bogan, Town Councilor, Precinct 5

DATE	ACTION TAKEN
<u>11/04/2021</u>	<u>Refer to Public Hearing 12/02/2021</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-039
INTRO: 11/04/2021; 12/02/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: November 4, 2021
SUBJECT: Appropriation Order in the amount of **\$39,600** for the purpose of funding survey work for proposed sidewalk improvements on East Bay Road and Wianno Avenue in Osterville Village

BACKGROUND: East Bay Road and Wianno Avenue in Osterville Village are heavily used by pedestrians. However, portions of these roadways do not have adequate pedestrian facilities. Residents of Osterville Village have requested that sidewalks be installed on the portions of East Bay Road and Wianno Avenue where there are currently not sidewalks.

ANALYSIS: Department of Public Works (DPW) has reviewed the request for sidewalks and agrees that there is a need for sidewalks on these roadways to improve public safety. DPW anticipates submitting a Capital Improvement Project request as part of the Fiscal Year 2023 Capital Budget. As a first step for the project and in an effort to expedite the sidewalk installation, DPW has sought estimates for survey services.

FINANCIAL IMPACT: Funding for this project will be provided from the General Fund Reserves whose balance was last certified at \$24,427,000 as of July 1, 2021.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this appropriation order.

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-042
INTRO: 11/18/2021, 12/02/2021

2022-042 ALLOCATION OF TAX LEVY FISCAL YEAR 2022 – TAX FACTOR

RESOLVED: That the Town Council hereby votes to classify the Town of Barnstable under M.G.L. c. 40, § 56, the Classification Act, at a Residential Factor of 1 (one) for the Fiscal Year 2022.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>11/18/2021</u>	<u>Refer to Public Hearing 12/02/2021</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-042
INTRO: 11/18/2021, 12/02/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, Finance Director
DATE: November 18, 2021
SUBJECT: Allocation of Tax Levy Fiscal Year 2022 – Tax Factor

BACKGROUND: According to Massachusetts General Laws, Chapter 40, Section 56, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the tax levy between classes of property. The residential factor commonly referred to as the “Split Tax Rate” allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property (CIP) owners. Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 175%. Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”.

FISCAL IMPACT: A factor greater than one (1) would shift more of the tax levy to the commercial, industrial and personal property (CIP) tax classifications. Since residential property comprises 88% of all property in town, any shift of the levy from this class of taxpayer to the CIP classes would result in minimal savings for a residential taxpayer and a much higher tax bill for CIP property owners.

STAFF ASSISTANCE: Mark A. Milne, Finance Director

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-043
INTRO: 11/18/2021, 12/02/2021

2022-043 ALLOCATION OF TAX LEVY FY22 – RESIDENTIAL EXEMPTION

RESOLVED: That the Town Council hereby votes to adopt a Residential Exemption of twenty percent (20%) for fiscal year 2022

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>11/18/2021</u>	<u>Refer to Public Hearing 12/02/2021</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-043
INTRO: 11/18/2021, 12/02/2021

SUMMARY

TO: Town Council
FROM: Mark S. Eells, Town Manager
THROUGH: Mark A. Milne, Finance Director
DATE: November 18, 2021
SUBJECT: Allocation of Tax Levy Fiscal Year 2022 – Residential Exemption

BACKGROUND: According to Massachusetts General Laws, Chapter 59, Section 5C, the Town Council may adopt a Residential Exemption as part of determining the allocation of the tax levy between residential property owners. This tax levy-shifting tool will not change the overall amount of property taxes raised through the residential class of property. It allows the town to shift a portion of the residential property tax levy between residential property owners based on statutory criteria. The maximum exemption allowed is 35 percent of the average assessed value of all Class One (Residential) parcels. This exemption would be applied to all residential parcels which are qualified as the principal residence of the taxpayer. Principal residence is a taxpayer's domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the Commercial, Industrial and Personal Property class of taxpayers. The Town Council has voted to adopt a 20% residential exemption every year since fiscal year 2006.

FISCAL IMPACT: This is a progressive tax by nature as it offers a greater property tax savings for an owner of a qualifying lower valued residential property. This savings diminishes as the property value increases to a point where the tax paid by the owner of a qualifying property valued at \$1,302,775 pays the same amount of tax with a 20% residential exemption and no exemption. Owners of residential property who qualify for the exemption that exceed a value of \$1,302,775 pay more in property taxes with a 20% residential exemption in place.

