

Town of Barnstable  
Town Council  
James H. Crocker Jr. Hearing Room  
367 Main Street, 2<sup>nd</sup> floor,  
Hyannis, MA 02601  
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E-mail : [council@town.barnstable.ma.us](mailto:council@town.barnstable.ma.us)

## TOWN COUNCIL MEETING

April 03, 2025

6:00 pm

Councillors:

Craig Tamash  
President  
Precinct 4

Kris Clark  
Vice President  
Precinct 11

Gordon Starr  
Precinct 1

Dr. Kristin Terkelsen  
Precinct 2

Betty Ludtke  
Precinct 3

John Crow  
Precinct 5

Paul C. Neary  
Precinct 6

Seth Burdick  
Precinct 7

Jeffrey Mendes  
Precinct 8

Charles Bloom  
Precinct 9

Matthew P. Levesque  
Precinct 10

Paula Schnepf  
Precinct 12

Felicia Penn  
Precinct 13

Administrator:  
Cynthia A. Lovell  
[Cynthia.lovell@town.barnstable.ma.us](mailto:Cynthia.lovell@town.barnstable.ma.us)

The April 03, 2025 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2<sup>nd</sup> Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

1. The meeting will be televised live via Xfinity Channel 8 or 1070 or High-Definition Channel 1072 or may be accessed via the Government Access Channel live stream on the Town of Barnstable's website:

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

2. Written Comments may be submitted to: <https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/TownCouncil/Agenda-Comment.asp>

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/85475383461> Meeting ID: 854 7538 3461  
US Toll-free • 888 475 4499

### 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 (Pre-Recorded and available on Video on Demand on the Town website)

#### 7. MINUTES

- ACT ON PUBLIC SESSION MINUTES: March 20, 2025

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

- Update on Per- and Polyfluoroalkyl Substances (PFAS) research on Cape Cod  
Laurel Schaidler, PhD, Senior Scientist, Silent Spring Institute
- Council Discussion on Accessory Dwelling Units (ADU's)

#### 9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

#### 10. ADJOURNMENT

NEXT REGULAR MEETING: April 17, 2025

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**A. OLD BUSINESS**

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**B. NEW BUSINESS**

**CONSENT AGENDA:**

**Proposed Vote:** To refer Items **2025-085** through **2025-139** and **2025-147**, as written, to individual public hearings to be held on each item at the Town Council meeting on April 17, 2025.

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**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 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 (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-143**

**INTRO: 03/06/2025, 03/20/2025, 04/03/2025**

**2025-143 ORDER APPROVING AMENDMENTS TO THE TOWN COUNCIL RULES**

**ORDERED:** That the Town Council does hereby amend the Town Council Rules, as most recently amended on October 3, 2019, by striking the Rules in their entirety and inserting the Town Council Rules of Procedure, dated February 10, 2025, attached hereto, in place thereof.

**SPONSORS:** Councilors Kris Clark, Craig Tamash, Seth Burdick, Betty Ludtke and Kristin Terkelsen, as Chair and members, respectively, of the Town Council Ad Hoc Committee to Review Town Council Rules and the Town Code

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2025-143

INTRO: 03/06/2025, 03/20/2025, 04/03/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Kris Clark, Chair, Ad Hoc Committee to Review Town Council Rules and Town Code  
**DATE:** March 06, 2025  
**SUBJECT:** Order Approving Amendments to the Town Council Rules

**BACKGROUND:** The Ad Hoc Committee to Review Town Council Rules and Town Code has been meeting regularly since June 4, 2024 and is recommending for Town Council approval a number of changes to the current version of the Town Council Rules. In addition to substantive changes, certain sections and headings have been reorganized and renamed for clarity. While not an exhaustive list of every proposed change, the following is a summary of the key substantive changes that are being proposed:

- At the beginning of the Rules (now referred to as the Town Council Rules of Procedure), there is a new Subsection A, which sets forth a “Councilor Code of Conduct” and a new Subsection B, which addresses the use of Town phones and Town emails for the conduct of Town business by Councilors.
- While the Rules explicitly acknowledge that all meetings of the Town Council and Town Council committees are subject to the state Open Meeting Law (OML), the portion of the existing Rules which repeated verbatim the executive session provisions of the OML has been removed.
- A new rule (Rule 5C) has been added to address attendance and remote participation in Town Council meetings. The recently adopted Town Council Policy on Remote Participation is referenced in Rule 5C and will be included as an attachment to but not an integral part of the Rules, which will allow that policy to be amended separately without requiring an amendment to the Rules. Rule 5C addresses how technical problems will be handled if they affect the ability of a Councilor to participate remotely in a meeting.
- Rule 5E – “Agenda Setting” incorporates, as a goal, the current practice of posting the agenda for a Thursday Town Council meeting by the preceding Friday.
- Rule 5F – “Consent Agenda” is a newly added rule.
- The Rule addressing Public Comment (Rule 5H) has been revised to include a statement to be made by the presiding officer at the beginning of the public comment portion of the meeting.
- Rule 6D – “Order of Motions” was revised to include information on each motion.
- Under the current Rule on Reconsideration, a Councilor who voted with the prevailing side may make a motion for reconsideration at the meeting at which the vote was taken or may give notice at that meeting that a motion for reconsideration will be made at the next regular meeting. If no such notice was given, the Rule would need to be suspended to allow a motion for reconsideration at the next meeting. As revised, the Rule on Reconsideration (Rule 6G) allows a Councilor to give notice at the next meeting that he or she plans to make a motion for reconsideration at the following meeting without any need for suspending the Rules.
- Rule 8A – “Votes” was rewritten to include a discussion of recusals.
- Rule 11A – “Committee Guidelines and Parameters” retains the rule that the Council President and Vice President shall not serve as chair or vice-chair of any committee but permits a



Councilor who is already serving as chair or vice-chair of an Ad-Hoc Committee to continue in that role if subsequently elected President or Vice-President of the Council. Similarly, Rule 11A retains the rule that the President shall be an ex-officio member of all committees of the Council, while explicitly clarifying that the President shall be a non-voting member but provides that the President may continue to be a voting member of any Ad-Hoc Committee on which he or she serves if such service pre-dates his or her election as President. These changes are intended to prevent any disruption to the work of such committees, since these committees are time-limited in nature.

- Rule 11B – “Ad-Hoc Committees” sets forth the process for ad-hoc committees and retains the current rule which provides that the Town Council President designates the members of such committees that are established by vote of the Council. Rule 11B provides that such committees shall include Councilors and may include registered voters. The Rule provides that the chair of any such committee shall be selected by vote of the committee, but notes that the Council vote creating the committee may impose additional requirements for the selection of a chair (e.g., the Council may wish to require that a chair of a particular committee be a Councilor). In recognition of the staff resources needed to assist ad-hoc committees, Rule 11B limits the number of ad-hoc committees that may exist and meet during any given period to no more than 2 but allows the Council to override this rule to create up to 2 additional committees.
- Rule 12 – “Liaisons to Boards, Committees and Commissions of the Town” sets forth the role of Council liaisons.
- Rule 17 – “Suspension of Rules” was amended to require a 2/3 vote of the Councilors present and voting to suspend a Town Council rule (currently, suspending the rules may be done by majority vote), and clarifies that the Council may suspend a provision of a Town ordinance by the same process that would be required to amend such ordinance.

Finally, it should be noted that, although discussed by the committee, no change was recommended to the provision of the existing Rules which states that, in matters of parliamentary procedure not explicitly addressed elsewhere, particular emphasis shall be given to Mason’s Manual of Legislative Procedure (see Rule 6A “Parliamentary Guidelines”). The Council may wish to discuss whether Robert’s Rules of Order should replace Mason’s as its primary reference guide.

To assist you in your review, attached is the current version of the Town Council Rules, a clean version of the proposed Rules of Procedure (Updated 02/10/2025), and a redlined version showing the changes made from the current version to the proposed version.

**FISCAL IMPACT:**None

**STAFF ASSISTANCE:** Karen L. Nober, Town Attorney; Allison Cogliano, Assistant Town Attorney

## **TOWN COUNCIL RULES OF PROCEDURE (Updated 02/10/2025)**

These Town Council Rules of Procedure (“Rules” or “Town Council Rules”) are adopted pursuant to Section 2.6(c) of the Town of Barnstable Home Rule Charter (“Charter” or “Town Charter”). Amending or repealing these Rules shall require two readings and a majority vote of the full Council.

### **A. COUNCILOR CODE OF CONDUCT**

Councilors shall conduct themselves in a professional and peaceable manner during Town Council meetings. Discourse shall be marked by civility, openness and respect, even in the face of disagreement. Councilors shall not make comments that are personal in nature and shall not use insulting, threatening or abusive language. Councilors should conduct themselves in a manner that respects the orderly procedure of the meeting to assure the business of the Town is attended to as expeditiously as the deliberative process allows. To that end, discussion and debate shall focus on the agenda item being discussed or voted on until a decision is made or the discussion is postponed to a later time. Councilors shall not engage in private conversations during Council meetings, including texting or emailing each other during a meeting. Cell phones shall be silenced during Council meetings.

Councilors shall strive for openness and transparency in the performance of their duties. Councilors shall comply with the state Conflict of Interest Law, M.G.L. c. 268A, and comply with and complete the conflict of interest law education and training requirements. Councilors shall comply with the state Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and shall certify, as required, receipt of copies of the Open Meeting Law, the regulations and the Open Meeting Law Guide prepared by the Attorney General’s Office.

### **B. USE OF TOWN PHONES AND EMAIL**

Upon election, all Town Councilors shall be assigned a Town cellphone and provided with a Town email account, and Councilors shall use the Town cellphone and Town email to conduct Town business to facilitate compliance with the state public records law. No Town resources shall be used for political purposes.

### **C. TOWN COUNCIL RULES**

#### **RULE 1 ELECTION OF COUNCIL OFFICERS**

The first Town Council meeting in December shall be an organizational meeting. At that time, Councilors shall nominate a President and a Vice President, election of which shall take place at the next regular meeting. At the meeting at which the election takes place, time shall be allotted for speeches by each candidate, limited to five (5) minutes per candidate per office. Voting will be done by roll call. Each Councilor shall state the name of the candidate of their choice. If no candidate receives a majority, the candidate receiving the smallest number of votes shall be eliminated and balloting shall continue until one candidate receives a majority vote.

#### **RULE 2 ROLE OF COUNCIL PRESIDENT**

Except as set forth in Rule 11A, the President shall serve as a non-voting ex-officio member of all standing and ad-hoc committees of the Council. The President and Vice President shall designate

Councilors to serve as liaisons between the Council and Town boards, committees and commissions. (See Rule 11D.) The President of the Barnstable Town Council shall be the official head of the Town of Barnstable for all ceremonial purposes and may designate other Councilors to serve in this ceremonial capacity.

### **RULE 3 PRESIDING OFFICER**

The President of the Town Council shall preside at the meetings of the Town Council. In the absence of the Council President, the Vice President shall preside; and in the absence of both, the Clerk of the Council shall designate a Councilor to serve as presiding officer in rotating precinct order.

### **RULE 4 DUTIES OF THE PRESIDING OFFICER (OR “CHAIR”)**

The presiding officer shall take the chair at the hour at which the Council is to meet and call the meeting to order.

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. Questions of order subject to appeal to the Council, by any motion regularly seconded, shall be put as follows: “Shall the decision of the chair stand as the judgment of the Council?” The vote shall be a roll call, and it shall be decided in the affirmative by a majority vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the presiding officer, without further debate upon the question, shall require a roll call vote.

The presiding officer shall vote on all matters that come before the Council. The presiding officer may at any time, during the debate and otherwise, declare a recess for not more than ten minutes and such action shall not be subject to appeal nor shall any motions apply thereto.

The presiding officer may state facts, ask questions (without commenting or giving an opinion) and give opinions upon questions of order without leaving the chair. The presiding officer also may explain his or her vote. When the presiding officer exercises the right to debate, the gavel shall be passed to the Vice President for the duration of the debate on that matter. In the event that the Vice President is absent or chooses to debate, the Clerk of the Council shall designate a presiding officer in rotating precinct order.

### **RULE 5 MEETINGS OF THE COUNCIL**

#### **RULE 5A TIME AND PLACE OF MEETINGS; MEETING REQUIREMENTS**

The time and place of regular meetings shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once a month. The time and place of regular meetings shall be published in December of each year for the following calendar year in accordance with the ordinance governing Council meetings (see Chapter 220 of the Town Code).

No regular meeting shall be scheduled on a solemn or legal holiday. (See Rule 5B – Regular Meeting Schedule, and Chapter 220 of the Town Code.)

Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any four or more members, by written notice. Said notice will include the meeting agenda,

including all agenda items and supporting documents, which will be delivered to the Town Clerk and to each Councilor at least forty-eight (48) hours in advance of the time set. No special meeting shall be scheduled on a solemn or legal holiday. The meeting notice for a special meeting of the Town Council shall be posted in accordance with the requirements of the Open Meeting Law.

Open Meeting Law: All meetings of the Town Council and of Town Council committees are subject to the state Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and the Open Meeting Law regulations, 940 CMR 29.00.

Executive Session: The Council may enter Executive Session only after the Council has first convened in Public Session, provided that notice of the Executive Session has been appropriately posted in accordance with the Open Meeting Law. The presiding officer shall make the motion to go into Executive Session, citing the reason for going into Executive Session and stating whether the Council will or will not return to Public Session after the Executive Session. The vote to go into Executive Session is a roll call vote, and all votes taken in Executive Session are roll call votes. The reason(s) for going into Executive Session must be a reason permitted under the Open Meeting Law.

#### **RULE 5B REGULAR MEETING SCHEDULE**

The Barnstable Town Council shall meet on two Thursdays each month, with every effort made to schedule those meetings on the first and third Thursdays, except in the months of July and August when only one meeting will be held on the third Thursday. Meetings shall conclude at 11:00 P.M, except that the subject at hand may be finished if it was ongoing at 11:00 P.M. Thereafter, the meeting may continue after 11:00 P.M. with a two-thirds vote of the Councilors present and voting. If a regular meeting date falls on a solemn or legal holiday, the President shall make every effort to reschedule such meeting to another Thursday but may choose another day if necessary and warranted by the circumstances. In addition, regular meetings may be rescheduled by the President if necessary and warranted by the circumstances, including, for example, lack of quorum on the scheduled meeting date. Every effort shall be made to reschedule any such meeting to another Thursday, but another date may be chosen if necessary and warranted by the circumstances. No town board, commission, or committee shall meet on a regularly scheduled meeting night of the Town Council.

#### **RULE 5C ATTENDANCE; REMOTE PARTICIPATION**

Except in emergencies, Councilors shall notify the Council President and the Council Administrator in advance if they will be absent from a Town Council meeting. At the beginning of the meeting, the presiding officer shall announce the names of any absent Councilors. Councilors shall make every effort to notify the Council President and Council Administrator if they anticipate that they will arrive late to a Council meeting. The presiding officer shall note the arrival of any Councilor who joins the meeting late. Any Councilor who is leaving the meeting early shall announce their departure, and the presiding officer shall note the Councilor's departure for the record.

To the extent permitted by state law, Councilors may participate remotely in Town Council meetings in accordance with the Town Council Policy on Remote Participation then in effect, subject to any amendment or revocation of that policy as may occur; provided that any such amendment or revocation shall not require an amendment of these Rules. (A copy of the Town Council Policy on Remote

Participation approved by the Council at its February 15, 2024 meeting (Item No. 2024-162) shall be attached to these Rules for informational purposes as Attachment A, but such Policy shall not be deemed to be an integral part of these Rules, and such attachment shall be removed, updated or replaced, as appropriate.)

If technical problems interrupt or prevent remote participation, the presiding officer will wait up to five (5) minutes to allow for the connection or reconnection prior to beginning or resuming the meeting. After waiting five minutes, the meeting shall continue even if the technical problems have not been resolved, but, at the discretion of the presiding officer, the meeting may be delayed for an additional reasonable period to allow for a further attempt to try to resolve the problems or the meeting may resume. In such case, the presiding officer may choose to skip certain agenda items while an attempt is made to resolve the problems. If the Councilor is disconnected, the fact and time shall be noted in the minutes. If the Councilor reconnects, the fact and time shall be noted in the minutes.

### **RULE 5D INTRODUCTION OF COUNCIL BUSINESS**

No measure or non-measure shall be received or acted upon unless introduced by a member of the Council, Town Manager, or by petition as provided by the Town Charter. Every measure or non-measure appearing on the Council agenda shall, if appropriate, be accompanied by the approximate amount of cost involved, and other background information prior to being placed on the agenda.

MEASURE: A “measure” is any matter coming before the Council that is inherently legislative in nature, including, but not limited to, ordinances, charter amendments, appropriations, loan orders, lease approvals, certain contract approvals (e.g., contracts which are required by law to be approved by the Council), and eminent domain authorizations.

Measures require 2 readings.

NON-MEASURE: A “non-Measure” shall include any matter to come before the Council which is not specified to be a “measure” under the Charter, such as any matter which is executive, administrative or ministerial, or quasi-judicial in nature, including, but not limited to, appointments, resolutions, proclamations, tax classification votes, contract approvals that are not measures and petitions to the General Court.

### **RULE 5E AGENDA SETTING**

The Council President, after consultation with the sponsoring Councilor and Town Manager, shall determine placement of business on the Council meeting agenda, or other appropriate disposition. The Council President shall set deadlines for the submission of agenda items by other Councilors, by the Town Manager, and by Town staff through the Town Manager, with the goal of posting the agenda for a Thursday meeting by the preceding Friday. The Council agenda, including the Town Manager’s Report, complete with documentation, shall be delivered to the Town Councilors and posted in accordance with the Open Meeting Law no later than 48 hours prior to the regular meeting of the Council.

## **RULE 5F CONSENT AGENDA**

A Consent Agenda may be used to approve a grouping of agenda items with one vote and no discussion; provided that upon objection by any Councilor to the inclusion of one or more items in any particular Consent Agenda, the item or items shall be removed from the Consent Agenda for separate deliberation and vote by the Town Council; and provided, further, that separate public hearings and votes shall be held for agenda items requiring a public hearing.