STAFF ASSISTANCE: Mark A. Milne, Finance Director

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-051
INTRO: 11/18/2021, 12/02/2021

2022-051 APPOINTMENT TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoint the following individual to a multiple-member Board/Committee/Commission: **Infrastructure and Energy Committee:** Kathryn Hautanen, as a regular member to a term expiring 06/2024

SPONSOR: Appointments Committee

DATE ACTION TAKEN

11/18/2021 First Reading, Referred to Second Reading 12/02/2021

- _____ Read Item
_____ Rationale
_____ Council Discussion
_____ Vote

B. NEW BUSINESS (Refer to Public Hearing 12/16/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-052
INTRO: 12/02/2021**

2022-052 SUPPLEMENTAL APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,075,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF SEWER INFRASTRUCTURE TO BE INSTALLED AS PART OF MASSDOT'S ROUTE 28 AND YARMOUTH ROAD INTERSECTION IMPROVEMENT PROJECT

ORDERED: That the sum of \$700,000 appropriated under Town Council order 2020-002 be increased by **\$1,075,000** for a total revised appropriation amount of \$1,775,000 for the purpose of funding the construction of sewer infrastructure to be installed as part of the Massachusetts Department of Transportation (MassDOT) Route 28 and Yarmouth Road Intersection Improvement Project, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,775,000 under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-052
INTRO: 12/02/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: December 02, 2021
SUBJECT: Supplemental Appropriation and Loan Order in the amount of **\$1,075,000** for the Construction of Sewer Infrastructure to be installed as Part of MassDOT's Route 28 and Yarmouth Road Intersection Improvement Project

BACKGROUND: This Massachusetts Department of Transportation (MassDOT) is scheduled to commence construction this winter on a project to modify the intersection of Route 28 and Yarmouth Road in Hyannis. During the design phase, the Town requested that (MassDOT) include in the project the installation of sewer infrastructure to facility the future expansion of sewer to the Yarmouth Road area north of the project as well as Route 28 east of the intersection. These areas are identified in the Town's Comprehensive Wastewater Management Plan (CWMP) as requiring sewer expansion to support economic development, protect adjacent water supply wells, and reduce nutrient loading to Lewis Bay. In 2019, the Town Council appropriated \$700,000 for this infrastructure based upon an estimate provided by (MassDOT) (2020-002). MassDOT opened bids this fall and the bid price of \$1,601,440 for the sewer construction exceeded the Town's available budget by over \$900,000. This request is for additional funding to fund this overage as well as the cost of police details associated with the sewer construction and project contingency.

ANALYSIS: MassDOT is scheduled to begin construction this winter on the project. Upon completion of the work (anticipated for 2025/2026) MassDOT will impose a 5-year construction moratorium, prohibiting construction in the roadways associated with this project. Failure to partner with MassDOT on the installation of this sewer infrastructure as part of this project will result in the sewer being delayed by about a decade, likely until Phase 2 of the CWMP. These delays would be projected to result in future higher costs of construction. In addition, given the traffic impacts of construction at this intersection, it is advisable to complete any identified work during one construction project, rather than as part of multiple, disruptive construction efforts.

FINANCIAL IMPACT: Funding for this project will be provided from the issuance of a loan through the State's Revolving Loan Trust. The subsequent loan payments will be included in the future operating budgets of the Sewer Enterprise Fund with a transfer from the Sewer Construction and Private Ways Fund to cover the loan payments. Existing appropriations for this project total \$700,000 (2020-002). With this appropriation, the total available project funding will be \$1,775,000. The project is listed on the 2021 Clean Water State Revolving Fund Intended Use Plan and a 25% subsidy from the Cape Cod and Islands Water Protection Fund has been awarded.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Appropriation Order.

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

B. NEW BUSINESS (Refer to Public Hearing 12/16/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-053
INTRO: 12/02/2021**

2022-053 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$48,000 FOR THE PURPOSE OF PAYING OPERATING EXPENSES OF THE LEGAL DEPARTMENT FOR THE SERVICES OF THE LAW FIRM OF ANDERSON & KREIGER WHICH IS SERVING AS OUTSIDE COUNSEL TO THE TOWN WITH RESPECT TO TWO LAWSUITS FILED AGAINST THE TOWN BY THE CONSERVATION LAW FOUNDATION

ORDERED: That the amount of **\$48,000** be appropriated for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger, which is serving as outside counsel to the Town with respect to two lawsuits filed against the Town by the Conservation Law Foundation; and that to fund the appropriation, that \$48,000 be transferred from the General Fund surplus.