## **RULE 5G ORDER OF BUSINESS**

At every regular meeting of the Town Council, the order of business as set forth on the agenda shall be as follows; provided that matters may be taken out of order at the meeting at the discretion of the presiding officer:

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Public Comment
5. Council Response to Public Comment
6. Town Manager Report (which may be pre-recorded)
7. Act on Public Session Minutes
8. Communications from Elected Officials, Boards, Committees and Commissions, and Staff, Correspondence and Announcements
9. Orders of the Day
  - A. Old Business
  - B. New Business
10. Adjournment

## **RULE 5H PUBLIC COMMENT**

At each regular meeting of the Council there shall be a period set aside for public comment. Any member of the public who wishes to participate in public comment shall be recognized by the presiding officer and shall be asked to state his/her name and, if a resident of Barnstable, asked to state the village in which they reside (if not a resident of Barnstable, they shall be asked to state their town of residence) for the record. Generally, public comment will be limited to three minutes for each individual speaking, but additional time may be granted at the discretion of the presiding officer. All remarks and questions shall be addressed to the Council as a whole, through the presiding officer, and not to any individual member. No member of the public may speak at a Council meeting without first being recognized by the presiding officer. The purpose of the public comment period is for the Council to hear comments from

the public, and not for the public to engage in discussions or debate with the Council or with any member of the audience. If any person persists in disorderly behavior after a warning from the presiding officer, the presiding officer may order the person to leave the meeting (see Open Meeting Law). At the beginning of public comment, a statement shall be read by the presiding officer or his or her designee substantially in the form set forth below:

I wish to remind everyone that no member of the public may speak without first being recognized by the Council President (or presiding officer). The public will have an opportunity to speak during the public comment portion of the meeting and during any public hearing on an agenda item.

You are free to express your thoughts, opinions and criticisms during public comment. However, your comments must be directed to the Council as a body, through the President of the Council (or presiding officer). You may not speak directly to any individual Councilor. You also should not be addressing your comments to anyone else in this room – not to Town staff and not to another member of the audience. Public comment is to be directed to the Council.

We also ask that the members of the public refrain from making audible comments during the meeting unless they have been recognized to speak by the Council President (or presiding officer). The Council President (or presiding officer) will request silence in the chamber if anyone ignores this rule.

## **RULE 6 PROCEDURAL MATTERS**

### **RULE 6A PARLIAMENTARY GUIDELINES**

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth, the charter, or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity and efficiency, in that order. In determining any parliamentary question, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Mason's Manual of Legislative Procedure, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.

### **RULE 6B QUORUM**

One half of the total membership of the Town Council plus two shall constitute a quorum. A quorum for the current 13-member Council is nine (9).

### **RULE 6C ORDER OF SPEAKING; LENGTH OF SPEAKING**

Councilors shall not speak without being recognized by the presiding officer except to call the previous question or to doubt the presence of a quorum. When two or more members request the floor at the same time, the presiding officer shall name the member who shall first be heard. During debate, no Council member shall speak to the same question more than once until all other members choosing to speak have spoken. The length of time that any member may discuss the subject on the floor of the Council shall be limited to three minutes, unless otherwise voted by the Council. When debate centers on committee reports, committee members may be recognized beyond the time limit to answer questions.

## **RULE 6D ORDER OF MOTIONS**

(Note: See Rule 8A regarding quantum of votes.)

When a motion is under debate, the chair shall receive no motion except the following (in order of preference):

1. To adjourn
2. To take a recess (not debatable)
3. To lay on the table (not debatable)
4. For previous question (not debatable)
5. To limit or extend limits of debate (not debatable)
6. To postpone to certain date (debatable, but just the motion, not the main question) (may be amended but only as to the date)
7. To refer (to committee) (debatable; may be amended only as to the committee)
8. To amend (motion to amend a debatable question is debatable; motion to amend a question that is not debatable is not itself debatable)
9. To postpone indefinitely (motion is debatable and opens the main question to debate; has the effect of rejecting the main motion)
10. Leave to withdraw (not debatable; may be made at any time before voting has commenced; request for leave to withdraw, presiding officer asks if any objection, if none, motion is withdrawn; if there is an objection, then motion for leave to withdraw and vote on that motion)

## **RULE 6E PREVIOUS QUESTION**

The previous question shall be put as follows: “I call the previous question” or “I move the question.” All further amendments or debate on the main question shall be suspended until the previous question has been decided by a two-thirds vote of the Councilors present and voting. If the motion to move the question passes, the Council shall immediately take a vote on the main question.

## **RULE 6F REFERRAL TO COMMITTEE**

When a matter properly before the Council relates to a subject which may properly be examined and reported upon by an existing or new ad-hoc committee or standing committee of the Council, such matter shall, upon motion and a majority vote of the Council, be referred to such committee. Any matter may be referred to a standing committee, commission or board of the Town with appropriate jurisdiction for advice sought by the Town Council upon motion and a majority vote of the Council.



## **RULE 6G RECONSIDERATION**

At any meeting at which a vote has been taken, it shall be in order for any Councilor who has voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the Council. In addition, any Councilor who has voted with the prevailing side may make a motion for reconsideration at the next regular meeting of the Council following the vote; provided, that if such motion for reconsideration was not noticed on that next regular meeting's agenda, then any such Councilor shall give notice that a motion for reconsideration shall take place at the following regular meeting of the Council. The vote for reconsideration shall be open to debate. The debate shall be limited to twenty minutes. A motion to reconsider requires a majority vote

## **RULE 7 MATTERS REDUCED TO WRITING**

Any substitute motion or amendment shall be in writing when the presiding officer so directs or any member so requests. All substitute motions and amendments shall be written and given to the Clerk of the Council to assure accuracy of the minutes.

## **RULE 8 VOTING**

### **RULE 8A VOTES**

Except as otherwise provided by the General Laws of the Commonwealth, the Town Charter, Town ordinance (or these Town Council Rules, which are established pursuant to Section 2-6(c) of the Town Charter), any action taken by the Town Council requiring a vote shall be by a majority of the Councilors present and voting.

No vote shall take place unless a quorum of the Council is present (abstentions count toward the quorum but are not considered votes; recusals do not count towards the quorum).

Councilors who need to recuse themselves should announce that they are recusing themselves and leave the room during the discussion and until the vote has been taken. If participating remotely, Councilors who need to recuse should announce their recusal, turn off their cameras and mute themselves during the discussion and until the vote has been taken.

### **RULE 8B ROLL CALL**

As required by the Town Charter, all final votes of the Town Council on ordinances, appropriation orders and loan authorizations shall be taken by roll call vote and shall be duly recorded by the Clerk of the Council. On other matters requiring a vote, a roll call may be requested by any Councilor. The order of the roll call voting shall be alphabetical and rotated after each vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the presiding officer, without further debate upon the question, shall require a roll call vote. All votes taken in Executive Session shall be roll call votes. All votes taken in meetings in which any Councilor is participating remotely shall be roll call votes.

When the question is put to a vote, every Councilor present shall vote yes, no, abstain, or pass. If a Councilor passes, his or her name will be called again at the end of the vote for his/her vote. Prior to the

announcement of the results of the roll call vote, any Councilor, at their request, may have his/her name called again to record him/her differently.

## **RULE 9 REJECTED MEASURES**

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for its resubmission, unless resubmission is approved by a majority of the Council present and voting, or as otherwise provided by the Charter.

## **RULE 10 RECORD-KEEPING**

Unless otherwise provided by the Town Council, the Town Clerk shall be the Clerk of the Council at regular meetings of the Council. The Assistant Town Clerk may serve in place of the Town Clerk. Said clerk shall keep a record of its proceedings and perform such duties as may be assigned by the Barnstable Home Rule Charter, by ordinance, or other Council vote. The Council Administrator shall prepare the meeting agenda and give notice of all meetings of the Town Council by transmitting a copy of the meeting agenda to its members and posting meeting notices for the public in accordance with the Open Meeting Law. Communications staff shall make best efforts to record on video all Public Sessions of Council meetings and post said video recordings on the Town website. The Town Council Administrator shall be the clerk of Town Council committee meetings.

## **RULE 11 COMMITTEES OF THE COUNCIL**

### **RULE 11A COMMITTEE GUIDELINES AND PARAMETERS**

After the organization of the Council, the President, subject to approval by the Council, may appoint members to standing committees of the Town Council. Appointments of Councilors to the Appointments Standing Committee shall be made in accordance with Section 37-3 of the Town Code. All Standing and Ad-Hoc Committees of the Council shall be advisory to the Town Council and shall take no actions that bind the Council. Committees shall follow a schedule of meetings to be coordinated through the Council Administrator, who will notify the Council President and post as required with the Town Clerk. The President and Vice President of the Council shall not serve as a chair or vice-chair of any committee of the Council, except that a Councilor already serving as chair or vice-chair of an Ad-Hoc Committee may continue in that role if subsequently elected as President or Vice-President of the Council.

The President shall be a non-voting ex-officio member of all committees of the Council, except that the President may continue to be a voting member of any Ad-Hoc Committee on which he or she serves if such service pre-dates his or her election as President. Meetings of committees may be called by the chair or upon the written request of two members of the committee. All committees of the Town Council shall keep records of proceedings, and a copy of said records shall be filed with the Town Clerk by the Council Administrator, within 30 days following each meeting. Committees have the right and obligation to be creative, offer opinions, minority opinions, produce documents, communicate and participate with town departments/agencies, other government agencies and the general public, subject to the rules and procedures of the Town Council, the Town Charter, the General Laws of the Commonwealth, or as otherwise voted by the Town Council. All new standing committees, boards and

commissions of the Town Council will be evaluated at the end of the first year, at which time a decision will be made by the Town Council whether to continue, disband, or change the entity.

### **RULE 11B AD-HOC COMMITTEES**

The President of the Town Council may designate the members of ad-hoc committees that are established by vote of the Council, the members of which shall include Councilors and may include registered voters in the Town of Barnstable, as is deemed necessary. The chair of any such ad-hoc committee shall be selected by vote of the committee, except that the Council vote creating the committee may impose additional requirements. At the discretion of the committee, a vice-chair may be selected by vote of the committee. Ad-hoc committees shall be comprised of an odd number of members. The period of existence for an ad-hoc committee, as specified by the Town Council vote creating the committee, shall commence from the date of the first meeting of the committee. The Town Council shall limit the number of ad-hoc committees in existence and meeting during any given period to no more than two (2); provided, however, that the Town Council by majority vote of its members may override this rule and allow for the creation of up to two (2) additional ad-hoc committees.

The chair shall organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council. The Town Council Administrator shall record the minutes. Ad-hoc Committees shall have access to the Council Administrator under the direction of the Council President. Ad-hoc Committees shall work through their chair to have access to town agencies/departments or the schools, respectively, in order to avoid duplication of effort.

### **RULE 11C STANDING COMMITTEES**

Standing committees shall select a chair who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council, town agencies, other government agencies, and the general public. A clerk shall be appointed from the committee to record the minutes.

### **RULE 12 LIAISONS TO BOARDS, COMMITTEES AND COMMISSIONS OF THE TOWN**

In accordance with Section 241-8 of the Town Administrative Code, the President and Vice President shall designate each Councilor as the Council liaison to one or more of the multiple-member bodies of the Town. As set forth in said Section 241-8, each Council liaison shall meet with the chair of the board, committee or commission to which they serve as liaison to discuss and define an appropriate reporting relationship.

Council liaisons shall not participate in the deliberations or votes, nor shall they participate in or attend any executive session, of such board, committee or commission. Liaisons shall sit where the public are seated. Liaisons who wish to express a personal opinion shall do so during the public comment portion of the meeting in the same manner as other members of the public and shall state that they are speaking in their personal capacity. When recognized by the Chair, liaisons may ask questions and make comments during discussion and shall identify themselves as liaisons prior to the first instance of speaking, unless speaking in their personal capacity during public comment. Liaisons shall not commit the Council to a course of action and are not to speak on behalf of the Council.

Liaisons shall receive meeting postings, agendas, reports, and minutes from the other body. Liaisons shall attend or watch the meetings of the other body, as they deem appropriate, and should be familiar with the materials provided as above and maintain contact with the other body's Chair.

**RULE 13 APPOINTMENTS - (Nominations by the Appointments Committee)**

Appointments require 2 readings. Any Council action regarding appointments shall be acted upon at the regular meeting succeeding that in which said appointments were presented to the Council as a first read.

**RULE 14 VACANCY IN OFFICE OF PRESIDENT OR VICE PRESIDENT**

In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President. If a vacancy occurs in the office of Vice President, either because the Vice President can no longer serve or because the Vice President has assumed the powers and duties of the President, as set forth in the preceding sentence, the Council shall elect a new Vice President from among its members. The election of a new Vice President shall occur as soon as practicable but with the goal of ensuring that no office of the Council shall remain vacant for more than two regular meetings. The nomination and election process shall conform with the process set forth in Rule 1 above.

**RULE 15 INQUIRIES AND INVESTIGATIONS**

In accordance with and as set forth in Section 2-10 of the Town Charter, the Town Council may conduct inquiries or investigations.

**INQUIRIES:**

An inquiry may be called for by a majority vote of those present at a regular Council meeting. An inquiry shall be made through the Town Manager if it concerns areas under the Town Manager's authority, and specific questions asked shall be answered in a report by the Town Manager to the Council within 60 days. If independent expertise is needed, the Manager shall so notify the Council. If an inquiry is made into an area outside the Town Manager's area of authority, the Council may require such persons as described in Section 2-10 of the Charter to appear to give information or make a report within 60 days. In either case, a report may be considered final by the Council, or the Council may call for further information so that its questions may be answered.

**INVESTIGATIONS:**

If the Manager or other person(s) requested to make a report shall fail to do so, or if the Council finds that there has been unsatisfactory resolution of allegations of serious misconduct on the part of any Town officer, board or commission or their members, or if the Council finds that it needs information not readily forthcoming in order to make a determination, the Council may proceed with an investigation. Investigations are considered the last resort by the Council and should be entered into seriously and advisedly. The procedure to be taken shall be as follows:

1. A motion calling for an investigation shall clearly state in writing the purpose of the investigation and those persons, departments, or topics to be investigated. A resolution calling for an investigation shall not be voted at the first meeting at which it is introduced. A two-thirds vote of the full Council shall be required in order to authorize an investigation to proceed.

2. The Council may, by an affirmative vote of a majority of the full Council, establish a three-person committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for completion of the committee's work, subject to review at the request of the committee. If the committee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council.

3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or quasi-judicial in nature. If the investigative committee is quasi-judicial in nature, it shall proceed substantially along the lines of an informal adversarial proceeding, including the right on behalf of any person who is the subject of the investigation to be represented by counsel and to confront and cross-examine witnesses. In such proceedings, witnesses shall be sworn, but the strict rules of evidence shall not apply. If the Council determines that the investigation is legislative in nature, the foregoing need not apply.

4. The Council may, consistent with existing ordinances and the Administrative Code, request the services of an independent attorney and/or other individuals qualified to conduct such an investigation who shall be engaged for the purposes of the inquiry or investigation, subject to approval by a majority of the full Council.

5. Funds for the employment of an independent attorney shall come from the Council's budget.

6. All meetings of the Council or its committee shall be held in accordance with the Open Meeting Law.

7. Preparation and serving of all subpoenas and letters of notice to witnesses and/or subjects of discussion shall be included in the duties of the legal counsel employed by the Town Council.

8. The proceedings of all public sessions of the committee meetings shall be recorded on video and provided to the full Council along with a copy of committee findings.

9. The committee will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The Council, by an affirmative vote of a majority of the full Council, will make the final determination and shall take any action it deems necessary, consistent with the General Laws, the Town Charter, Town ordinances, collective bargaining agreements and personnel rules and regulations.

## **RULE 16 AGENDA ITEMS**

The following agenda items may be acted upon at a first reading:

Proclamations; Individual and Group Petitions; Resolutions; Transfer Orders, and other non-measures, except appointments

The following agenda items require a first and second reading:

Appointments; Appropriation Orders; Amendments to General and Zoning Ordinances, as well as Administrative Code and other Rules of the Town of Barnstable, including amendments to or repeal of the Town Council Rules of Procedure; Loan Authorizations; Supplemental Appropriations; and any other measures.

No debate shall take place at the first reading of any item requiring a second reading.

Certain items require public hearings, including, but not limited to, budget items, Capital Improvement Plan items, supplemental budget/appropriation items and ordinances.

#### **RULE 17 SUSPENSION OF RULES**

Upon a motion and an affirmative vote of two-thirds of the Councilors present and voting, any rule set forth in these Rules may be suspended in relation to a particular agenda item or for the duration of the Council meeting at which such vote is taken, provided that any requirement imposed by the Town Charter or the General Laws may not be suspended. The Council may suspend a provision of a Town ordinance by the same process that would be required to amend said ordinance.

#### **ATTACHMENT A**

[Attach Town Council Policy on Remote Participation then in effect]

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## TOWN COUNCIL RULES (Updated 10/3/19)

### **RULE 1 COUNCIL OFFICERS**

The first Town Council meeting in December shall be an organizational meeting. At that time, the Council shall nominate a President and a Vice President, election of which shall take place on or before the next regular meeting. Time should be allotted for nomination speeches which would be limited to five (5) minutes per candidate per office. Voting will be done by roll call. Each councilor shall state the name of the candidate of their choice. If no candidate receives a majority, the candidate receiving the smallest number of votes shall be eliminated and balloting shall continue until one candidate receives a majority vote.

### **RULE 2 ROLE OF COUNCIL PRESIDENT**

The President shall serve as ex-officio member of all Council Committees. The President may also be designated by the Council to be its representative to all boards and commissions. The President may delegate that responsibility in whole or in part to any member or members of the Council, subject to the approval of the Council. The President of the Barnstable Town Council shall be the official head of the Town of Barnstable for all ceremonial purposes, and may designate other councilors to serve in this ceremonial capacity. (In accordance with Rule 11B)

### **RULE 3 PRESIDING OFFICER**

The President of the Town Council shall preside at the meetings of the Town Council. In the absence of the Council President, the Vice President shall preside; and in the absence of both, the Clerk of the Council shall designate a presiding chair in rotating precinct order. In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President. If a vacancy occurs in the office of Vice President, the Council shall elect a new Vice President from among its members before two regular meetings have passed. No office of the Council shall remain vacant for more than two regular meetings.

### **RULE 4 DUTIES OF THE PRESIDING OFFICER**

The presiding officer shall take the chair at the hour at which the Council is to meet, and call the members to order. The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. Questions of order subject to appeal to the Council, by any motion regularly seconded, shall be put as follows: "Shall the decision of the chair stand as the judgment of the Council?" The vote shall be a roll call and it shall be decided in the affirmative by a majority vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the chair, without further debate upon the question, shall require a roll call vote. No decision shall be declared unless a quorum of the Council shall have voted. The presiding officer shall vote on all matters that come before the Council. The presiding officer may at any time, during the debate and otherwise, declare a recess for not more than ten minutes and such action shall not be subject to appeal nor shall any motions apply thereto. The presiding officer may state facts and give

opinions upon questions of order without leaving the chair. When the presiding officer exercises the right to debate, the gavel shall be passed to the Vice President for the duration of the debate on that matter. In the event that the Vice President is absent or chooses to debate, the Clerk of the Council shall designate a presiding chair in rotating precinct order.

## **RULE 5 MEETINGS**

The time and place of regular meetings shall be published in December of each year for the following calendar year in accordance with the ordinance governing Council meetings.

### **RULE 5A MEETING DEFINITIONS**

Regular meetings of the Town Council shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once monthly. (See Rule 5B) Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any five or more members, by written notice. [ online code reads 220-2 Special meetings.

Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any four or more members, by written notice. Said notice shall include agenda items and pertinent documents pertaining to those items which will be delivered to the Town Clerk and to each Councilor at least 48 hours in advance of the time set. No special meeting shall be scheduled on a solemn or legal holiday.

Said notice will include relevant agenda items and pertinent documents pertaining to those items which will be delivered to the Town Clerk and to each councilor's residence at least forty-eight hours in advance of the time set. Executive session may be entered only after the council has first convened in open session for which notice has been appropriately posted. The presiding officer cites the reason for going into executive session and calls for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate an executive session.

#### **Purposes Warranting Executive Session:**

1. To discuss the reputation, character, physical condition, or mental health, rather than professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least 48 hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights.

(a) To be present at such executive session during discussions or considerations which involving that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) To speak in his own behalf.



2. To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be 4 of 15 Amended TC Rules 11/06/14 cap waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) To be present at such executive session during discussions or considerations involving that individual.

(b) To have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.

(c) To speak in his own behalf. 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

4. To discuss the deployment of security personnel or devises.

5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

6. To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

7. To comply with the provisions of any general or special law or federal grant-in-aid requirements.

8. To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

9: To meet or confer with a mediator, as defined in section twenty three C of chapter two hundred and thirty three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that:

9(a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed,; and

(b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice may be required in this section.

(Adopted by TC Item 96-061, 1/4/96) (The above rules are extracted from MGL Chapter 39 Section 23B.)

## **RULE 5B MEETING SCHEDULE**

The Barnstable Town Council shall meet on the first and third Thursdays of each month except in the months of July and August when meetings will be held on the third Thursday only. Meetings shall conclude at 11:00 P.M. The subject at hand could be finished if it was ongoing at 11:00 P.M. and the meeting could continue with a 2/3's vote of the council after 11 P.M. If a regular meeting date falls on a solemn or legal holiday, the president shall reschedule such meeting to the Thursday of the following week. No town board, commission, or committee shall meet on a regularly scheduled meeting night of the Town Council.

## **RULE 5C INTRODUCTION OF COUNCIL BUSINESS**

No measure or non-measure shall be received or acted upon unless introduced by a member of the Council, Town Manager, or by petition as provided by the home rule charter. Every measure or non-measure, appearing on the Council agenda shall, if appropriate, be accompanied by the approximate amount of cost involved, and other background information prior to being placed on the agenda.

**MEASURES:** All matters to come before the Council that are inherently legislative in nature, including ordinances, charter amendments, appropriations, loan orders, lease approvals and eminent domain authorizations.

**NON-MEASURES:** Non-Measures shall include all matters to come before the council which are not specified to be measures such as any matter which is executive, administrative or ministerial, or quasi-judicial, including, without limitation, appointments, resolutions, proclamations, tax classification votes, contract approvals, and petitions to the General Court.

## **RULE 5D FILING DEADLINES FOR REGULAR MEETINGS**

Any of the above items of business to be presented to the Town Council at its regular meeting for action shall be submitted in writing to the Administrative Assistant no later than 10:00 am, seven days, exclusive of Saturday and Sunday preceding the regular council meeting. The Council President and/or the Town Manager may in case of necessity, approve any additional items for inclusion in the agenda after said deadline. The Council President in consultation with the sponsoring councilor, Council Administrative Assistant and Town Manager shall determine placement of business on the Council meeting agenda, or other appropriate disposition. The Council agenda, including the Town Manager's Communication, complete with documentation shall be delivered to the Town Councilors no later than 48 hours prior to the regular meeting of the Council.

## **RULE 5E ORDER OF BUSINESS**

At every regular meeting of the Town Council, the order of business shall be as follows:

1. Roll Call
2. Pledge of Allegiance

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3. Moment of Silence
  4. Public Comment
  5. Council Response to Public Comment
  6. Town Manager Communications
  7. Act on Minutes(Includes Executive Sessions)
  8. Communication from Elected Officials, Boards and Commissions and Staff, Correspondence, Announcements and Committee Reports
  9. Orders of the Day
    - A. Old Business
    - B. New Business

10. Adjournment

(Adopted by Town Council Item 2006-010, 08/18/05)

(Adopted by Town Council 2007-067, 02/01/07)

(Adopted by the Town Council 2015-027, 11/06/14)

#### **RULE 5F PUBLIC COMMENT**

At each regular meeting of the Council there shall be a period set aside for public comment. Any member of the public desiring to address the Council may reserve a place on the agenda with the Council Administrative Assistant by 4:30 p.m. on the day of the Council meeting. Each person on the public comment docket shall be recognized by the chair, and shall state his/her name and address for the record. Other members of the public may also be heard at this time. Time allowed for public comment will be at the discretion of the chair. For the most part, public comment will be limited to three minutes for each individual speaking. All remarks and questions shall be addressed to the Council as a whole through the chair and not to any member thereof. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the Council without permission of the presiding officer. If any person persists in disorderly behavior after a warning from the presiding officer, the presiding officer may order the person to leave the meeting (in accordance with MGL CH. 39, S. 23C).

#### **RULE 6 PARLIAMENTARY GUIDELINES**

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth, the charter, or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity, and efficiency, in that order.

Indetermining any parliamentary question, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Mason's Manual of Legislative Procedure, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.

**RULE 6A QUORUM**

One half of the total membership of the Town Council plus two shall constitute a quorum. A quorum for the current 13-member council shall be eight (9).

**RULE 6B ORDER OF SPEAKING; LENGTH OF SPEAKING**

When two or more members request the floor at the same time, the presiding officer shall name the member who shall first be heard. During debate, no Council member shall speak to the same question more than twice until all other members choosing to speak have spoken. The length of time that any member may discuss the subject on the floor of the Council shall be limited to three minutes, unless otherwise voted by the Council. When debate centers on committee reports, committee members may be recognized beyond the time limit to answer questions.

**RULE 6C ORDER OF MOTIONS**

When a motion is under debate, the chair shall receive no motion except the following (in order of preference):

1. To adjourn
2. To take a recess
3. To lay on the table
4. For previous question
5. To limit or extend limits of debate
6. To postpone to certain date
7. To refer
8. To amend
9. To postpone indefinitely
10. Leave to withdraw

**RULE 6D PREVIOUS QUESTION**

The previous question shall be put as follows: "I call the previous question." All further amendments or debate on the main question shall be suspended until the previous question has been decided by a two-thirds vote.



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**RULE 6E REFERRAL TO COMMITTEE**

When a matter properly before the Council relates to a subject which may properly be examined and reported upon by an existing or new ad hoc committee of the Council, such matter shall, upon motion and a majority vote of the Council, be referred to such committee. Any matter may be referred to a committee, commission or board for advice sought by Town Council.

**RULE 6F RECONSIDERATION**

At any meeting which vote has been taken, it shall be in order for any councilor who has voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the council. The vote for reconsideration shall be open to debate. The debate shall be limited to twenty minutes. A motion to reconsider requires a majority vote.

**RULE 7 MATTERS REDUCED TO WRITING**

Any substitute motion or amendment shall be in writing when the presiding officer so directs or any member so requests. All substitute motions and amendments shall be written and given to the Clerk of the Council to assure accuracy of the minutes.

**RULE 8 VOTES**

All action taken by the Town Council requiring a vote will be by a majority unless otherwise provided for in MGL, home rule charter, ordinance, or by rules set forth in the Policy and Procedures Manual of the Barnstable Town Council.

**RULE 8A ROLL CALL**

All final votes of the Town Council on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the town clerk. On other matters requiring a vote, a roll call may be requested by any councilor. The order of the roll call voting shall be alphabetical, and rotated after each vote.

Every councilor present when the question is put shall vote yes, no, abstention, or pass. If a councilor passes, his or her name will be called again at the end of the vote for his/her vote. Prior to the announcement of the roll call vote, any councilor may have his/her name called again to record him/her differently."

**RULE 9 REJECTED MEASURES**

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for its resubmission, unless resubmission is approved by a majority of the Council present, or as otherwise provided by the charter.

## **RULE 10 RECORD KEEPING**

Unless otherwise provided by the Town Council, the Town Clerk shall be the Clerk at regular meetings of the Council. The Assistant Town Clerk may serve in place of the Town Clerk. Said clerk shall keep a record of its proceedings and perform such duties as may be assigned by the Barnstable Home Rule Charter, by ordinance, or other council vote. The Council Administrative Assistant shall give notice of all meetings of the Town Council by transmitting a copy of the meeting agenda to its members and posting meeting notices for the public. Said Administrative Assistant shall also audio tape record all meetings and file said tapes with the Clerk of the Council. Said assistant shall coordinate with the Town Manager and/or any other committee currently in charge of the videotaping, to make sure that all meetings of the Town Council are videotaped. The Council Administrative Assistant shall be the clerk of workshops held by the Town Council. A transcription of a regular meeting, public hearing or debate, or any portion thereof may be requested through the Council Administrative Assistant, who shall arrange for the preparation of requested transcripts from tape recordings of meetings, hearings or debates.

## **RULES 11 COUNCIL COMMITTEES**

After the organization of the Council, the President, subject to approval by the full Council, may appoint members to standing committees.

### **RULE 11A AD-HOC COMMITTEES**

The President of the Town Council may designate such ad-hoc committees comprised of councilors or registered voters in the Town of Barnstable, as is deemed necessary.

### **RULE 11B COMMITTEE PARAMETERS AND GUIDELINES**

All Committees shall be advisory to the Council and shall take no actions that bind the Council. Committees shall follow a schedule of meetings to be coordinated through the Council Administrative Assistant, who will notify the Council President and post as required with the Town Clerk. Standing committees shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council, town agencies, other government agencies, and the general public. A clerk shall be appointed from the committee to record the minutes. The President and Vice President of the Council shall not serve as a chairperson of any standing committee. Ad hoc committees shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council. A clerk shall be appointed from the committee to record the minutes. The President and Vice President of the Council shall not serve as a chairperson of any ad hoc committee. Ad Hoc Committees shall have access to the Council's Administrative Assistant under the direction of the Council officers. Ad Hoc Committees shall work through their chair to have access to town agencies/departments or the schools, respectively, in order to avoid duplication of effort. The President shall be an ex-officio member of all committees. Meetings of committees may be called by the chairperson or upon the written request of two members of the



committee. All committees of the Town Council shall keep records of proceedings, and a copy of said records shall be filed with the Town Clerk and the Council Administrative Assistant, within 30 days following each meeting. Committees have the right and obligation to be creative, offer opinions, minority opinions, produce documents, communicate and participate with town departments/agencies, other government agencies and the general public, subject to the rules and procedures of the Town Council, Barnstable Home Rule charter, MGL, or otherwise voted by the Town Council. All new committees, boards and commissions, will be evaluated at the end of the first year, at which time a decision will be made by the Town Council to continue, disband, or change the entity.

**RULE 12 APPOINTMENTS - (Nominations by the appointments committee)**

Any Council action regarding appointments shall be acted upon at the regular meeting succeeding that in which said appointments were presented.

**RULE 13 COUNCIL VACANCY**

A vacancy on the Council and or vacancy of an office on the Council shall be filled in accordance with Town Charter Section 2-5, and Council Rule 3.

**RULE 14 INQUIRIES AND INVESTIGATIONS**

Section 2-10 of the Charter gives the Town Council the authority to conduct inquiries or investigations: Section 2-10 - Inquiries and Investigations: The Town Council may require any town officer or member of a board or commission to appear before it, and give such information as it may require in relation to an office held by such person, its function, and performance. The Town Council shall give at least forty-eight hours written notice of the general scope of the inquiry which is to be made; to any person it shall require to appear before it under this section. The Town Council may make investigation into the affairs of the town and into the conduct of any town agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

**INQUIRIES:**

An inquiry may be called for by a majority vote of those present at a regular council meeting. An inquiry shall be made through the Town Manager, if it concerns areas under his authority, and specific questions asked shall be answered in a report by the Town Manager to the Council within 60 days. If independent expertise is needed, the Manager shall so notify the Council. If an inquiry is made into an area outside the Town Manager's area of authority, the Council may require such persons as mentioned in Section 2-10 to appear to give information or make a report within 60 days. In either case, a report may be considered final by the Council or the Council may call for further information so that its questions may be answered.



## INVESTIGATIONS:

If the Manager or other person(s) requested to make a report shall fail to do so; or if the Council finds that there has been unsatisfactory resolution of allegations of serious misconduct on the part of any Town officer, board, or commission or its members; or if the council finds that it needs information not readily forthcoming in order to make a determination, the Council may proceed with an investigation. Investigations are considered the last resort by the Council and should be entered into seriously and advisedly. The procedure to be taken shall be as follows:

1. A motion calling for an investigation shall clearly state in writing the purpose of the investigation and those persons, departments, or topics to be investigated. A resolution calling for an investigation shall not be voted at the first meeting at which it is introduced. A two-thirds vote of the full Council shall be required in order to authorize an investigation to proceed.

2. The Council may, by an affirmative vote of the full council, establish a three-person Committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for completion of the subcommittee's work, subject to review at the request of the subcommittee. If the subcommittee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council. 14 of 15 Amended TC Rules 11/06/14 cap

3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or quasi-judicial in nature. If the investigative committee is quasi-judicial in nature, it shall proceed substantially along the lines of an informal adversarial proceeding, including the right on behalf of any person who is the subject of the investigation to be represented by counsel and to confront and cross-examine witnesses. In such proceedings, witnesses shall be sworn, but the strict rules of evidence shall not apply. If the Council determines that the investigation is legislative in nature, the foregoing need not apply.

4. The Council may, consistent with existing ordinances and the Administrative Code, request the services of an independent attorney and/or other individuals qualified to conduct such an investigation who shall be engaged for the purposes of the inquiry or investigation, subject to approval by a majority of the full Council.

5. Funds for the employment of an independent attorney shall come from the Council's budget.

6. All meetings of the Council or its subcommittee shall be held in accordance with the Open Meeting Law, MGL C. 39, S. 23B.

7. Preparation and serving of all subpoenas and letters of notice to witnesses and/or subjects of discussion shall be included in the duties of the legal counsel employed by the Town Council.

8. The proceedings of the meetings shall be recorded and transcribed verbatim and provided to the full Council along with a copy of subcommittee findings. Transcripts of meetings held in open session shall be made readily available to the public in a timely fashion.

9. The subcommittee will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The full Council will make the final determination and shall take any action it deems necessary, consistent with the General Laws, the Charter, collective bargaining agreements and personnel rules and regulations.

#### **RULE 15 AGENDA ITEMS**

The following agenda items may be acted upon at a first reading:

Proclamations; Free Petitions; Resolutions; Transfer Orders, and other non-measures, except appointments

The following agenda items require a first and second reading:

Appointments; Appropriation Orders; Amendments to General and Zoning Ordinances, as well as Administrative Code and other Rules of the Town of Barnstable; Group Petitions; Loan Authorizations; Supplemental Appropriations; and other measures.

No debate shall take place at the first reading of any item requiring a second reading

## **TOWN COUNCIL RULES OF PROCEDURE (Updated 02/10/3/192025)**

These Town Council Rules of Procedure (“Rules” or “Town Council Rules”) are adopted pursuant to Section 2.6(c) of the Town of Barnstable Home Rule Charter (“Charter” or “Town Charter”). Amending or repealing these Rules shall require two readings and a majority vote of the full Council.

### **A. COUNCILOR CODE OF CONDUCT**

Councilors shall conduct themselves in a professional and peaceable manner during Town Council meetings. Discourse shall be marked by civility, openness and respect, even in the face of disagreement. Councilors shall not make comments that are personal in nature and shall not use insulting, threatening or abusive language. Councilors should conduct themselves in a manner that respects the orderly procedure of the meeting to assure the business of the Town is attended to as expeditiously as the deliberative process allows. To that end, discussion and debate shall focus on the agenda item being discussed or voted on until a decision is made or the discussion is postponed to a later time. Councilors shall not engage in private conversations during Council meetings, including texting or emailing each other during a meeting. Cell phones shall be silenced during Council meetings.

Councilors shall strive for openness and transparency in the performance of their duties. Councilors shall comply with the state Conflict of Interest Law, M.G.L. c. 268A, and comply with and complete the conflict of interest law education and training requirements. Councilors shall comply with the state Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and shall certify, as required, receipt of copies of the Open Meeting Law, the regulations and the Open Meeting Law Guide prepared by the Attorney General’s Office.

### **B. USE OF TOWN PHONES AND EMAIL**

Upon election, all Town Councilors shall be assigned a Town cellphone and provided with a Town email account, and Councilors shall use the Town cellphone and Town email to conduct Town business to facilitate compliance with the state public records law. No Town resources shall be used for political purposes.