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# 2022-053
INTRO: 12/02/2021

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Karen L. Nober, Town Attorney
DATE: December 02, 2021
SUBJECT: Supplemental Appropriation Order in the amount of **\$48,000** for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger which is serving as outside counsel to the Town with respect to two lawsuits filed against the Town by the Conservation Law Foundation

BACKGROUND: In February 2021, the Conservation Law Foundation (“CLF”) filed a lawsuit against the Town of Barnstable alleging violation of the federal Clean Water Act for operating the Town’s wastewater treatment facility without obtaining a National Pollutant Discharge Elimination System permit for discharges from the facility to groundwater. In June 2021, CLF filed a second lawsuit against the Town alleging violations of the Massachusetts Title 5 regulations of septic systems. CLF has served the Town with both lawsuits. The law firm of Anderson & Kreiger has been representing the Town in both of these matters and has been engaged in ongoing discussions with CLF to determine whether the parties can reach a settlement in both lawsuits, ideally before litigation proceeds too far. The Town has filed a Motion to Dismiss the Clean Water Act lawsuit, and CLF has filed its response to that motion. The requested supplemental appropriation is intended to cover the costs of continued settlement negotiations with CLF. If the Town is required to litigate and defend these matters, then additional funding will be required and another appropriation request will be made as necessary.

FISCAL IMPACT: The relief and penalties sought by CLF in these two complaints would have a substantial financial impact on the Town, and it is therefore critically important that the Town continue to have the benefit of representation by counsel with significant experience and expertise in these types of matters.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Supplemental Appropriation Order.

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-054
INTRO: 12/02/2021**

2022-054 RESOLVE APPROVING THE TOWN OF BARNSTABLE COMPLETE STREETS POLICY FOR SUBMISSION TO THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION FOR PARTICIPATION IN THE COMPLETE STREETS FUNDING PROGRAM

RESOLVED: That the Town Council hereby approves the Town of Barnstable Complete Streets Policy, as presented to the Town Council at this meeting.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-054
INTRO: 12/02/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, Planning & Development Director
DATE: December 02, 2021
SUBJECT: Resolve approving the Town of Barnstable Complete Streets Policy for submission to the Massachusetts Department of Transportation for participation in the Complete Streets Funding Program

BACKGROUND: The Massachusetts Department of Transportation (MassDOT) Complete Streets Funding Program, established in 2016, dedicates state transportation funds to plan and implement Complete Streets. Complete Streets are designed and operated to provide safety, comfort and accessibility for users of all ages and abilities. The purpose of the Policy is to formalize the planning, design, operation and maintenance of the Town's roadways to ensure that, when determined feasible, accommodations are provided to improve safety and accessibility while preserving and enhancing the Town's esteemed scenic, historic and environmental resources.

The Town of Barnstable has already shown commitment to integrating Complete Streets design principles through the installation of shared-use paths, street trees and high visibility crosswalks. The proposed Policy establishes the Town's commitment to continue to implement improvements to enhance the community's mobility, safety and sustainability.

The proposed Complete Street's Policy incorporates ten policy elements, as defined by MassDOT, including but not limited to vision and intent, applicable projects, exceptions, performance measures and implementation. The Policy is scored based on the level of commitment defined within each policy element and must receive an overall score of at least 80 points to be accepted by MassDOT.

The Complete Streets Funding Program is defined by a three tier process. Within Tier 1, a municipality develops a Complete Streets Policy which must be approved by the highest elected official or governing body and must receive a qualifying score from MassDOT. Additionally, Town staff is required to attend Complete Streets training. Upon notification that the Policy has been approved by MassDOT, a municipality continues to Tier 2 to develop a Prioritization Plan ultimately reviewing existing and coordinating additional plans, studies and analyses to rank priority projects by factors including cost, community support, traffic and safety benefits and anticipated timeframe for completion. Once a Prioritization Plan is approved by MassDOT, at Tier 3, a municipality can apply for construction funding to implement a project or several projects identified within the Prioritization Plan.

Example Complete Streets project types include intersection redesign such as curb extensions at pedestrian crossings; street reconfiguration and traffic calming including lane narrowing to add a bike lane; pedestrian crossing modifications such as incorporation of Americans with Disabilities Act (ADA) compliant curb ramps; pedestrian and bike network connections including the installation of a sidewalk; transit investments such as bus shelters and bike racks; and environmental and streetscape investments including street lighting and street trees.

In adopting this Policy, the Town of Barnstable will incorporate a Complete Streets approach prioritizing a network of transportation that is connected, efficient and accessible which will enhance the quality of life for the community by improving health and safety, encouraging economic viability, promoting social equity, and supporting environmental sustainability.

FISCAL IMPACT: The Complete Streets Funding Program provides two opportunities for municipalities to obtain funding for efforts to identify priority projects and for implementation of desired improvements. A municipality can request up to \$38,000 in technical assistance to help with the development of a Prioritization Plan coordinated within Tier 2. The funding provided for technical assistance is used to hire a consultant or regional agency to conduct studies and analyses to develop a list of Complete Streets projects, coordinate public outreach, and to establish criteria for prioritization of projects. Once a Prioritization Plan is approved by MassDOT, at Tier 3, a municipality may submit an application for construction funding and can receive up to \$400,000 in any rolling four-fiscal-year period. The Town can decide whether to request construction funding for one project for the total \$400,000 or to distribute the total potential funding, not to exceed \$400,000, over the course of several smaller grants during any four-fiscal-year timeframe. MassDOT will grant awards through a competitive application process to occur twice annually.

STAFF ASSISTANCE: Elizabeth Jenkins, Director of Planning and Development; Kate Maldonado, Assistant Director of Planning and Development; Daniel W. Santos, P.E., Director of Public Works; Griffin Beaudoin, Town Engineer; Paul Graves, Senior Project Manager



Town of Barnstable

367 Main Street
Hyannis, Massachusetts 02601

COMPLETE STREETS POLICY

Introduction

Complete Streets are designed and operated to provide safety, comfort and accessibility for users of all ages and abilities including pedestrians¹, cyclists, transit users and motorized vehicles. In adopting this policy, the Town of Barnstable will incorporate a Complete Streets approach prioritizing a network of transportation that is connected, efficient and accessible which will enhance the quality of life for our community by improving health and safety, encouraging economic viability, promoting social equity, and supporting environmental sustainability.

The Town of Barnstable has already shown commitment to integrating Complete Streets design principles through the installation of shared-use paths, street trees and high visibility crosswalks. This policy establishes the Town's commitment to continue to implement improvements to enhance our community's mobility, safety and sustainability.

The purpose of this policy is to formalize the planning, design, operation and maintenance of our roadways to ensure that, when determined feasible, accommodations are provided for users of all ages and abilities to improve safety and accessibility while preserving and enhancing the Town's esteemed scenic, historic and environmental resources.

1. Vision and Intent

The Town of Barnstable recognizes that all projects including new construction, reconstruction, and maintenance are opportunities to incorporate Complete Streets design principles. The Town will, to the maximum extent feasible, plan, design, construct, maintain and operate all projects to provide for a comprehensive and interconnected street network for people of all ages and abilities. The Town will consider context sensitivity and roadway character when establishing Complete Streets projects.

2. Users and Modes

The Town of Barnstable acknowledges that Complete Streets are designed and operated to provide safety, comfort, and accessibility for users of all ages and all abilities including pedestrians¹, bicyclists, equestrians, motorists, transit users, school bus riders, freight haulers, delivery and service personnel, commercial vehicles and emergency responders.

3. All Projects and Phases

The Town of Barnstable acknowledges that Complete Streets projects represent an incremental approach achieved through various elements and improvements to be accomplished over time with long-term results. Where feasible and practical, Complete Streets design principles shall be considered in review of all publicly funded and privately funded projects, per the procedures outlined below, as determined by the Department of Public Works.

- *All publicly funded transportation projects that impact the right-of-way.* Publicly funded projects will be reviewed and overseen by the Department of Public Works.

- *All privately funded transportation projects that impact the right-of-way.* Privately funded projects will be reviewed by Town staff at Site Plan Review. The project proponent will be made aware of the Town's Complete Streets Policy and the Prioritization Plan and the proposal will be reviewed for compatibility with the Policy and the Prioritization Plan. The installation of privately funded projects will be overseen by the Department of Public Works and permitting staff in coordination with the developer's engineer.
- *All private developments that impact the right-of-way.* All new roads will be reviewed by the Planning Board through the Town's subdivision process. The project proponent will be made aware of the Town's Complete Streets Policy and the Prioritization Plan and the proposal will be reviewed for compatibility with the Policy and the Prioritization Plan. The installation of private developments will be overseen by the Department of Public Works and permitting staff in coordination with the developer's engineer.
- All transportation infrastructure and street design projects requiring funding or approval by the Town of Barnstable.
- All projects funded by the State and Federal Government including but not limited to Chapter 90 funds, Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, Community Development Block Grants (CDBG), Town improvement grants, Capital Funding, and other state and federal funds for street and infrastructure design.
- The Town of Barnstable shall commit to collaborating with MassDOT to incorporate Complete Streets principles for the design, construction, and maintenance of state-owned roadways.
- The Department of Public Works will use best judgment with regard to the feasibility of applying Complete Streets design principles when conducting municipal road repairs and upgrades and/or expansion projects within the public right-of-way.