### **C. TOWN COUNCIL RULES**

#### **RULE 1 ELECTION OF COUNCIL OFFICERS**

The first Town Council meeting in December shall be an organizational meeting. At that time, ~~the Council~~Councilors shall nominate a President and a Vice President, election of which shall

take place ~~on or before~~ the next regular meeting. ~~Time should~~ At the meeting at which the election takes place, time shall be allotted for ~~nomination~~ speeches ~~which would be by each candidate,~~ limited to five (5) minutes per candidate per office. Voting will be done by roll call. Each ~~councilor~~ Councilor shall state the name of the candidate of their choice. If no candidate receives a majority, the candidate receiving the smallest number of votes shall be eliminated and balloting shall continue until one candidate receives a majority vote.

## **RULE 2      ROLE OF COUNCIL PRESIDENT**

~~The~~ Except as set forth in Rule 11A, the President shall serve as a non-voting ex-officio member of all standing and ad-hoc committees of the Council ~~Committees~~. The President ~~may also be designated by~~ and Vice President shall designate Councilors to serve as liaisons between the Council ~~to be its representative to all~~ and Town boards, committees and commissions. ~~The President may delegate that responsibility in whole or in part to any member or members of the Council, subject to the approval of the Council. (See Rule 11D.)~~ The President of the Barnstable Town Council shall be the official head of the Town of Barnstable for all ceremonial purposes, and may designate other ~~councilors~~ Councilors to serve in this ceremonial capacity. ~~(In accordance with Rule 11B)~~

## **RULE 3      PRESIDING OFFICER**

The President of the Town Council shall preside at the meetings of the Town Council. In the absence of the Council President, the Vice President shall preside; and in the absence of both, the Clerk of the Council shall designate a presiding chair in rotating precinct order. ~~In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President. If a vacancy occurs in the office of Vice President, the Council shall elect a new Vice President from among its members before two regular meetings have passed. No office of the Council shall remain vacant for more than two regular meetings.~~

Councilor to serve as presiding officer in rotating precinct order.

## **RULE 4      DUTIES OF THE PRESIDING OFFICER (OR "CHAIR")**

The presiding officer shall take the chair at the hour at which the Council is to meet; and call the ~~members~~ meeting to order.

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. Questions of order subject to appeal to the Council, by any motion regularly seconded, shall be put as follows: "Shall the decision of the chair stand as the judgment of the Council?" The vote shall be a roll call, and it shall be decided in the affirmative by a majority vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the ~~chair~~ presiding officer, without further debate upon the question, shall require a roll call vote. ~~No decision shall be declared unless a quorum of the Council shall have voted.~~



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The presiding officer shall vote on all matters that come before the Council. The presiding officer may at any time, during the debate and otherwise, declare a recess for not more than ten minutes and such action shall not be subject to appeal nor shall any motions apply thereto.

The presiding officer may state facts, ask questions (without commenting or giving an opinion) and give opinions upon questions of order without leaving the chair. The presiding officer also may explain his or her vote. When the presiding officer exercises the right to debate, the gavel shall be passed to the Vice President for the duration of the debate on that matter. In the event that the Vice President is absent or chooses to debate, the Clerk of the Council shall designate a presiding ~~chair~~officer in rotating precinct order.

## **RULE 5- MEETINGS OF THE COUNCIL**

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### **RULE 5A TIME AND PLACE OF MEETINGS; MEETING REQUIREMENTS**

The time and place of regular meetings shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once a month. The time and place of regular meetings shall be published in December of each year for the following calendar year in accordance with the ordinance governing Council meetings- (see Chapter 220 of the Town Code).

### **RULE 5A — MEETING DEFINITIONS**

~~Regular meetings of the Town Council shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once monthly. (See Rule 5B) Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any five or more members, by written notice. [online code reads 220-2Special meetings.~~

No regular meeting shall be scheduled on a solemn or legal holiday. (See Rule 5B – Regular Meeting Schedule, and Chapter 220 of the Town Code.)

Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any four or more members, by written notice. Said notice ~~shall~~will include the meeting agenda, including all agenda items and pertinent supporting documents pertaining to those items, which will be delivered to the Town Clerk and to each Councilor at least forty-eight (48) hours in advance of the time set. No special meeting shall be scheduled on a solemn or legal holiday. The meeting notice for a special meeting of the Town Council shall be posted in accordance with the requirements of the Open Meeting Law.

~~Said notice will include relevant agenda items and pertinent documents pertaining to those items which will be delivered to Open Meeting Law. All meetings of the Town Clerk Council and of Town Council committees are subject to the state Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and to each councilor's residence at least forty-eight hours in advance of the time set. Executive session the Open Meeting Law regulations, 940 CMR 29.00.~~

Executive Session: The Council may be entered enter Executive Session only after the council Council has first convened in ~~open session for which notice~~Public Session, provided that

notice of the Executive Session has been appropriately posted, in accordance with the Open Meeting Law. The presiding officer ~~shall~~ shall make the motion to go into Executive Session, citing the reason for going into executive session and calls for Executive Session and stating whether the Council will or will not return to Public Session after the Executive Session. The vote to go into Executive Session is a roll call vote of the Council. The vote of each member is entered into the minutes, with, and all votes taken in Executive Session are roll call votes. The reason(s) for going into Executive Session must be a majority necessary to initiate an executive session reason permitted under the Open Meeting Law.

~~Purposes Warranting Executive Session:~~

~~1. To discuss the reputation, character, physical condition, or mental health, rather than professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least 48 hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:~~

~~(a) To be present at such executive session during discussions or considerations which involving that individual.~~

~~(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.~~

~~(c) To speak in his own behalf.~~

~~2. To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty eight hours prior to the proposed executive session. Notification may be 4 of 15 Amended TC Rules 11/06/14 cap waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:~~

~~(a) To be present at such executive session during discussions or considerations involving that individual.~~

~~(b) To have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.~~

~~(c) To speak in his own behalf. 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for~~

~~negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.~~

~~4. To discuss the deployment of security personnel or devices.~~

~~5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.~~

~~6. To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.~~

~~7. To comply with the provisions of any general or special law or federal grant in aid requirements.~~

~~8. To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.~~

~~9. To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that:~~

~~(a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed;; and~~

~~(b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice may be required in this section.~~

~~(Adopted by TC Item 96-061, 1/4/96) (The above rules are extracted from MGL Chapter 39 Section 23B.)~~

## **RULE 5B REGULAR MEETING SCHEDULE**

The Barnstable Town Council shall meet on two Thursdays each month, with every effort made to schedule those meetings on the first and third Thursdays ~~of each month~~, except in the months of July and August when ~~meetings~~ only one meeting will be held on the third Thursday ~~only~~. Meetings shall conclude at 11:00 P.M. ~~The, except that the~~ subject at hand ~~could~~ may be finished if it was ongoing at 11:00 P.M. ~~and~~ Thereafter, the meeting ~~could~~ may continue after 11:00 P.M. with a ~~2/3~~ two-thirds vote of the ~~council~~ after 11 P.M. Councilors present and voting. If a regular meeting date falls on a solemn or legal holiday, the ~~president shall reschedule such meeting to the Thursday of the following week.~~ President shall make every effort to reschedule such meeting to another Thursday but may choose another day if necessary and warranted by the circumstances. In addition, regular meetings may be rescheduled by the President if necessary and warranted by the circumstances, including, for example, lack of quorum on the scheduled meeting date. Every effort shall be made to reschedule any such meeting to another Thursday, but another date may be chosen if necessary and warranted by the circumstances. No town board, commission, or committee shall meet on a regularly scheduled meeting night of the Town Council.

## **RULE 5C ATTENDANCE; REMOTE PARTICIPATION**

Except in emergencies, Councilors shall notify the Council President and the Council Administrator in advance if they will be absent from a Town Council meeting. At the beginning of the meeting, the presiding officer shall announce the names of any absent Councilors. Councilors shall make every effort to notify the Council President and Council Administrator if they anticipate that they will arrive late to a Council meeting. The presiding officer shall note the arrival of any Councilor who joins the meeting late. Any Councilor who is leaving the meeting early shall announce their departure, and the presiding officer shall note the Councilor's departure for the record.

To the extent permitted by state law, Councilors may participate remotely in Town Council meetings in accordance with the Town Council Policy on Remote Participation then in effect, subject to any amendment or revocation of that policy as may occur; provided that any such amendment or revocation shall not require an amendment of these Rules. (A copy of the Town Council Policy on Remote Participation approved by the Council at its February 15, 2024 meeting (Item No. 2024-162) shall be attached to these Rules for informational purposes as Attachment A, but such Policy shall not be deemed to be an integral part of these Rules, and such attachment shall be removed, updated or replaced, as appropriate.)

If technical problems interrupt or prevent remote participation, the presiding officer will wait up to five (5) minutes to allow for the connection or reconnection prior to beginning or resuming the meeting. After waiting five minutes, the meeting shall continue even if the technical problems have not been resolved, but, at the discretion of the presiding officer, the meeting may be delayed for an additional reasonable period to allow for a further attempt to try to resolve the problems or the meeting may resume. In such case, the presiding officer may choose to skip



certain agenda items while an attempt is made to resolve the problems. If the Councilor is disconnected, the fact and time shall be noted in the minutes. If the Councilor reconnects, the fact and time shall be noted in the minutes.

#### RULE 5D INTRODUCTION OF COUNCIL BUSINESS

No measure or non-measure shall be received or acted upon unless introduced by a member of the Council, Town Manager, or by petition as provided by the ~~home rule charter~~ Town Charter. Every measure or non-measure appearing on the Council agenda shall, if appropriate, be accompanied by the approximate amount of cost involved, and other background information prior to being placed on the agenda.

~~MEASURES: All matters to come~~ MEASURE: A "measure" is any matter coming before the Council that ~~are~~ is inherently legislative in nature, including but not limited to, ordinances, charter amendments, appropriations, loan orders, lease approvals, certain contract approvals (e.g., contracts which are required by law to be approved by the Council), and eminent domain authorizations.

~~NON-MEASURES: Non-Measures~~ require 2 readings.

~~NON-MEASURE: A "non-Measure" shall include all matters~~ any matter to come before the ~~council~~ Council which ~~are~~ is not specified to be ~~measures~~ a "measure" under the Charter, such as any matter which is executive, administrative or ministerial, or quasi-judicial in nature, including ~~without limitation~~ but not limited to, appointments, resolutions, proclamations, tax classification votes, contract approvals, ~~that are not measures~~ and petitions to the General Court.

#### RULE 5D FILING DEADLINES FOR REGULAR MEETINGS

~~Any of the above items of business to be presented to the Town Council at its regular meeting for action shall be submitted in writing to the Administrative Assistant no later than 10:00 am, seven days, exclusive of Saturday and Sunday preceding the regular council meeting. The Council President and/or the Town Manager may in case of necessity, approve any additional items for inclusion in the agenda after said deadline. The Council President in~~ RULE 5E AGENDA SETTING

~~The Council President, after consultation with the sponsoring councilor, Council Administrative Assistant~~ Councilor and Town Manager, shall determine placement of business on the Council meeting agenda, or other appropriate disposition. The Council President shall set deadlines for the submission of agenda items by other Councilors, by the Town Manager, and by Town staff through the Town Manager, with the goal of posting the agenda for a Thursday meeting by the preceding Friday. The Council agenda, including the Town ~~Manager's~~ Communication Manager's Report, complete with documentation, shall be delivered to the Town Councilors and posted in accordance with the Open Meeting Law no later than 48 hours prior to the regular meeting of the Council.

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**RULE ~~5E5F~~ 5E5F CONSENT AGENDA**

A Consent Agenda may be used to approve a grouping of agenda items with one vote and no discussion; provided that upon objection by any Councilor to the inclusion of one or more items in any particular Consent Agenda, the item or items shall be removed from the Consent Agenda for separate deliberation and vote by the Town Council; and provided, further, that separate public hearings and votes shall be held for agenda items requiring a public hearing.

**RULE 5G ORDER OF BUSINESS**

At every regular meeting of the Town Council, the order of business as set forth on the agenda shall be as follows: provided that matters may be taken out of order at the meeting at the discretion of the presiding officer:

- 1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Public Comment
5. Council Response to Public Comment
6. Town Manager ~~Communications~~ Report (which may be pre-recorded)
7. Act on Public Session Minutes ~~(Includes Executive Sessions)~~
8. ~~Communication~~ Communications from Elected Officials, Boards, Committees and Commissions, and Staff, Correspondence, and Announcements ~~and Committee Reports~~
9. Orders of the Day
  - A. Old Business
  - B. New Business
10. Adjournment

~~(Adopted by Town Council Item 2006-010, 08/18/05)~~

~~(Adopted by Town Council 2007-067, 02/01/07)~~

~~(Adopted by the Town Council 2015-027, 11/06/14)~~

**RULE ~~5E5H~~ 5E5H PUBLIC COMMENT**

-At each regular meeting of the Council there shall be a period set aside for public comment. Any member of the public ~~desiring who wishes~~ desiring who wishes to ~~address the Council may reserve a place on the~~

~~agenda with the Council Administrative Assistant by 4:30 p.m. on the day of the Council meeting. Each person on the participate in public comment docket shall be recognized by the chair-presiding officer and shall be asked to state his/her name and address, if a resident of Barnstable, asked to state the village in which they reside (if not a resident of Barnstable, they shall be asked to state their town of residence) for the record. Other members of the public may also be heard at this time. Time allowed for public comment will be at the discretion of the chair. For the most part Generally, public comment will be limited to three minutes for each individual speaking, but additional time may be granted at the discretion of the presiding officer. All remarks and questions shall be addressed to the Council as a whole, through the chair-presiding officer, and not to any individual member thereof. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the public may speak at a Council meeting without permission first being recognized by the presiding officer. The purpose of the presiding officer-public comment period is for the Council to hear comments from the public, and not for the public to engage in discussions or debate with the Council or with any member of the audience. If any person persists in disorderly behavior after a warning from the presiding officer, the presiding officer may order the person to leave the meeting (in accordance with MGL CH. 39, S. 23C)-see Open Meeting Law. At the beginning of public comment, a statement shall be read by the presiding officer or his or her designee substantially in the form set forth below:~~

I wish to remind everyone that no member of the public may speak without first being recognized by the Council President (or presiding officer). The public will have an opportunity to speak during the public comment portion of the meeting and during any public hearing on an agenda item.

You are free to express your thoughts, opinions and criticisms during public comment. However, your comments must be directed to the Council as a body, through the President of the Council (or presiding officer). You may not speak directly to any individual Councilor. You also should not be addressing your comments to anyone else in this room – not to Town staff and not to another member of the audience. Public comment is to be directed to the Council.

We also ask that the members of the public refrain from making audible comments during the meeting unless they have been recognized to speak by the Council President (or presiding officer). The Council President (or presiding officer) will request silence in the chamber if anyone ignores this rule.

## **RULE 6    PROCEDURAL MATTERS**

### **RULE 6A    PARLIAMENTARY GUIDELINES**

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth, the charter, or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity, and efficiency, in that order.

~~In determining~~In determining any parliamentary question, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on ~~Mason's~~Mason's Manual of Legislative Procedure, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.

#### **RULE ~~6A~~6B QUORUM**

One half of the total membership of the Town Council plus two shall constitute a quorum. A quorum for the current 13-member ~~council shall be eight~~Council is nine (9).

#### **RULE ~~6B~~6C ORDER OF SPEAKING; LENGTH OF SPEAKING**

Councilors shall not speak without being recognized by the presiding officer except to call the previous question or to doubt the presence of a quorum. When two or more members request the floor at the same time, the presiding officer shall name the member who shall first be heard. During debate, no Council member shall speak to the same question more than ~~twice~~once until all other members choosing to speak have spoken. The length of time that any member may discuss the subject on the floor of the Council shall be limited to three minutes, unless otherwise voted by the Council. When debate centers on committee reports, committee members may be recognized beyond the time limit to answer questions.

#### **RULE ~~6C~~6D ORDER OF MOTIONS**

(Note: See Rule 8A regarding quantum of votes.)

When a motion is under debate, the chair shall receive no motion except the following (in order of preference):

1. To adjourn
2. To take a recess (not debatable)
3. To lay on the table (not debatable)
4. For previous question (not debatable)
5. To limit or extend limits of debate (not debatable)
6. To postpone to certain date (debatable, but just the motion, not the main question) (may be amended but only as to the date)
7. To refer (to committee) (debatable; may be amended only as to the committee)

~~8. To amend~~

8. To amend (motion to amend a debatable question is debatable; motion to amend a question that is not debatable is not itself debatable)

9. To postpone indefinitely (motion is debatable and opens the main question to debate; has the effect of rejecting the main motion)

~~10. Leave to withdraw~~

10. Leave to withdraw (not debatable; may be made at any time before voting has commenced; request for leave to withdraw, presiding officer asks if any objection, if none, motion is withdrawn; if there is an objection, then motion for leave to withdraw and vote on that motion)

**RULE ~~6D~~6E PREVIOUS QUESTION**

The previous question shall be put as follows: “I call the previous question.” or “I move the question.” All further amendments or debate on the main question shall be suspended until the previous question has been decided by a two-thirds vote of the Councilors present and voting. If the motion to move the question passes, the Council shall immediately take a vote on the main question.

**RULE ~~6E~~6F REFERRAL TO COMMITTEE**

When a matter properly before the Council relates to a subject which may properly be examined and reported upon by an existing or new ad-hoc committee or standing committee of the Council, such matter shall, upon motion and a majority vote of the Council, be referred to such committee. Any matter may be referred to a standing committee, commission or board of the Town with appropriate jurisdiction for advice sought by ~~Town~~the Town Council upon motion and a majority vote of the Council.

**RULE ~~6F~~6G RECONSIDERATION**

At any meeting at which a vote has been taken, it shall be in order for any ~~councilor~~Councilor who has voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the ~~council~~Council. In addition, any Councilor who has voted with the prevailing side may make a motion for reconsideration at the next regular meeting of the Council following the vote; provided, that if such motion for reconsideration was not noticed on that next regular meeting's agenda, then any such Councilor shall give notice that a motion for reconsideration shall take place at the following regular meeting of the Council. The vote for reconsideration shall be open to debate. The debate shall be limited to twenty minutes. A motion to reconsider requires a majority vote.



## RULE 7 MATTERS REDUCED TO WRITING

Any substitute motion or amendment shall be in writing when the presiding officer so directs or any member so requests. All substitute motions and amendments shall be written and given to the Clerk of the Council to assure accuracy of the minutes.

## RULE 8 VOTING

### RULE 8A VOTES

~~All~~ Except as otherwise provided by the General Laws of the Commonwealth, the Town Charter, Town ordinance (or these Town Council Rules, which are established pursuant to Section 2-6(c) of the Town Charter), any action taken by the Town Council requiring a vote ~~will~~ shall be by a majority of the Councilors present and voting.

No vote shall take place unless otherwise provided for in MGL, home rule charter, ordinance, or by rules set forth in the Policy and Procedures Manual of the Barnstable Town Council a quorum of the Council is present (abstentions count toward the quorum but are not considered votes; recusals do not count towards the quorum).

Councilors who need to recuse themselves should announce that they are recusing themselves and leave the room during the discussion and until the vote has been taken. If participating remotely, Councilors who need to recuse should announce their recusal, turn off their cameras and mute themselves during the discussion and until the vote has been taken.

### RULE 8A8B ROLL CALL

~~All~~ As required by the Town Charter, all final votes of the Town Council on ordinances, appropriation orders, ~~or and~~ loan authorizations shall be taken by roll call vote, and shall be duly recorded by the ~~town clerk~~ Clerk of the Council. On other matters requiring a vote, a roll call may be requested by any ~~councilor~~ Councilor. The order of the roll call voting shall be alphabetical, and rotated after each vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the presiding officer, without further debate upon the question, shall require a roll call vote. All votes taken in Executive Session shall be roll call votes. All votes taken in meetings in which any Councilor is participating remotely shall be roll call votes.

~~Every councilor present when~~

When the question is put to a vote, every Councilor present shall vote yes, no, ~~abstention~~ abstain, or pass. If a ~~councilor~~ Councilor passes, his or her name will be called again at the end of the vote for his/her vote. Prior to the announcement of the results of the roll call vote, any ~~councilor~~ Councilor, at their request, may have his/her name called again to record him/her differently.<sup>22</sup>

## RULE 9 REJECTED MEASURES

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for its resubmission, unless resubmission is approved by a majority of the Council present and voting, or as otherwise provided by the ~~charter~~Charter.

#### **RULE 10 RECORD-KEEPING**

Unless otherwise provided by the Town Council, the Town Clerk shall be the Clerk of the Council at regular meetings of the Council. The Assistant Town Clerk may serve in place of the Town Clerk. Said clerk shall keep a record of its proceedings and perform such duties as may be assigned by the Barnstable Home Rule Charter, by ordinance, or other ~~council~~Council vote. The Council ~~Administrative Assistant~~Administrator shall prepare the meeting agenda and give notice of all meetings of the Town Council by transmitting a copy of the meeting agenda to its members and posting meeting notices for the public. ~~Said Administrative Assistant shall also audio-tape record all meetings and file said tapes with the Clerk of the Council. Said assistant shall coordinate with the Town Manager and/or any other committee currently in charge of the videotaping, to make sure that all meetings of the Town Council are videotaped. The Council Administrative Assistant shall be the clerk of workshops held by the Town Council. A transcription of a regular meeting, public hearing or debate, or any portion thereof may be requested through the Council Administrative Assistant, who shall arrange for the preparation of requested transcripts from tape recordings of meetings, hearings or debates in accordance with the Open Meeting Law. Communications staff shall make best efforts to record on video all Public Sessions of Council meetings and post said video recordings on the Town website. The Town Council Administrator shall be the clerk of Town Council committee meetings.~~

#### **RULE 11— COUNCIL— COMMITTEES OF THE COUNCIL**

##### **RULE 11A COMMITTEE GUIDELINES AND PARAMETERS**

After the organization of the Council, the President, subject to approval by the ~~full~~ Council, may appoint members to standing committees.

##### **RULE 11A— AD-HOC COMMITTEES**

~~The President of the Town Council may designate such ad-hoc committees comprised of councilors or registered voters. Appointments of Councilors to the Appointments Standing Committee shall be made in accordance with Section 37-3 of the Town of Barnstable, as is deemed necessary.~~

##### **RULE 11B— COMMITTEE PARAMETERS AND GUIDELINES**

Code. All Standing and Ad-Hoc Committees of the Council shall be advisory to the Town Council and shall take no actions that bind the Council. Committees shall follow a schedule of meetings to be coordinated through the Council ~~Administrative Assistant~~Administrator, who will notify the Council President and post as required with the Town Clerk. ~~Standing committees~~

~~shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council, town agencies, other government agencies, and the general public. A clerk shall be appointed from the committee to record the minutes. The President and Vice President of the Council shall not serve as a chairperson or vice-chair of any standing committee. Ad hoc committees shall select a chairperson who will organize of the committee and be responsible for the conduct Council, except that a Councilor already serving as chair or vice-chair of the committee and shall be the spokesperson for the committee in matters with the Council. A clerk shall be appointed from the committee to record the minutes. Thean Ad-Hoc Committee may continue in that role if subsequently elected as President andor Vice-President of the Council shall not serve as a chairperson of any ad hoc committee. Ad Hoc Committees shall have access to the Council's Administrative Assistant under the direction of the Council officers. Ad Hoc Committees shall work through their chair to have access to town agencies/departments or the schools, respectively, in order to avoid duplication of effort.~~

The President shall be ~~an~~ non-voting ex-officio member of all committees ~~of the Council~~, except that the President may continue to be a voting member of any Ad-Hoc Committee on which he or she serves if such service pre-dates his or her election as President. Meetings of committees may be called by the ~~chairperson~~ chair or upon the written request of two members of the committee. All committees of the Town Council shall keep records of proceedings, and a copy of said records shall be filed with the Town Clerk ~~and~~ by the Council ~~Administrative Assistant~~ Administrator, within 30 days following each meeting. Committees have the right and obligation to be creative, offer opinions, minority opinions, produce documents, communicate and participate with town departments/agencies, other government agencies and the general public, subject to the rules and procedures of the Town Council, ~~Barnstable Home Rule charter, MGL~~ the Town Charter, the General Laws of the Commonwealth, or as otherwise voted by the Town Council. All new standing committees, boards and commissions ~~of the Town Council~~ will be evaluated at the end of the first year, at which time a decision will be made by the Town Council whether to continue, disband, or change the entity.

#### RULE 11B AD-HOC COMMITTEES

The President of the Town Council may designate the members of ad-hoc committees that are established by vote of the Council, the members of which shall include Councilors and may include registered voters in the Town of Barnstable, as is deemed necessary. The chair of any such ad-hoc committee shall be selected by vote of the committee, except that the Council vote creating the committee may impose additional requirements. At the discretion of the committee, a vice-chair may be selected by vote of the committee. Ad-hoc committees shall be comprised of an odd number of members. The period of existence for an ad-hoc committee, as specified by the Town Council vote creating the committee, shall commence from the date of the first



meeting of the committee. The Town Council shall limit the number of ad-hoc committees in existence and meeting during any given period to no more than two (2); provided, however, that the Town Council by majority vote of its members may override this rule and allow for the creation of up to two (2) additional ad-hoc committees.

The chair shall organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council. The Town Council Administrator shall record the minutes. Ad-hoc Committees shall have access to the Council Administrator under the direction of the Council President. Ad-hoc Committees shall work through their chair to have access to town agencies/departments or the schools, respectively, in order to avoid duplication of effort.

#### RULE 11C STANDING COMMITTEES

Standing committees shall select a chair who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council, town agencies, other government agencies, and the general public. A clerk shall be appointed from the committee to record the minutes.

#### RULE 12 LIAISONS TO BOARDS, COMMITTEES AND COMMISSIONS OF THE TOWN

In accordance with Section 241-8 of the Town Administrative Code, the President and Vice President shall designate each Councilor as the Council liaison to one or more of the multiple-member bodies of the Town. As set forth in said Section 241-8, each Council liaison shall meet with the chair of the board, committee or commission to which they serve as liaison to discuss and define an appropriate reporting relationship.

Council liaisons shall not participate in the deliberations or votes, nor shall they participate in or attend any executive session, of such board, committee or commission. Liaisons shall sit where the public are seated. Liaisons who wish to express a personal opinion shall do so during the public comment portion of the meeting in the same manner as other members of the public and shall state that they are speaking in their personal capacity. When recognized by the Chair, liaisons may ask questions and make comments during discussion and shall identify themselves as liaisons prior to the first instance of speaking, unless speaking in their personal capacity during public comment. Liaisons shall not commit the Council to a course of action and are not to speak on behalf of the Council.

Liaisons shall receive meeting postings, agendas, reports, and minutes from the other body. Liaisons shall attend or watch the meetings of the other body, as they deem appropriate, and should be familiar with the materials provided as above and maintain contact with the other body's Chair.

**RULE 13** **APPOINTMENTS** - (Nominations by the ~~appointments committee~~Appointments Committee)

Appointments require 2 readings. Any Council action regarding appointments shall be acted upon at the regular meeting succeeding that in which said appointments were presented to the Council as a first read.

**RULE 14** **VACANCY IN OFFICE OF PRESIDENT OR VICE PRESIDENT**

~~In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President.~~ **RULE 13 COUNCIL VACANCY**

~~A vacancy on the Council and or vacancy of an office on the Council shall be filled in accordance with Town Charter Section 2-5, and Council Rule 3.~~

~~**RULE 14**~~If a vacancy occurs in the office of Vice President, either because the Vice President can no longer serve or because the Vice President has assumed the powers and duties of the President, as set forth in the preceding sentence, the Council shall elect a new Vice President from among its members. The election of a new Vice President shall occur as soon as practicable but with the goal of ensuring that no office of the Council shall remain vacant for more than two regular meetings. The nomination and election process shall conform with the process set forth in Rule 1 above.

**RULE 15** **INQUIRIES AND INVESTIGATIONS**

~~Section 2-10 of the Charter gives the Town Council the authority to conduct inquiries or investigations: Section 2-10—Inquiries and Investigations: The Town Council may require any town officer or member of a board or commission to appear before it, and give such information as it may require in relation to an office held by such person, its function, and performance. The Town Council shall give at least forty-eight hours written notice of the general scope of the inquiry which is to be made; to any person it shall require to appear before it under this section. The Town Council may make investigation into the affairs of the town and into the conduct of any town agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.~~

In accordance with and as set forth in Section 2-10 of the Town Charter, the Town Council may conduct inquiries or investigations.

INQUIRIES:

An inquiry may be called for by a majority vote of those present at a regular ~~council~~Council meeting. An inquiry shall be made through the Town Manager; if it concerns areas under ~~his~~the Town Manager's authority, and specific questions asked shall be answered in a report by the Town Manager to the Council within 60 days. If independent expertise is needed, the Manager shall so notify the Council. If an inquiry is made into an area outside the Town Manager's area of

authority, the Council may require such persons as ~~mentioned~~described in Section 2-10 of the Charter to appear to give information or make a report within 60 days. In either case, a report may be considered final by the Council, or the Council may call for further information so that its questions may be answered.

## INVESTIGATIONS:

If the Manager or other person(s) requested to make a report shall fail to do so, or if the Council finds that there has been unsatisfactory resolution of allegations of serious misconduct on the part of any Town officer, board, or commission or ~~its~~their members, or if the ~~council~~Council finds that it needs information not readily forthcoming in order to make a determination, the Council may proceed with an investigation. Investigations are considered the last resort by the Council and should be entered into seriously and advisedly. The procedure to be taken shall be as follows:

1. A motion calling for an investigation shall clearly state in writing the purpose of the investigation and those persons, departments, or topics to be investigated. A resolution calling for an investigation shall not be voted at the first meeting at which it is introduced. A two-thirds vote of the full Council shall be required in order to authorize an investigation to proceed.

2. The Council may, by an affirmative vote of a majority of the full ~~council~~Council, establish a three-person ~~Committee~~committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for completion of the ~~subcommittee's~~committee's work, subject to review at the request of the ~~subcommittee~~committee. If the ~~subcommittee~~committee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council. ~~14 of 15 Amended TC Rules 11/06/14 cap~~

3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or quasi-judicial in nature. If the investigative committee is quasi-judicial in nature, it shall proceed substantially along the lines of an informal adversarial proceeding, including the right on behalf of any person who is the subject of the investigation to be represented by counsel and to confront and cross-examine witnesses. In such proceedings, witnesses shall be sworn, but the strict rules of evidence shall not apply. If the Council determines that the investigation is legislative in nature, the foregoing need not apply.

4. The Council may, consistent with existing ordinances and the Administrative Code, request the services of an independent attorney and/or other individuals qualified to conduct such an investigation who shall be engaged for the purposes of the inquiry or investigation, subject to approval by a majority of the full Council.

5. Funds for the employment of an independent attorney shall come from the Council's budget.

6. All meetings of the Council or its ~~subcommittee~~committee shall be held in accordance with the Open Meeting Law, ~~MGL C. 39, S. 23B.~~

7. Preparation and serving of all subpoenas and letters of notice to witnesses and/or subjects of discussion shall be included in the duties of the legal counsel employed by the Town Council.

8. The proceedings of all public sessions of the committee meetings shall be recorded ~~and transcribed verbatim on video~~ and provided to the full Council along with a copy of ~~subcommittee committee~~ findings. ~~Transcripts of meetings held in open session shall be made readily available to the public in a timely fashion.~~

9. The ~~subcommittee committee~~ will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The Council, by an affirmative vote of a majority of the full Council, will make the final determination and shall take any action it deems necessary, consistent with the General Laws, the Town Charter, Town ordinances, collective bargaining agreements and personnel rules and regulations.

#### RULE 1516 AGENDA ITEMS

The following agenda items may be acted upon at a first reading:

Proclamations; ~~Free~~Individual and Group Petitions; Resolutions; Transfer Orders, and other non-measures, except appointments

The following agenda items require a first and second reading:

~~-~~Appointments; Appropriation Orders; Amendments to General and Zoning Ordinances, as well as Administrative Code and other Rules of the Town of Barnstable; ~~Group Petitions, including amendments to or repeal of the Town Council Rules of Procedure;~~ Loan Authorizations; Supplemental Appropriations; and any other measures.

No debate shall take place at the first reading of any item requiring a second reading.

Certain items require public hearings, including, but not limited to, budget items, Capital Improvement Plan items, supplemental budget/appropriation items and ordinances.

#### RULE 17 SUSPENSION OF RULES

Upon a motion and an affirmative vote of two-thirds of the Councilors present and voting, any rule set forth in these Rules may be suspended in relation to a particular agenda item or for the duration of the Council meeting at which such vote is taken, provided that any requirement imposed by the Town Charter or the General Laws may not be suspended. The Council may suspend a provision of a Town ordinance by the same process that would be required to amend said ordinance.

ATTACHMENT A

[Attach Town Council Policy on Remote Participation then in effect]

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**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-085  
INTRO: 04/03/2025**

**2025-085 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$990,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND CONSTRUCTION OF AIRCRAFT HARDSTANDS FOR TERMINAL APRONS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 - FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$990,000** be appropriated for the purpose of funding the Design and Construction of Aircraft Hardstands for Terminal Aprons Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$24,750** be provided from the Airport Enterprise Fund surplus, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$965,250** 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 the Cape Cod Gateway Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote



**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-086  
INTRO: 04/03/2025**

**2025-086 APPROPRIATION ORDER IN THE AMOUNT OF \$150,000 FOR THE PURPOSE OF FUNDING THE INFORMATION TECHNOLOGY DEPARTMENT NETWORK INFRASTRUCTURE UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$150,000** be appropriated for the purpose of funding the Information Technology Department Network Infrastructure Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$150,000** be provided from the General Fund Reserves, 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-087  
INTRO: 04/03/2025**

**2025-087 APPROPRIATION ORDER IN THE AMOUNT OF \$95,000 FOR THE PURPOSE OF FUNDING THE INFORMATION TECHNOLOGY DEPARTMENT SERVER REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$95,000** be appropriated for the purpose of funding the Information Technology Department Server Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$95,000** be provided from the General Fund Reserves, 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-088  
INTRO: 04/03/2025**

**2025-088 APPROPRIATION ORDER IN THE AMOUNT OF \$416,000 FOR THE PURPOSE OF FUNDING THE PATROL VESSEL PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$416,000** be appropriated for the purpose of funding the Patrol Vessel Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$416,000** be provided from the Waterways Improvement Fund, 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-089  
INTRO: 04/03/2025**

**2025-089 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,500,000 FOR THE PURPOSE OF FUNDING THE PIPE REPLACEMENT AND UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,500,000** be appropriated for the purpose of funding the Pipe Replacement and Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$1,500,000** under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the “Trust”) and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-090  
INTRO: 04/03/2025**

**2025-090 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE WELLS, PUMP STATIONS, TREATMENT PLANT REPAIR AND UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Wells, Pump Stations, Treatment Plant Repair and Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the Water Supply Enterprise Fund reserves, 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-091  
INTRO: 04/03/2025**

**2025-091 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,300,000 FOR THE PURPOSE OF FUNDING WATER POLLUTION CONTROL PUMP STATION REHABILITATION PROGRAM AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$3,300,000** be appropriated for the purpose of funding Water Pollution Control Pump Station Rehabilitation Program as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$3,300,000** under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the “Trust”) and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote



**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-092  
INTRO: 04/03/2025**

**2025-092 APPROPRIATION ORDER IN THE AMOUNT OF \$165,000 FOR THE PURPOSE OF FUNDING THE WATER POLLUTION CONTROL BEARSES WAY FENCE REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$165,000** be appropriated for the purpose of funding the Water Pollution Control Bearses Way Fence Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$165,000** be provided from the Water Pollution Control Enterprise Fund Reserves, 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
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_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-093  
INTRO: 04/03/2025**

**2025-093 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE PRINCE COVE MARINA BUILDING IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Prince Cove Marina Building Improvements Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the Marina Enterprise Fund Reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-094  
INTRO: 04/03/2025**