4. Exceptions

It is recognized that incorporation of Complete Streets elements into a project will not always be feasible or practical. Exceptions to Barnstable's Complete Streets Policy may be granted by the Department of Public Works. A written request for an exception shall be submitted for review to the Department of Public Works and will be granted if documentation, data, or conditions indicate that any of the following circumstances apply:

- Transportation networks, such as interstate freeways, where specific users, including cyclists and/or pedestrians, are prohibited by law.
- Where the cost of implementation or impact of accommodation associated with an enhancement is determined to be excessively disproportionate to the need or probable use.
- Locations where there is an absence of current and future need for incorporation of Complete Streets design principles.
- Locations where protected scenic, historic, or environmental features and or qualities would be adversely impacted. This includes projects on designated scenic roads, rural roads or private roads where certain actions may not be practical or feasible due to factors such as ownership or environmental impacts.
- A project that involves emergency repairs or ordinary maintenance such as roadway mowing, street sweeping, minor roadway repairs and normal re-paving, pothole filing, and public infrastructure and utilities repair, within the right-of-way.
- Public and private utility improvement projects.
- Existing private ways.

5. Network

The Town of Barnstable's Complete Streets Policy will establish a network approach that supports a connected and integrated community with accessible and efficient connections between home, school, work, transit,

recreation, medical facilities and retail destinations. The Town recognizes that a network approach will furthermore support economic growth and community stability.

6. Jurisdiction

The Town of Barnstable acknowledges that coordination with various agencies, who play a significant role in funding, planning and developing streets, is imperative for successful implementation of Complete Streets elements.

Implementation of Barnstable's Complete Streets Policy will be achieved through coordination between Town departments with multi-jurisdictional cooperation and, to the extent possible, private developers, as well as state, regional and federal agencies. Additionally, the Town will work cooperatively with neighboring communities and regional entities, including MassDOT, in an effort to strengthen regional connectivity for all users.

7. Design

In order to maximize safety, accessibility, design flexibility and technological advancements, the latest design guidance, standards, and recommendations available will be used in the implementation of Complete Streets elements, including, but not limited to, the most up-to-date versions of:

- The Massachusetts Department of Transportation (MassDOT) Project Design and Development Guidebook
- The National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide
- The National Association of City Transportation Officials (NACTO) Urban Street Design Guide
- The latest edition of American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highway and Streets
- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD)
- The Architectural Access Board (AAB) 521 CMR Rules and Regulations
- The Cape Cod Commission's Complete Streets/Living Streets Design Manual
- Cape Cod Metropolitan Planning Organization's Cape Cod Regional Transportation Plan
- The Town of Barnstable's Local Comprehensive Plan
- The Town of Barnstable's Growth Incentive Plan
- Walk audits performed in coordination with WalkBoston and Road Safety Audits (RSA).
- Documents and plans created for The Town of Barnstable such as bicycle and pedestrian network plans.

8. Context Sensitivity

The Town of Barnstable will develop and implement Complete Streets projects in a context sensitive manner that is attentive to the needs of all users; integrates the community's goals, objectives and values; and is compatible with the community's physical, economic and social setting. The context-sensitive approach to process and design shall incorporate a range of goals by considering stakeholder and community values on a level plane with the project need. When considering and prioritizing Complete Streets projects, the Town will take into account the surrounding community, current and planned infrastructure and expected transportation needs. The overall goal of this approach is to preserve and enhance scenic, historic, and environmental resources while improving and maintaining public safety.

9. Performance Measures

The Town of Barnstable shall utilize the following performance measures which will be assessed and presented annually by the Department of Public Works, to gauge implementation and effectiveness. These measures include:

- Total linear feet of new or reconstructed shared use paths and sidewalks
- Total linear feet of roadway enhanced by roadway repair, pavement marking, and/or signage
- Total number and type of crosswalk and intersection improvements
- Total number of ADA accommodations built such as new or reconstructed curb ramps
- Number of new street trees planted

10. Implementation

The Town of Barnstable will make Complete Streets practices a routine part of everyday operations and shall approach every project as an opportunity to improve the overall transportation network for all users.

The Town of Barnstable will utilize inter-department coordination among Planning and Development, the Department of Public Works and other related departments to promote efficient use of resources to establish and prioritize Town roadways and paths that provide a safe, comfortable and convenient environment for all users.

The Town of Barnstable's Planning and Development department will review and revise or develop proposed revisions to incorporate Complete Streets principles into the Town's Local Comprehensive Plan, Open Space and Recreation Plan, zoning and subdivision codes, and all additional guidelines and programs as applicable.