**2025-094 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$447,400 FOR THE PURPOSE OF FUNDING THE OLDE BARNSTABLE FAIRGROUNDS MAINTENANCE BUILDING PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$447,400** be appropriated for the purpose of funding the Olde Barnstable Fairgrounds Maintenance Building Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$447,400** 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 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-095  
INTRO: 04/03/2025**

**2025-095 APPROPRIATION ORDER IN THE AMOUNT OF \$189,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE POLICE DEPARTMENT SECURITY MODERNIZATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$189,000** be appropriated for the purpose of funding the Barnstable Police Department Security Modernization Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$189,000** be provided from the General Fund Reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-096  
INTRO: 04/03/2025**

**2025-096 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$258,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE POLICE DEPARTMENT BOILER REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$258,000** be appropriated for the purpose of funding the Barnstable Police Department Boiler Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$258,000** 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 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-097  
INTRO: 04/03/2025**

**2025-097 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,820,000 FOR THE PURPOSE OF FUNDING THE HYANNIS YOUTH AND COMMUNITY CENTER MECHANICAL IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,820,000** be appropriated for the purpose of funding the Hyannis Youth and Community Center Mechanical Improvements Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$1,820,000** 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 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
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote



**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-098  
INTRO: 04/03/2025**

**2025-098 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$394,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE ADULT COMMUNITY CENTER MECHANICAL UPGRADES PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$394,000** be appropriated for the purpose of funding the Barnstable Adult Community Center Mechanical Upgrades Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$347,639** 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 the remaining funds in the amounts of **\$18,162** in Town Council Order 2016-112 and **\$28,199** in Town Council Order 2018-076 be transferred to this project, 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-099  
INTRO: 04/03/2025**

**2025-099 APPROPRIATION ORDER IN THE AMOUNT OF \$148,000 FOR THE  
PURPOSE OF FUNDING THE COVELLS BEACH HOUSE IMPROVEMENT  
PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030  
CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$148,000** be appropriated for the purpose of funding the Covell’s Beach House Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$148,000** be provided from the General Fund Reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-100  
INTRO: 04/03/2025**

**2025-100 APPROPRIATION ORDER IN THE AMOUNT OF \$240,000 FOR THE PURPOSE OF FUNDING THE SALTWATER BEACH HOUSE IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$240,000** be appropriated for the purpose of funding the Saltwater Beach House Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$180,342** be provided from the General Fund Reserves, and that the remaining funds in the amounts of **\$9,743** in Town Council Order 2014-111, **\$49,875** in Town Council Order 2021-117, and **\$40** in Town Council Order 2022-117 be transferred to this project, 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
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-101  
INTRO: 04/03/2025**

**2025-101 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,250,000 FOR THE PURPOSE OF FUNDING THE TOWN HALL ELEVATOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,250,000** be appropriated for the purpose of funding the Town Hall Elevator Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$1,217,042** 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 the remaining funds in the amounts of **\$5,460** in Town Council Order 2017-069 and **\$27,498** in Town Council Order 2021-113 be transferred to this project, 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-102  
INTRO: 04/03/2025**

**2025-102 APPROPRIATION ORDER IN THE AMOUNT OF \$105,076 FOR THE PURPOSE OF FUNDING THE CAPE COD AIRFIELD HANGER REPAIR DESIGN PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$105,076** be appropriated for the purpose of funding the Cape Cod Airfield Hanger Repair Design Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$105,076** be provided from the General Fund Reserves, 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
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-103  
INTRO: 04/03/2025**

**2025-103 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$16,000,000 FOR THE PURPOSE OF FUNDING THE CENTERVILLE VILLAGE SOUTH SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$16,000,000** be appropriated for the purpose of funding the Centerville Village South Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$16,000,000** under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the “Trust”) and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-104  
INTRO: 04/03/2025**

**2025-104 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$45,600,000 FOR THE PURPOSE OF FUNDING THE PHINNEY’S LANE NEIGHBORHOODS SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$45,600,000** be appropriated for the purpose of funding the Phinney’s Lane Neighborhoods Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$45,600,000** under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the “Trust”) and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote



**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-105  
INTRO: 04/03/2025**

**2025-105 APPROPRIATION ORDER IN THE AMOUNT OF \$125,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OF THE MUNICIPAL PROPERTY SEWER CONNECTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$125,000** be appropriated for the purpose of funding the Design and Permitting of the Municipal Property Sewer Connection Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$125,000** be provided from the Capital Trust Fund reserves, 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
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_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-106  
INTRO: 04/03/2025**

**2025-106 APPROPRIATION ORDER IN THE AMOUNT OF \$750,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OF THE LONG POND CENTERVILLE AREA SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$750,000** be appropriated for the purpose of funding the Design and Permitting of the Long Pond Centerville Area Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$750,000** be provided from the Capital Trust Fund reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-107  
INTRO: 04/03/2025**

**2025-107 APPROPRIATION ORDER IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF FUNDING THE PRELIMINARY DESIGN AND SURVEY OF THE PRINCE COVE AREA SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,000,000** be appropriated for the purpose of funding the Preliminary Design and Survey of the Prince Cove Area Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$1,000,000** be provided from the Capital Trust Fund reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-108  
INTRO: 04/03/2025**

**2025-108 APPROPRIATION ORDER IN THE AMOUNT OF \$2,250,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OF THE GREAT MARSH ROAD SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$2,250,000** be appropriated for the purpose of funding the Design and Permitting of the Great Marsh Road Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$2,250,000** be provided from the Capital Trust Fund reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-109  
INTRO: 04/03/2025**

**2025-109 APPROPRIATION ORDER IN THAT THE AMOUNT OF \$350,000 FOR THE PURPOSE OF FUNDING THE PRELIMINARY DESIGN AND SURVEY OF THE HUCKINS NECK ROAD SEWER EXPANSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$350,000** be appropriated for the purpose of funding the Preliminary Design and Survey of the Huckins Neck Road Sewer Expansion Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$350,000** be provided from the Capital Trust Fund reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-110  
INTRO: 04/03/2025**

**2025-110 APPROPRIATION ORDER IN THE AMOUNT OF \$635,000 FOR THE PURPOSE OF FUNDING THE ASA MEIGS ROAD REPAIR PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$635,000** be appropriated for the purpose of funding the Asa Meigs Road Repair Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$635,000** be provided from the Sewer Construction and Private Way Improvement Fund reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-111  
INTRO: 04/03/2025**

**2025-111 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$337,500 FOR THE PURPOSE OF FUNDING THE COTUIT TOWN DOCK REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$337,500** be appropriated for the purpose of funding the Cotuit Town Dock Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$337,500** 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 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
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote



**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-112  
INTRO: 04/03/2025**

**2025-112 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,000,000 FOR THE PURPOSE OF FUNDING THE OYSTER HARBOR BRIDGE IMPROVEMENTS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$3,000,000** be appropriated for the purpose of funding the Oyster Harbor Bridge Improvements Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$3,000,000** 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 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-113  
INTRO: 04/03/2025**

**2025-113 APPROPRIATION ORDER IN THE AMOUNT OF \$2,950,000 FOR THE PURPOSE OF FUNDING THE PUBLIC ROADS MAINTENANCE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$2,950,000** be appropriated for the purpose of funding the Public Roads Maintenance Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$2,929,386** be provided from the Capital Trust Fund Reserves, and that the remaining funds of **\$20,614** in Town Council Order 2021-108 be transferred to this project, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-114  
INTRO: 04/03/2025**

**2025-114 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,700,000 FOR THE PURPOSE OF FUNDING THE HAWES AVENUE CULVERT RECONSTRUCTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,700,000** be appropriated for the purpose of funding the Hawes Avenue Culvert Reconstruction Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$1,455,745** 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 the remaining funds in the amounts of **\$68,500** in Town Council Order 2019-046, **\$30,716** in Town Council Order 2019-117, **\$125,239** in Town Council Order 2019-124, **\$3,251** in Town Council Order 2019-125, and **\$16,549** in Town Council Order 2019-126 be transferred to this project, 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
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- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-115  
INTRO: 04/03/2025**

**2025-115 APPROPRIATION ORDER IN THE AMOUNT OF \$150,000 FOR THE PURPOSE OF FUNDING THE FRESHWATER PONDS MONITORING AND MANAGEMENT PLAN PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$150,000** be appropriated for the purpose of funding the Freshwater Ponds Monitoring and Management Plan Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$138,952** be provided from the General Fund Reserves, and that the remaining funds of **\$11,048** in Town Council Order 2021-109 be transferred to this project, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-116  
INTRO: 04/03/2025**

**2025-116 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$925,000 FOR THE PURPOSE OF FUNDING THE NORTH STREET SIDEWALK EXTENSION PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$925,000** be appropriated for the purpose of funding the North Street Sidewalk Extension Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$582,875** 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 the remaining funds in the amounts of **\$1,645** in Town Council Order 2017-073, **\$320,923** in Town Council Order 2017-074, **\$15,957** in Town Council Order 2018-095, and **\$3,600** in Town Council Order 2022-039 be transferred to this project, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-117  
INTRO: 04/03/2025**

**2025-117 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$368,000 FOR THE PURPOSE OF FUNDING THE CURB RAMP AND SIDEWALK ADA TRANSITION IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$368,000** be appropriated for the purpose of funding the Curb Ramp and Sidewalk ADA Transition Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$368,000** 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 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-118  
INTRO: 04/03/2025**

**2025-118 APPROPRIATION ORDER IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF FUNDING THE PUBLIC BRIDGE REPLACEMENT STUDY PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$500,000** be appropriated for the purpose of funding the Public Bridge Replacement Study Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$475,345** be provided from the General Fund Reserves, and that the remaining funds of **\$16,000** in Town Council Order 2010-111 and **\$8,655** in Town Council Order 2018-093 be transferred to this project, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote



**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-119  
INTRO: 04/03/2025**

**2025-119 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$750,000 FOR THE PURPOSE OF FUNDING THE INTERSECTION IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$750,000** be appropriated for the purpose of funding the Intersection Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$750,000** 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 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-120  
INTRO: 04/03/2025**

**2025-120 APPROPRIATION ORDER IN THE AMOUNT OF \$125,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING OLD STAGE ROAD PEDESTRIAN IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$125,000** be appropriated for the purpose of funding the Design and Permitting Old Stage Road Pedestrian Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$125,000** be provided from the General Fund Reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-121  
INTRO: 04/03/2025**

**2025-121 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING MAIN STREET CENTERVILLE PEDESTRIAN IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$250,000** be appropriated for the purpose of funding the Design and Permitting Main Street Centerville Pedestrian Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$250,000** be provided from the General Fund Reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-122  
INTRO: 04/03/2025**

**2025-122 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND PERMITTING CRAIGVILLE BEACH ROAD PEDESTRIAN IMPROVEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Design and Permitting Craigville Beach Road Pedestrian Improvement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the General Fund Reserves, 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
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-123  
INTRO: 04/03/2025**

**2025-123 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE UNITED ELEMENTARY SCHOOL HVAC EQUIPMENT REPLACEMENT DESIGN PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$1,000,000** be appropriated for the purpose of funding the Barnstable United Elementary School HVAC Equipment Replacement Design Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$1,000,000** 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 the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-124  
INTRO: 04/03/2025**

**2025-124 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$500,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL GYM FLOOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$500,000** be appropriated for the purpose of funding the Barnstable High School Gym Floor Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$500,000** 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 the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-125  
INTRO: 04/03/2025**

**2025-125 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$550,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL CULINARY KITCHEN PHASE II PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$550,000** be appropriated for the purpose of funding the Barnstable High School Culinary Kitchen Phase II Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$550,000** 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 the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-126  
INTRO: 04/03/2025**

**2025-126 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,000,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL PERFORMING ARTS CENTER UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$3,000,000** be appropriated for the purpose of funding the Barnstable High School Performing Arts Center Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$3,000,000** 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 the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote



**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-127  
INTRO: 04/03/2025**

**2025-127 APPROPRIATION ORDER IN THAT THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE WEST BARNSTABLE ELEMENTARY SCHOOL GYMNASIUM FLOOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Barnstable West Barnstable Elementary School Gymnasium Floor Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-128  
INTRO: 04/03/2025**

**2025-128 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOLS DISTRICT WIDE MECHANICAL UPGRADES PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$250,000** be appropriated for the purpose of funding the Barnstable Public Schools District Wide Mechanical Upgrades Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$250,000** 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 the Barnstable School Committee 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-129  
INTRO: 04/03/2025**

**2025-129 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$350,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOLS DISTRICT WIDE HVAC REPAIRS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$350,000** be appropriated for the purpose of funding the Barnstable Public Schools District Wide HVAC Repairs Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$350,000** 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 the Barnstable School Committee 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-130  
INTRO: 04/03/2025**

**2025-130 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE INTERMEDIATE SCHOOL GYM FLOOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$250,000** be appropriated for the purpose of funding the Barnstable Intermediate School Gym Floor Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$250,000** 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 the Barnstable School Committee 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-131  
INTRO: 04/03/2025**

**2025-131 APPROPRIATION ORDER IN THE AMOUNT OF \$162,700 FOR THE PURPOSE OF FUNDING THE BARNSTABLE INTERMEDIATE SCHOOL LIBRARY FLOOR REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$162,700** be appropriated for the purpose of funding the Barnstable Intermediate School Library Floor Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$162,700** be provided from the General Fund Reserves; and that the Barnstable School Committee 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-132  
INTRO: 04/03/2025**

**2025-132 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,100,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE INTERMEDIATE SCHOOL ROOFTOP UNIT REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$2,100,000** be appropriated for the purpose of funding the Barnstable Intermediate School Rooftop Unit Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$2,100,000** 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 the Barnstable School Committee 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-133  
INTRO: 04/03/2025**

**2025-133 APPROPRIATION ORDER IN THE AMOUNT OF \$80,000 FOR THE PURPOSE OF FUNDING THE DEMOLITION OF OLD PORTABLES PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$80,000** be appropriated for the purpose of funding the Demolition of Old Portables Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$80,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-134  
INTRO: 04/03/2025**

**2025-134 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$507,600 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL EXHAUST FAN REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$507,600** be appropriated for the purpose of funding the Barnstable High School Exhaust Fan Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$507,600** 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 the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote



**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-135  
INTRO: 04/03/2025**

**2025-135 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$900,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE UNITED ELEMENTARY SCHOOL BUILDING ENVELOPE UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$900,000** be appropriated for the purpose of funding the Barnstable United Elementary School Building Envelope Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$900,000** 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 the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-136  
INTRO: 04/03/2025**

**2025-136 APPROPRIATION ORDER IN THE AMOUNT OF \$50,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HIGH SCHOOL LOCKER ROOM RENOVATIONS PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$50,000** be appropriated for the purpose of funding the Barnstable High School Locker Room Renovations Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$50,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
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_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-137  
INTRO: 04/03/2025**

**2025-137 APPROPRIATION ORDER IN THE AMOUNT OF \$160,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOL NETWORK INFRASTRUCTURE REPLACEMENT AND UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$160,000** be appropriated for the purpose of funding the Barnstable Public School Network Infrastructure Replacement and Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$160,000** be provided from the General Fund Reserves; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-138  
INTRO: 04/03/2025**

**2025-138 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOL SECURITY CAMERA UPGRADE PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$200,000** be appropriated for the purpose of funding the Barnstable Public School Security Camera Upgrade Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$200,000** be provided from the General Fund Reserves; and that the Barnstable School Committee 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-139  
INTRO: 04/03/2025**

**2025-139 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$500,500 FOR THE PURPOSE OF FUNDING THE BARNSTABLE WEST BARNSTABLE ELEMENTARY SCHOOL ROOF REPLACEMENT PROJECT AS OUTLINED IN THE FISCAL YEAR 2026 – FISCAL YEAR 2030 CAPITAL IMPROVEMENT PLAN**

**ORDERED:** That the amount of **\$500,500** be appropriated for the purpose of funding the Barnstable West Barnstable Elementary School Roof Replacement Project as outlined in the Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Plan, 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 **\$500,500** 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 the Barnstable School Committee 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
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 04/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-147  
INTRO: 04/03/2025**

**2025-147 APPROPRIATION ORDER IN THE AMOUNT OF \$100,000 IN COMMUNITY PRESERVATION FUNDS FOR THE PURPOSE OF ACQUIRING A CONSERVATION RESTRICTION ON TWO CONTIGUOUS OPEN SPACE TRACTS OF LAND TOTALING 5.46± ACRES AND LOCATED AT 564 MAIN STREET AND 0 MAIN STREET (ROUTE 6A), WEST BARNSTABLE**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c. 44B, the sum of **One Hundred Thousand Dollars (\$100,000)** shall be appropriated and transferred first from the amount set-aside for Open Space and Recreation within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund to Orenda Wildlife Land Trust, Inc. (“Orenda”) for the purpose of Orenda acquiring the fee interest in two contiguous parcels totaling 5.46± acres, with the first parcel located at 564 Main Street, West Barnstable, being Assessors Map 133, Parcel 011, and shown as Lot 2 on a plan entitled “Plan of Land in West Barnstable, Mass Belonging to the Estate of Miriam H. Rice” and recorded with the Barnstable County Registry of Deeds in Plan Book 166, Page 141, and with the second parcel located at 0 Main Street, West Barnstable, being Assessors Map 157, Parcel 004/002, and shown as Lot 2 on Land Court Plan 38226-B filed with the Registry District of Barnstable County; provided, a Conservation Restriction (“CR”) shall be recorded thereon for open space and conservation and passive recreation purposes pursuant to G.L. c. 184, sections 31-32, said CR to be granted to the Town of Barnstable, acting through its Town Manager, as the primary grantee, and The Compact of Cape Cod Conservation Trusts, Inc., as the secondary grantee. The Town Council hereby approves the CR pursuant to G.L. c. 184, section 32, authorizes the Town Manager to negotiate the terms of the final CR in substantially the form attached hereto and subject to minor changes to be made by the Secretary of Energy and Environmental Affairs, and authorizes the Town Council President to sign the CR on the Town Council’s behalf. It is hereby further ordered that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition of the CR, subject to oversight by the Community Preservation Committee, and to accept, negotiate, execute, receive, deliver and record any written instruments to effectuate this Order and complete this transaction.

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

DATE            ACTION TAKEN

\_\_\_\_\_  
\_\_\_\_\_

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2025-147  
INTRO: 04/03/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee on behalf of the Community Preservation Committee  
**DATE:** April 03, 2025  
**SUBJECT:** Appropriation order in the amount of **\$100,000** in Community Preservation Funds for the purpose of acquiring a conservation restriction on two contiguous open space tracts of land totaling 5.46± acres and located at 564 Main Street and 0 Main Street (Route 6A), West Barnstable

**BACKGROUND:** At the September 16, 2024, Community Preservation Committee (CPC) meeting, the five members present voted unanimously to recommend to the Town Council through the Town Manager, Orenda Wildlife Land Trust, Inc's application for \$100,000 in Open Space/Recreation Community Preservation Funds for the acquisition and preservation of a 5.46±-acre property comprised of two parcels located on the east side of Smith's Creek and addressed 564 and 0 Main Street, West Barnstable; Assessors Map 133, Parcel 011 and Assessors Map 157, Parcel 004-002 respectively. This request represents a portion of the total purchase price of \$400,000 with matching funds to be provided through a State Conservation Partnership Grant and private fundraising. The property is a priority habitat for rare species and its preservation would protect the freshwater and tidal wetlands lying within 300 feet of development. The Town of Barnstable would co-hold the Conservation Restriction with the Compact of Cape Cod Conservation Trust, which will provide monitoring and enforcement of the Conservation Restriction.

**ANALYSIS:** Acquisition of this property will continue the decades-long effort by the Town of Barnstable, state Department of Fish and Game, Barnstable Land Trust and Orenda to preserve this major Cape Cod Bay embayment.

**FISCAL IMPACT:** This appropriation shall be provided first from the amount set-aside for Open Space and Recreation within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund. There is no impact on the General Fund Operating Budget.

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

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

**GRANTOR: ORENDA WILDLIFE LAND TRUST, INC.**

**PRIMARY GRANTEE: TOWN of BARNSTABLE**

**SECONDARY GRANTEE: THE COMPACT OF CAPE COD CONSERVATION TRUSTS, INC.**

**ADDRESS OF PREMISES: 564 and 0 Main Street (Route 6A), (West) Barnstable, MA 02668**

**FOR GRANTOR'S TITLE SEE:** Barnstable County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_, and Barnstable Registry District of the Land Court Certificate # .

**FOR GRANTOR'S PLAN SEE:** Barnstable County Registry of Deeds at Plan Book 166, Page 141 and Land Court Plan 38226-B.

## **GRANT OF CONSERVATION RESTRICTION**

### **I. STATEMENT OF GRANT**

**ORENDA WILDLIFE LAND TRUST, INC.**, a Massachusetts nonprofit corporation with an office address at 4011 Main Street, Cummaquid, MA 02637 and a mailing address of P.O. Box 669, West Barnstable, MA 02668, being the sole owner of the Premises as defined herein, for its successors and assigns (“Grantor”), acting pursuant to Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws, grants, with QUITCLAIM COVENANTS, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES and subject to Article 97 of the Amendments to the Massachusetts Constitution to the **TOWN OF BARNSTABLE**, a Massachusetts municipal corporation with principal offices at Town Hall, 367 Main Street, (Hyannis), Town of Barnstable, Barnstable County, Massachusetts 02601-3907, acting by and through its **TOWN MANAGER**, pursuant to Item No. 2025-XXX of the Barnstable Town Council, passed [insert date], its permitted successors and assigns (“**Primary Grantee**”), for consideration of One Hundred Thousand and 00/100 Dollars (\$100,000.00) paid, and to **THE COMPACT OF CAPE COD CONSERVATION TRUSTS, INC.**, a Massachusetts nonprofit corporation with an office address at 36 Red Top Road, Brewster, MA 02631 and a mailing address of P.O. Box 443, Barnstable, MA 02630, its permitted successors and assigns (“**Secondary Grantee**”), for nominal consideration, the following Conservation Restriction on two tracts of adjoining land located in the Town of Barnstable, Barnstable County, Commonwealth of Massachusetts containing a total of 5.46 acres, more or less, (“Premises”), which Premises is more particularly described in Exhibit A and shown in the attached reduced copies of survey plans in Exhibit B, both of which are incorporated herein and attached hereto. As used herein, the terms “Grantee” and “Grantees” shall refer to the Primary Grantee and the Secondary Grantee collectively.

The Primary Grantee acquired this Conservation Restriction utilizing, in part, Community Preservation Act funds pursuant to Chapter 44B of the Massachusetts General Laws, which funds were authorized for such purposes by a vote of the Barnstable Town Council held on , on Agenda Item . An attested copy of the Town Council Order is attached hereto as Exhibit C.

### **II. PURPOSES:**

This Conservation Restriction is defined in and authorized by Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction (“Purposes”) are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and available for passive outdoor recreational use, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

**Conservation Partnership.** The fee interest in the Premises was acquired by Grantor utilizing, in part, assistance from the Conservation Partnership program which requires, pursuant to Item #2000-7056 of



Section 2A of Chapter 286 of the Acts of 2014 and/or Item #1599-2030 of Chapter 102 of the Acts of 2021, the conveyance of this Conservation Restriction.

**The Conservation Values protected by this Conservation Restriction include the following:**

- Open Space. The Premises contributes to the protection of the scenic and natural character of Barnstable and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts land already conserved, including 17 acres± of privately-owned conservation restriction-protected land to the northeast. The protection of the Premises will continue the decades-long effort by the Town of Barnstable, Department of Fish and Game, the Barnstable Land Trust and the Grantor to preserve ecologically important areas within the 3,700+ acre Barnstable Great Marsh.
- ACEC. The Commonwealth of Massachusetts, through the authority of the Secretary of Energy and Environmental Affairs under Massachusetts General Law Chapter 21A, § 2(7), designated the Sandy Neck Barrier Beach System as an Area of Critical Environmental Concern (ACEC) in 1978. The Premises includes 1.75 acres± of area located within the ACEC.
- Floodplain. The Premises includes 1.9 acres± of area designated within the Federal Emergency Management Agency (FEMA) 100-year Special Flood Hazard Area with a Base Flood Elevation of 13-14 feet along Smiths Creek. The protection of the Coastal Floodplain can slow down flood waters and allow them to flow across a natural landform surface, providing frictional resistance and reducing their energy and destruction potential, allow flood waters to spread over a wide area without obstructions, allow flood waters to be detained, absorbed into the ground, or evaporated into the atmosphere, and protect the land from storm erosion by providing a substrate for vegetation that helps to stabilize sediments and slow down flood waters.
- Soils and Soil Health. The Premises includes 2.25 acres± of Farmland of Statewide Importance and 4.4 acres± of Prime Forest Land, Forest of Statewide and Local Importance, and Wetland of State and Local Importance as identified by the USDA Natural Resources Conservation Service (source: MassGIS, MassMapper). The protection of the Premises will promote healthy soils and healthy soils practices as such terms are defined in Section 7A of Chapter 128 of the Massachusetts General Laws.
- Wildlife Habitat. The Premises is in close proximity (175 feet±) to areas designated by the MA Division of Fisheries and Wildlife, acting by and through its Natural Heritage and Endangered Species Program (NHESP), as “Priority Habitats of Rare and Endangered Species,” the protection of which aligns with NHESP’s wildlife and habitat protection objectives.
- Public Access. Public access to the Premises will be allowed for passive outdoor recreation, education and nature study.
- Biodiversity. The Premises is designated as BioMap Wetland Core Habitat and Wetland Core Buffer Critical Natural Landscape, 0.15 acres± of the Premises is designated as BioMap Critical Natural Landscape Blocks, and 1.9 acres± of the Premises is designated as Critical Natural Landscape Coastal Adaptation Area, as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap, last updated in 2022, was designed to guide strategic biodiversity conservation in Massachusetts by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species

and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.

- Habitat Connectivity and Ecosystem Integrity. The Premises includes areas identified by the UMass Conservation Assessment and Prioritization System (CAPS) as Freshwater Wetland and Aquatic Landscape of high ecological integrity. CAPS measures the ecosystem integrity of land and can be used to demonstrate the value of land as having outstanding unfragmented habitat value.
- Water Quality. All of Cape Cod is a high-yield aquifer, designated as a Sole Source Aquifer by the United States Environmental Protection Agency (USEPA) in 1982. All of the Premises lies within 300 feet of freshwater and tidal wetlands, including 900 feet of streambank on Smiths Creek. Protection of the Premises will help protect the coast from additional development and associated septic systems whose leachate would contribute nitrogen to Barnstable Harbor and contribute to eutrophication and possible algal blooms.
- Wetlands. The wooded and shrub swamp wetlands on the Premises provide valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws).
- Climate Change Resiliency. The Premises is identified as an area of above average Terrestrial Resilience according to The Nature Conservancy's (TNC) Resilient Land Mapping Tool, including above average Landscape Diversity and slightly above average Local Connectedness. TNC's Resilient Land Mapping Tool was developed in order to map 'climate-resilient' sites that are 'more likely to sustain native plants, animals, and natural processes into the future.' The protection of these climate resilient sites is an important step in both reducing human and ecosystem vulnerability to climate change and adapting to changing conditions.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan*, amended in 1996, 2002 2009, 2012, and 2018 which provided, *inter alia* (references are to the 2018 RRP, amended in 2021 to accommodate climate change goals and objectives):
  - "To maintain a sustainable supply of high quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources." (Water Resources Goal, p. 54) and
    - Protect and preserve groundwater quality
    - Protect, preserve and restore fresh water resources
    - Protect, preserve and restore marine water resources
  - "To protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers" (Wetland Resources Goal, p. 61); and
    - "Protect wetlands and their buffers from vegetation and grade changes"
    - "Protect wetlands from changes in hydrology"
    - "Protect wetlands from stormwater discharges"
  - "To protect, preserve, or restore wildlife and plant habitat to maintain the region's natural diversity" (Wildlife and Plant Habitat Goal, p. 61); and

- "Maintain existing plant and wildlife populations and species diversity."
- Protect and preserve rare species habitat, vernal pools, 350-foot buffers to vernal pools.
- "To conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems" (Open Space Goal, p. 61);
  - "Protect and preserve natural, cultural, and recreational resources;"
  - "Maintain or increase the connectivity of open space;"
  - "Protect or provide open space appropriate to context."
- "To prevent or minimize human suffering and loss of life and property or environmental damage resulting from storms, flooding, erosion, and relative sea level rise, including but not limited to that associated with climate change" (Coastal Resiliency Goal, p.62); and
  - "Minimize development in the floodplain"
  - "Plan for sea level rise, erosion, and floods"
  - "Reduce vulnerability of built environment to coastal hazards".

This Conservation Restriction will advance each of these objectives. The Water Resources Goal will be served by protecting ground and coastal waters from detrimental impacts of development, the Wetland Resources Goal will be served by protecting coastal wetlands and their buffers from detrimental impacts of development. Wildlife and Plant Habitat Goal will be served because the protection of the Premises will protect BioMap-designated habitat areas. The Open Space Goal will be served by protecting a scenic area with public access. The Coastal Resiliency Goal will be met by preventing man-made disturbance within the FEMA Special Flood Hazard Area and by preserving coastal areas suitable for habitat migration in response to climate change impacts.

- Consistency with Clearly Delineated Town of Barnstable Conservation Policy. Protection of the Premises will further the Town of Barnstable's documented goals regarding conservation land. The Town outlined its conservation goals in its *Open Space and Recreational Plan* (1984, amended 1987, 1998, 2005, 2010, 2018), identifying goals, policies, and actions to guide conservation efforts, among them the goal of preserving "quality open spaces throughout the Town which protect and enhance its visual heritage." Additional objectives include (*references are to the 2018 Plan*):

- 1) "Preservation of open space for protection of drinking water resources, and for protection of other natural, historic and scenic resources is a community-wide priority; and,
- 2) Protection of open space should continue to be an integral component of the Town's efforts." (p. 6)

To achieve this vision, the Plan sets several goals for the town including:

- 1) "To protect and maintain the maximum amount of open space to enhance environmental protection, recreational opportunities, and community character; and,
- 2) "Plan, coordinate and execute open space protection measures that complement community efforts to protect water supply, protect fresh and marine surface waters, [and] preserve historic, scenic and cultural resources..." (pp. 10-11).

Additionally, the Barnstable Town Council's Strategic Plan for fiscal year 2024-2025 identified the goal to "*conserve and protect areas in the town that are most significant as natural and historical resources for water supply, visual quality, outdoor recreation, public access, wildlife habitat and cultural history.*"

Moreover, in 1981, the Town of Barnstable adopted a Conservation Restriction Program consisting of policies and guidelines, in particular an *Open Space Policy*, approved by the Board of Selectmen, Assessors, and Conservation Commission, which encourages the use of conservation restrictions in perpetuity to protect natural resources in accordance with the purposes of the *Open Space and Recreation Plan*, and which further specified that purposes of a conservation restriction could include the following:

- preserve scenic view;
  - prevent disturbance of wetlands;
  - preserve a shoreline;
  - prevent the cutting of trees or forests;
  - preserve open space;
  - preserve important natural habitats of fish, wildlife or plants; and,
  - limit or prevent construction on land of natural resource value.
- Consistency with Clearly Delineated State Conservation Policy. The protection of the Premises will advance the goals of the Massachusetts Clean Energy and Climate Plan for 2050, published in 2022. The Commonwealth aims to permanently conserve at least 40% of Massachusetts lands and waters by 2050.
  - Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of “conservation purposes” as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: promote protection of state-recognized habitats, as well as preserve open space, provide for passive public recreation, and maintain the scenic and rural character of the village of West Barnstable for enjoyment by the public.
  - Historic Resources. The Premises includes 65 feet of frontage on State Route 6A, also known as the Old King’s Highway. In 1973, the Massachusetts legislature adopted the Old Kings’ Highway Historic District to protect the historical integrity of the route. In 1981 the Mass. Department of Environmental Management (now the Department of Conservation and Recreation) identified the Barnstable Great Marsh as one of the few Noteworthy Landscapes in the state. The protection of the Premises will prevent a new curb cut, driveway and forest cutting along the scenic roadway.

### **III. PROHIBITED and PERMITTED ACTS AND USES**

#### **A. Prohibited Acts and Uses**

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, parking area, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, wind turbine, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;

2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantees;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Hunting and Trapping. Hunting and trapping are strictly prohibited on the Premises;
12. Residential, Commercial, or Industrial Uses. Using the Premises for residential, commercial or industrial purposes; and,
13. Inconsistent Uses. Any other uses of the Premises that are inconsistent with the Purposes or that would materially impair the Conservation Values.

**B. Permitted Acts and Uses**

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A, the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that no stockpiling or composting shall occur within 100 feet of a wetland;
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantees, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantees. A copy of the results of any such investigation on the Premises is to be provided to the Grantees;
6. Trails. Maintaining and constructing trails as follows:
  - a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to six (6) feet in width overall, with a treadway up to four (4) feet in width.
  - b. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
  - c. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
7. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantees' interest

in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;

8. Motorized Vehicles. Using motorized mobility vehicles, including Other Power-Driven Mobility Devices as defined in federal law, by persons with mobility impairments and as otherwise permitted herein for land management purposes; and,
9. Outdoor Passive Recreational and Educational Activities. Hiking, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational and educational activities.

### **C. Site Restoration**

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

### **D. Compliance with Permits, Regulations, Laws**

The exercise of any Permitted Acts and Uses under Paragraph III.B shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Reserved Right requiring a permit, license or other approval from a public agency does not imply that the Grantees or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

### **E. Notice and Approval**

1. Notifying Grantee. Whenever notice to or approval by Grantees is required, Grantor shall notify or request approval from Grantees, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
  - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
  - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
  - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals; and,
  - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantees to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, the Secondary Grantee, within thirty (30) days of receipt of Grantor's request, shall notify the Primary Grantee of the Secondary Grantee's decision. Within sixty (60) days of the Primary Grantee's receipt of Grantor's request, the Primary Grantee shall either affirm, amend or reverse the decision of the Secondary Grantee, shall notify the Secondary Grantee thereof in writing, and shall issue its decision to the Grantor in writing. The Primary Grantee's decision shall in all cases be the final and controlling decision binding on both Grantees. In the event that no decision is received from the Secondary Grantee within thirty (30) days, the Primary Grantee shall

proceed to issue its decision within sixty (60) days of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.

3. Resubmittal. Grantees' failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

#### **IV. INSPECTION AND ENFORCEMENT**

##### **A. Entry onto the Premises**

The Grantor hereby grants to the Grantees, and their duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

##### **B. Legal and Injunctive Relief**

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantees will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantees for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantees determine that a violation of this Conservation Restriction has occurred and intend to exercise any of the rights described herein, the Grantees shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantees may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantees determine that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantees may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantees all reasonable costs and expenses (including counsel fees) incurred by the Grantees in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.



4. Coordination between Primary and Secondary Grantee. Whenever there is a question of whether there is a violation of this Conservation Restriction, or how to proceed in addressing the violation, the Primary Grantee shall consult with the Secondary Grantee. The Primary Grantee shall then determine whether there is a violation and how to proceed in addressing the violation. The Primary Grantee's decision shall in all cases be the final and controlling decision binding on both Grantees. In the event that no response is received from the Secondary Grantee within thirty (30) days, the Primary Grantee shall notify Grantor and proceed as provided in Paragraph IV.B.2.

### **C. Non-Waiver**

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of the Grantees. Any election by the Grantees as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

### **D. Disclaimer of Liability**

By acceptance of this Conservation Restriction, the Grantees do not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantees or their agents.

### **E. Acts Beyond the Grantor's Control**

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantees to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantees will cooperate in the restoration of the Premises, if desirable and feasible.

## **V. PUBLIC ACCESS**

Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.9 provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.9. The Grantees may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. This grant of public access to the Premises is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantees hereto express their intent to benefit from exculpation from liability to the extent provided in such section.

## **VI. TERMINATION/RELEASE/EXTINGUISHMENT**

## **A. Procedure**

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official (“Secretary”), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

## **B. Grantor’s and Grantees’ Right to Recover Proceeds**

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Primary Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Primary Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values. The Secondary Grantee shall not share in any recovered proceeds.