The Town of Barnstable's Department of Public Works will maintain an inventory of Complete Streets improvements as evaluated by the performance standards described herein and will commit to improving methods for measuring and collecting data as new technology is developed.

Town staff will continue to attend classes and training opportunities on Complete Streets and will regularly solicit feedback from the public to ensure that the community's goals, objectives and values are considered and incorporated. In addition, the Town will actively seek additional sources of funding and grants for implementation of Complete Streets design principles.

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-055
INTRO: 12/02/2021**

2022-055 APPROVING THE CONSERVATION RESTRICTION ON LAND LOCATED AT 0 BEECH LEAF ISLAND ROAD, 0 BAY LANE, 0 THORNBERRY ROAD AND 0 SOUTH MAIN STREET BETWEEN BARNSTABLE LAND TRUST (GRANTOR) AND THE COMPACT OF CAPE COD CONSERVATION TRUSTS (GRANTEE)

RESOLVED: That the Town Council does hereby approve and authorize the Town Manager to sign and approve on behalf of the Town of Barnstable the Conservation Restriction between Barnstable Land Trust (BLT) (grantor), and The Compact of Cape Cod Conservation Trusts, Inc. (grantee), over approximately 21.76 acres of vacant land in Centerville on:

Map 187, Parcel 079, Lot 002 (0 Beech Leaf Island Road), currently owned by Beech Leaf Island, Inc. (c/o Sylvia & Sylvia);

Map 187, Parcel 080, Lot 002 (0 Beech Leaf Island Road) currently owned by Sylvia & Sylvia Assoc., Inc.;

Map 186, Parcel 092, Lot 0 (0 Beech Leaf Island Road), currently owned by School Street Realty Nom. Tr. (c/o Sylvia & Sylvia);

Map 186, Parcel 086, Lot 0 (0 Bay Lane), currently owned by Sylvia & Sylvia;

Map 186, Parcel 088, Lot 002 (0 Thornberry Road), currently owned by Beech Leaf Island, Inc., (c/o Sylvia & Sylvia);

Map 187, Parcel 034, Lot 0 (0 South Main Street), currently owned by Sylvia & Sylvia Associates, Inc.;

said parcels to be donated to the Barnstable Land Trust for the purposes of preserving open space, water quality, and rare species habitat.

SPONSOR: Councilor Nikolas Atsalis, Precinct 4

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Decision
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-055
INTRO: 12/02/2021

SUMMARY

TO: Town Council
FROM: Councilor Nikolas Atsalis, Precinct 4
DATE: December 02, 2021
SUBJECT: Approving the conservation restriction on land located at 0 Beech Leaf Island Road, 0 Bay Lane, 0 Thornberry Road and 0 South Main Street between Barnstable Land Trust (Grantor) and the compact of Cape Cod Conservation Trusts (Grantee)

BACKGROUND: All Conservation Restrictions (CRs) held by non-profits must be approved by the Town (and the State) under G.L. c. 184, ss. 31-33. Therefore, Town Council action is needed for the Town to approve the CR. This item has been placed on the agenda for the Council's approval of a conservation restriction to be granted by Barnstable Land Trust and to be held by The Compact of Cape Cod Conservation Trusts over approximately 21.76 acres of land off Bay Lane in Centerville to be donated by the current owners to the BLT. The parcels are more specifically identified as on Assessors Map 187, Parcel 079, Lot 002 (0 Beech Leaf Island Road), currently owned by Beech Leaf Island, Inc. (c/o Sylvia & Sylvia); Map 187, Parcel 080, Lot 002 (0 Beech Leaf Island Road) currently owned by Sylvia & Sylvia Assoc., Inc.; Map 186, Parcel 092, Lot 0 (0 Beech Leaf Island Road), currently owned by School Street Realty Nom. Tr. (c/o Sylvia & Sylvia); Map 186, Parcel 086, Lot 0 (0 Bay Lane), currently owned by Sylvia & Sylvia; Map 186, Parcel 088, Lot 002 (0 Thornberry Road), currently owned by Beech Leaf Island, Inc., (c/o Sylvia & Sylvia); Map 187, Parcel 034, Lot 0 (0 South Main Street), currently owned by Sylvia & Sylvia Associates, Inc.. The current owners, Ronald J. Silvia and Floyd Silvia, have been deemed eligible to receive a Conservation Land Tax Credit (CLTC) for the donation of this land to Barnstable Land Trust, with the stipulation that a conservation restriction be placed on the land.

ANALYSIS: This conservation restriction preserves both upland and wetland known historically as the Great Cedar Swamp of Centerville. It will enhance the adjoining 10-acre woodland donated to the Town by the Sylvia family for outdoor education at the Centerville Elementary School. It will also preserve important wildlife habitat and protect freshwater wetlands. This land is important to protect for plant and animal habitat, public access and recreation, to protect forested open space, and link to other conservation land.

This proposed conservation restriction conforms to the Open Space Policy of the Town, adopted in 1981, which "encouraged grants of conservation restrictions" which yielded "benefits to the Town," and furthers the Town of Barnstable's Updates to its Open Space & Recreation Plan. Specifically, the Barnstable Land Trust Conservation Restriction on Church Street offers the following public benefits and will:

- prevent disturbance of wetlands,
- preserve open space,
- link to other conservation land,
- preserve important natural habitats of fish, wildlife or plants,
- prevent construction on land of natural resource value

- provide public access for passive recreation
- provide a connection to a boardwalk to enhance existing outdoor education and recreation near the Centerville Elementary School

Barnstable Land Trust wishes to restrict the use of the 21.76 undeveloped acres of its property to conservation purposes and limited passive recreation. The State has determined that this conservation restriction is required for the prior landowners to receive a State Conservation Land Tax Credit for the donation of the property to Barnstable Land Trust. The tax credit program requires that a non-profit hold a conservation restriction to protect the land for conservation in perpetuity.

APPROVALS: The Conservation Commission voted its support on November 23, 2021. The Land Acquisition and Preservation Committee voted to recommend the Conservation Restriction to Town Council on October 4, 2021.

FISCAL IMPACT: The 19.72 acres to be restricted is valued as undevelopable land at approximately \$45,500 and will result in a decrease in property taxes of approximately \$489 in town, district and CPA funds.

STAFF ASSISTANCE: Kate Connolly, Assistant Town Attorney

B. NEW BUSINESS (Refer to Public Hearing 12/16/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-056
INTRO: 12/02/2021**

2022-056 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$350,000 FOR THE PURPOSE OF FUNDING THE FISCAL YEAR 2022 DEPARTMENT OF PUBLIC WORK'S FISCAL YEAR 2022 OPERATING CAPITAL BUDGET

ORDERED: That the amount of **\$350,000** be appropriated for the purpose of funding the Fiscal Year 2022 Department of Public Work's Fiscal Year 2022 Operating Capital Budget and that to fund the appropriation, that \$350,000 be transferred from the General Fund surplus.

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# 2022-056
INTRO: 12/02/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, C.P.A., Director of Finance
DATE: December 02, 2021
SUBJECT: Supplemental Appropriation Order in the amount of **\$350,000** for the purpose of funding the Fiscal Year 2022 Department of Public Work's Fiscal Year 2022 operating capital budget

BACKGROUND: Town Council order 2022-046 authorized the transfer of \$350,000 from the Fiscal Year 2022 Public Work's Department Operating Capital budget for the purpose of paying for the assistance of outside contractors for storm cleanup costs associated with the October 27, 2021 Nor'easter. This action allowed for the department to immediately contract for the services as the winter snow season is approaching and it is imperative that trees and limbs be removed as soon as practicable so as not to impact snow clearing operations. This order seeks to restore the funds so that the department can continue with their planned vehicle and equipment replacements.

FISCAL IMPACT: Funding for this order is provide from the General Fund surplus which was last certified at \$24,427,135 as of July 1, 2021.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Appropriation Order.

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-057
INTRO: 12/02/2021**

2022-057 AUTHORIZATION TO EXPEND A GRANT IN THE AMOUNT OF \$11,700 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF ENHANCING THE REDUCTION OF WASTE AND INCREASING RECYCLING

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a grant in the amount of **\$11,700** from the Massachusetts Department of Environmental Protection (“DEP”) for the purpose of enhancing the Town’s waste reduction programs through the acquisition of recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and to pay other related expenses authorized in the Town’s Recycling Dividends Program contract.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-057
INTRO: 12/02/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: December 02, 2021
SUBJECT: Authorization to expend a grant in the amount of **\$11,700** from the Massachusetts Department of Environmental Protection for the purpose of enhancing the reduction of waste and increasing recycling

BACKGROUND: The Town has been awarded an \$11,700 grant from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP). The grant award was made because of specific programs and policies the Town has implemented to maximize reuse, recycling and waste reduction.

ANALYSIS: The acceptance of this grant will allow the Solid Waste Division and the Town to enhance its waste reduction programs through the acquisition of recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other related expenses authorized in the Recycling Dividends Program (RDP) contract.

FISCAL IMPACT: There is no impact to the Solid Waste Division's operating budget as a result of receiving this grant. Grants funds are received upfront and used for the stated purpose in the grant agreement.

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

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

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-058
INTRO: 12/02/2021**

2022-058 A RESOLUTION THAT THE TOWN COUNCIL PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE THREE SECTIONS OF COUNTY HIGHWAY, NAMELY THREE PORTIONS OF PHINNEY’S LANE WHICH, COMBINED, EXTEND FROM WEQUAQUET LANE TO MASSACHUSETTS ROUTE 28, A/K/A FALMOUTH ROAD

RESOLVED: That pursuant to General Laws Chapter 82, Section 5, the Town Council petition the County Commissioners of Barnstable County to formally discontinue three sections of County Highway, namely those three portions of Phinney’s Lane from Wequaquet Lane to Massachusetts Route 28, a/k/a Falmouth Road, as described in three (3) Orders of Taking by the Barnstable County Commissioners, as follows:

The first, from the intersection of Wequaquet Lane to Great Marsh Road, being recorded in the Barnstable County Registry of Deeds in Book 476, Page 38, dated July 22, 1930, also shown on a Plan of Land recorded in said Registry in Plan Book 41, Page 109 F1;

The second, from, the intersection of Great Marsh Road to the limit of the third segment of roadway referenced below approximately 120+/- feet northerly of the sideline of Massachusetts Route 28, a/k/a Falmouth Road, dated December 13, 1932, on record in the Office of the Barnstable Town Clerk, and as shown on a plan of land recorded in the Barnstable County Registry of Deeds in Plan Book 47, Page 45 F1 and F2; and

The third, a segment of roadway abutting the Northerly Side of Massachusetts Route 28, a/k/a Falmouth Road extending northerly to the limit of the second segment of roadway referenced above and described in Barnstable County Registry of Deeds in Book 479, Page 284, recorded December 19, 1930, also as shown as a plan at said Registry in Tube No. 5.

It is the intent thereby to render said sections of the County highway a Town way by operation of G.L. c. 82, § 5; and further, that said petition request that the discontinued sections of said County highway remain a public way, and that the Town Manager be authorized to execute and deliver any documents on behalf of the Town necessary to effectuate this resolve.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-058
INTRO: 12/02/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Charles McLaughlin, Town Attorney's Office
DATE: December 2, 2021
SUBJECT: A Resolution that the Town Council petition the County Commissioners of Barnstable County to formally discontinue three sections of County Highway, namely three portions of Phinney's Lane, which, combined, extend from Wequaquet Lane to Massachusetts Route 28, a/k/a Falmouth Road

BACKGROUND: The portion of Phinney's Lane between Wequaquet Lane and Route 28 a/k/a Falmouth Road was taken and laid out by the Barnstable County Commissioners between 1930 and 1932. The three portions of Phinney's Lane are further defined as follows:

The first, from the intersection of Wequaquet Lane to Great Marsh Road, being recorded in the Barnstable County Registry of Deeds in Book 476, Page 38, dated July 22, 1930, also shown on a Plan of Land recorded in said Registry in Plan Book 41, Page 109 F1;

The second, from the intersection of Great Marsh Road to the limit of the third segment of roadway referenced below approximately 120+/- feet northerly of the sideline of Massachusetts Route 28, a/k/a Falmouth Road, dated December 13, 1932, on record in the Office of the Barnstable Town Clerk, and as shown on a plan of land recorded in the Barnstable County Registry of Deeds in Plan Book 47, Page 45 F1 and F2; and

The third, a segment of roadway abutting the Northerly Side of Massachusetts Route 28, a/k/a Falmouth Road extending northerly to the limit of the second segment of roadway referenced above and described in Barnstable County Registry of Deeds in Book 479, Page 284, recorded December 19, 1930, also as shown as a plan at said Registry in Tube No. 5.

ANALYSIS: These three sections are a vital in-road route for sewer lines that will be installed by the town, perhaps in parallel with and at the same time as the Vineyard Wind cable installation, potentially enabling significant savings realized from common construction and installation. State statute, G.L. c. 82, §5, establishes a clear procedure for obtaining this discontinuance, via petition by a town to a county requesting that the county discontinue a county way (or a section thereof). A county way discontinued by following this procedure automatically becomes a town way, and if requested, remains a public way.

FISCAL IMPACT: The town already (1) operates and has operated for years in the belief that portions of Phinney's Lane is owned by the Town, (2) maintains portions of Phinney's as a public way, and (3) budgets accordingly. There is no impact on the general fund operating budget resulting from the legal formality of documenting a transfer from the County to the Town that both the County and Town believe has already occurred, or from petitioning that the way remain a public way.

STAFF SUPPORT: Attorney Charles McLaughlin, Town of Barnstable Legal Department