## **C. Grantee’s Receipt of Property Right**

Grantor and Grantees agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the conveyance, bears to the value of the unrestricted Premises. The proportionate value of the Primary Grantee’s property right as of the Effective Date (see Paragraph XII) was determined to be 24<sup>1</sup>%. Such proportionate value of the Primary Grantee’s property right shall remain constant.

## **D. Cooperation Regarding Public Action**

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantees shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantees shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantees in accordance with Paragraph VI.B and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantees shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

## **VII. DURATION and ASSIGNABILITY**

### **A. Running of the Burden**

The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

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<sup>1</sup> CPA funding of \$100,000/\$410,000 appraised value = 24%

## **B. Execution of Instruments**

The Grantees are authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantees its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

## **C. Running of the Benefit**

The benefits of this Conservation Restriction shall run to the Grantees, shall be in gross and shall not be assignable by the Grantees, except when all of the following conditions are met:

1. the Grantees requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

## **VIII. SUBSEQUENT TRANSFERS**

### **A. Procedure for Transfer**

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantees not less than twenty (20) days prior to the effective date of such transfer. Any transfers shall receive prior approval by Grantees to assure that the Premises is transferred to a qualified conservation organization. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantees may record it in the Barnstable County Registry of Deeds and the Barnstable Land Registry District, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

### **B. Grantor's Liability**

The Grantor shall not be liable for violations occurring after their ownership should they convey ownership of the property. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

## **IX. ESTOPPEL CERTIFICATES**

Upon request by the Grantor, the Grantees shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

## **X. NON MERGER**

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantees agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

## **XI. AMENDMENT**

### **A. Limitations on Amendment**

Grantor and Grantees may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantees as "qualified organizations" or "eligible donnees" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantees, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive.

### **B. Amendment Approvals and Recording**

No amendment shall be effective unless documented in a notarized writing executed by Grantees and Grantor, approved by the Town of Barnstable and by the Secretary of Energy and Environmental Affairs in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the Barnstable County Registry of Deeds and the Barnstable Land Registry District. Any amendment shall be consistent with the purposes of this Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and, if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements.

## **XII. EFFECTIVE DATE**

This Conservation Restriction shall be effective when the Grantor and the Grantees have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the Barnstable County Registry of Deeds and the Barnstable Land Registry District.

## **XIII. NOTICES**

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Orenda Wildlife Land Trust, Inc.  
P.O. Box 669  
West Barnstable MA 02668

To Primary Grantee: Town of Barnstable  
Attn: Town Manager  
367 Main Street  
Hyannis MA 02601

To Secondary Grantee: The Compact of Cape Cod Conservation Trusts, Inc.  
P.O. Box 443  
Barnstable MA 02630

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

## **XIV. GENERAL PROVISIONS**

### **A. Controlling Law**

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

### **B. Liberal Construction**

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

### **C. Severability**

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

## **D. Entire Agreement**

This instrument sets forth the entire agreement of the Grantor and Grantees with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

## **XV. BASELINE DOCUMENTATION REPORT**

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) titled Baseline Report for Smiths Creek Conservation Restriction, and dated 2025 prepared by Secondary Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantees to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

## **XVI. MISCELLANEOUS**

### **A. Pre-existing Public Rights**

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

### **B. No Surety Interest**

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

### **C. Executory Limitation**

If either Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then that Grantee’s rights and obligations under this Conservation Restriction shall run to the other Grantee.

### **D. Prior Encumbrances**

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

**E.** The following signature pages are included in this Grant:

Grantor – Orenda Wildlife Land Trust, Inc.  
Approval of Town Manager and Grantee Acceptance – Town of Barnstable Town Manager  
Secondary Grantee Acceptance – The Compact of Cape Cod Conservation Trusts, Inc.  
Approval – Town of Barnstable Town Council  
Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

**F.** The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises  
Exhibit B: Reduced Copies of Recorded/Registered Plans of Premises  
Exhibit C: Town Council Order

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2025.

By:  
Daniel J. Morast  
Its President, duly authorized

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss:

On this \_\_\_\_ day of \_\_\_\_\_, 2025, before me, the undersigned notary public, personally appeared Daniel Morast, President, Orenda Wildlife Land Trust, Inc., and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the corporation.

\_\_\_\_\_  
Mark H. Robinson, Notary Public  
My Commission Expires: 8 July 2027

**CERTIFICATE OF VOTE**

I, Caitlin Wojkowski duly elected Clerk of the Orenda Wildlife Land Trust, Inc., hereby certify that at a meeting of the Board of Directors duly called on the . day of , 2025, at which meeting, acting throughout upon motion duly made and seconded, a quorum being present, it was unanimously

**VOTED:** that Daniel Morast, President of Orenda Wildlife Land Trust, Inc., be and hereby is authorized in the name of Orenda Wildlife Land Trust, Inc. to grant a Conservation Restriction to the Town of Barnstable and The Compact of Cape Cod Conservation Trusts, Inc. on its property at, 564 and 0 Main Street (Route 6A), (West) Barnstable MA, this execution thereof shall be sufficient evidence of the Board of Directors' approval.

I further certify that Daniel Morast is the duly elected President of Orenda Wildlife Land Trust, Inc., and that I am the duly elected Clerk, and that said vote is still in full force and effect.

A true copy,

Attest:

Caitlin Wojkowski, Clerk

Orenda Wildlife Land Trust, Inc.

Date: , 2025



**ACCEPTANCE OF GRANT**

The foregoing Conservation Restriction from Orenda Wildlife Land Trust, Inc. was accepted by The Compact of Cape Cod Conservation Trusts, Inc., this \_\_\_\_ day of \_\_\_\_\_, 2025.

By: \_\_\_\_\_  
Leonard W. Johnson

Its: President, duly authorized

By: \_\_\_\_\_  
Henry Lind

Its: Treasurer, duly authorized

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss:

On this day of , 2025, before me, the undersigned notary public, personally appeared Leonard W. Johnson, President of The Compact of Cape Cod Conservation Trusts, Inc., and Henry Lind, Treasurer of The Compact of Cape Cod Conservation Trusts, Inc., and proved to me through satisfactory evidence of identification which was personal knowledge to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the corporation.

\_\_\_\_\_  
Mark H. Robinson, Notary Public  
My Commission Expires: 8 July 2027

**APPROVAL OF TOWN MANAGER AND  
ACCEPTANCE OF GRANT**

I, Mark S. Ells, as Town Manager of the Town of Barnstable, hereby approve in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws and accept the foregoing Conservation Restriction from Orenda Wildlife Trust, Inc. to the Town of Barnstable and The Compact of Cape Cod Conservation Trusts, Inc.

TOWN OF BARNSTABLE

TOWN MANAGER: \_\_\_\_\_

Mark S. Ells

Barnstable, ss

On the day of , 2025, before me, the undersigned notary public, personally appeared Mark S. Ells, and proved to me through satisfactory evidence of identification, which was , to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Town Manager on behalf of the Town of Barnstable.

\_\_\_\_\_  
Notary Public  
My Commission Expires

**APPROVAL OF THE TOWN OF BARNSTABLE  
TOWN COUNCIL**

At a public meeting duly held on , on agenda item \_\_\_\_\_the Town Council of the Town of Barnstable, Massachusetts, voted to approve the foregoing Conservation Restriction from Orenda Wildlife Land Trust, Inc. to the Town of Barnstable and The Compact of Cape Cod Conservation Trusts, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws and hereby certifies approval of the foregoing Conservation Restriction.

**TOWN COUNCIL PRESIDENT:**

\_\_\_\_\_  
Craig Tamash

**COMMONWEALTH OF MASSACHUSETTS**

**Barnstable, ss**

On the day of , 2025, before me, the undersigned notary public, personally appeared **Craig Tamash**, and proved to me through satisfactory evidence of identification, which was , to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose as the President of the Barnstable Town Council.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF THE  
COMMONWEALTH OF MASSACHUSETTS**

The undersigned Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from Orenda Wildlife Land Trust, Inc. to the Town of Barnstable and The Compact of Cape Cod Conservation Trusts, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: \_\_\_\_\_, 2025

Rebecca L. Tepper

Secretary of Energy and Environmental Affairs

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss:

On this day of , 2025, before me, the undersigned notary public, personally appeared

Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was

\_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public

My Commission Expires:

## EXHIBIT A

### Description of the Premises

The Premises is comprised of two adjoining parcels on the north side of State Route 6A in the village of West Barnstable, more particularly bounded and described as follows

#### UNREGISTERED LAND:

TRACT ONE: The vacant land in the Town of Barnstable, Barnstable County, Commonwealth of Massachusetts, containing 3.96 acres, more or less, shown as Lot "2" on a plan of land entitled, "*Plan of Land in West Barnstable, Mass. Belonging to the Estate of Miriam H. Rice*", dated August 18, 1961, by Nelson Bears & Richard Law, Surveyors, Centerville, Mass, recorded at the Barnstable County Registry of Deeds at Plan Book 166, Page 141.

Address: 564 Main Street, (West) Barnstable, MA

Assessors Map: 133 Parcel 011

and

#### REGISTERED LAND:

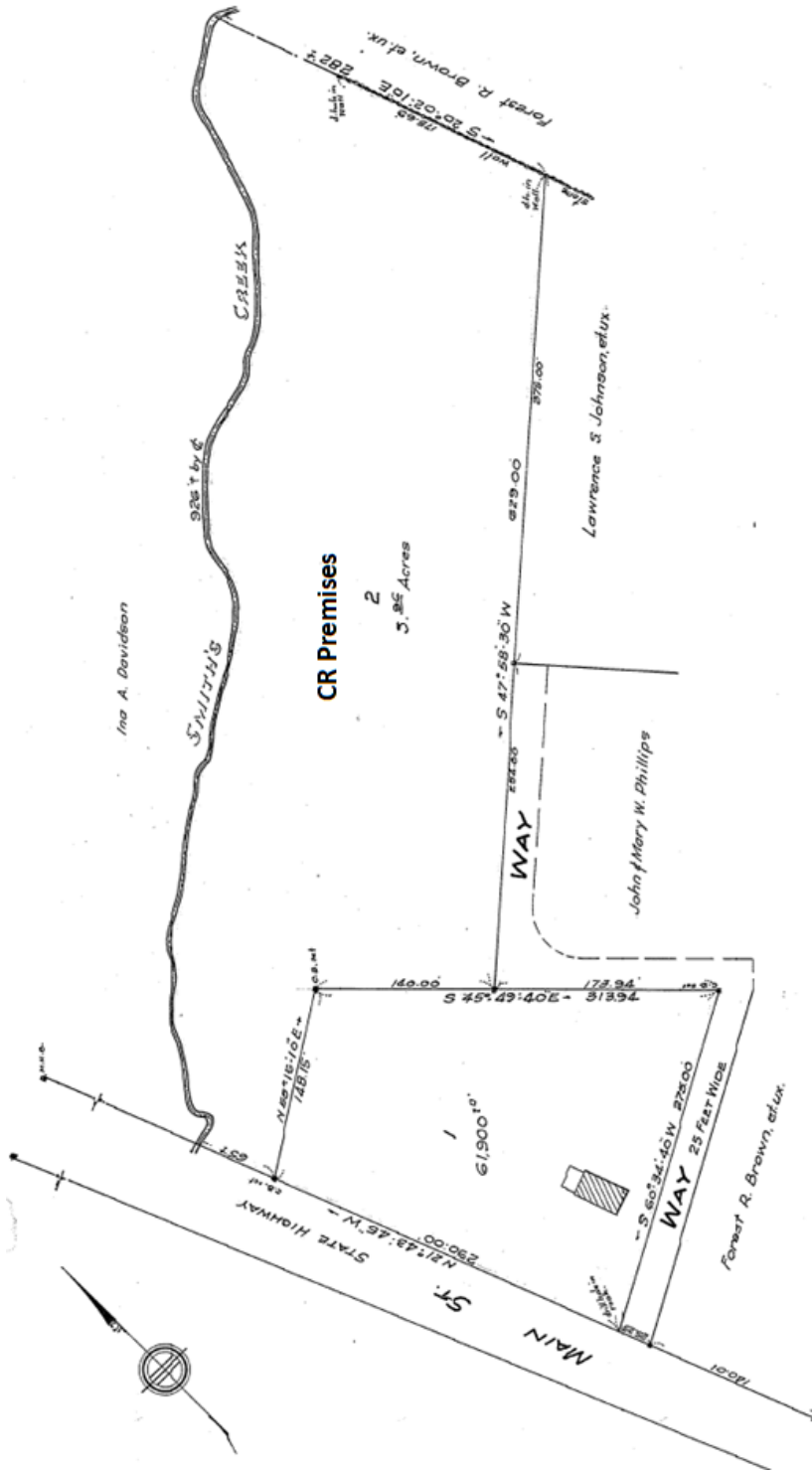
TRACT TWO: The vacant registered land in the Town of Barnstable, Massachusetts, containing 1.5 acres, more or less, shown as Lot "2" on Land Court Plan 38226-B.

Address: 0 Main Street, (West) Barnstable, MA

Assessors Map: 157 Parcel 004 Lot 002

**EXHIBIT B-1**  
Plan of Premises  
TRACT ONE

For official full-size plan see Barnstable County Registry of Deeds Plan Book 166, Page 141



This plan does not require the approval of the Board of Survey

*Robert A. Williams*  
*Ernest Murphy*  
 BOARD OF SURVEY OF BARNSTABLE

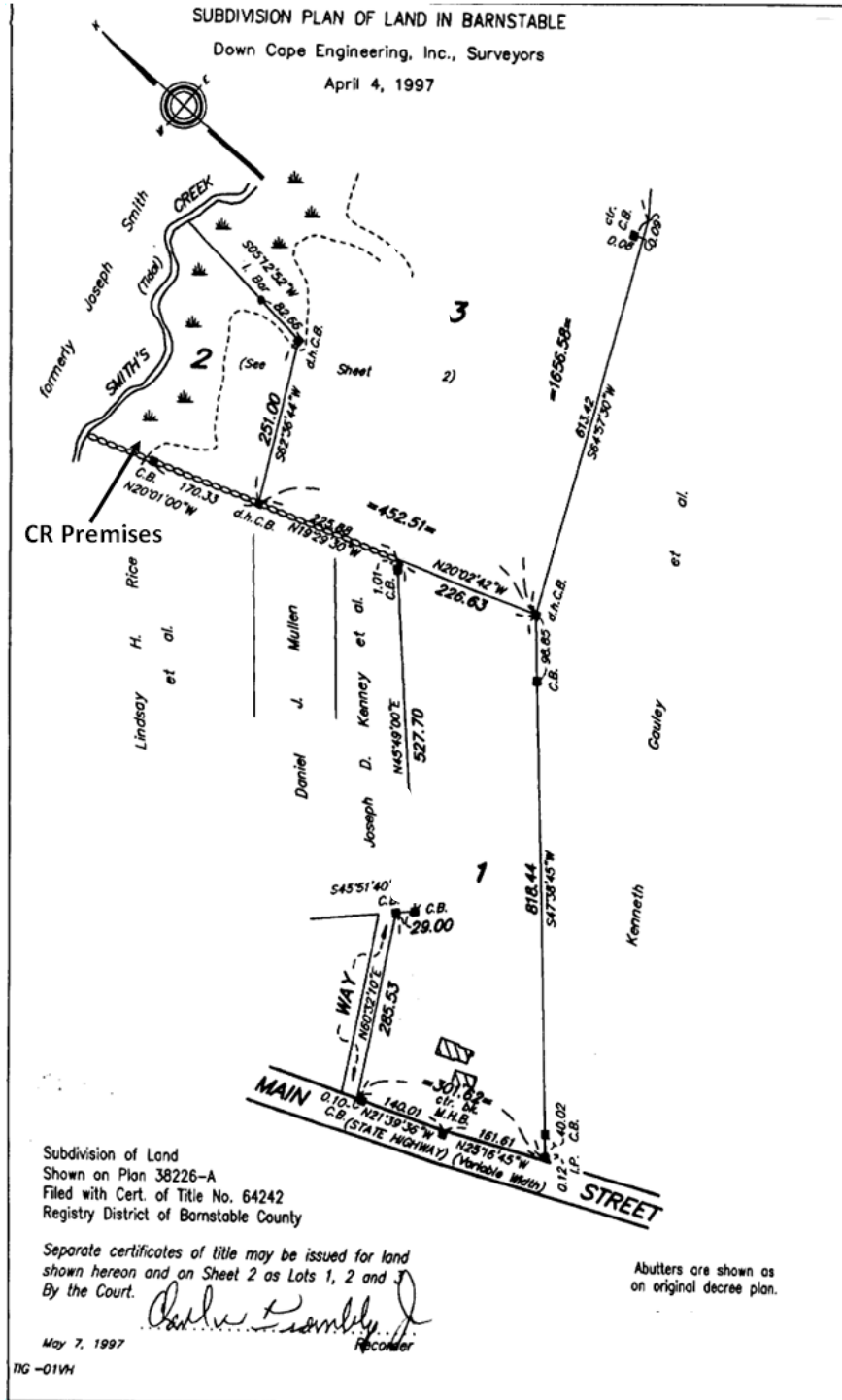
AUG 11 1961

PLAN OF LAND IN WEST BARNSTABLE, MASS. BELONGING TO THE ESTATE OF MIRIAM H. RICE  
 SCALE 1 IN = 50 FT. AUG 18, 1961  
 NELSON BLAIRS/RICE LAW, SURVEYORS  
 CENTREVILLE, MASS.



**EXHIBIT B-2**  
Plan of Premises  
 TRACT TWO

For official full-size plan see Barnstable Registry District Plan 38226-B



**EXHIBIT C**

Town Council Order

*Pending*



**B. NEW BUSINESS (Refer to Second Reading 05/15/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-148  
INTRO: 04/3/2025**

**2025-148 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND NILE MORIN, INC FOR 9 NEW MARKET RATE RESIDENTIAL RENTAL UNITS LOCATED AT 50 MAIN STREET, HYANNIS, MA**

**ORDERED:** That the Town Council hereby authorizes a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Nile Morin, Inc. pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for nine (9) market rate residential units located at 50 Main Street, Hyannis, substantially in the form presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

**SPONSORS:** Town Council Tax Incentive Committee: Councilor John R. Crow, Precinct 5; Councilor Paul C. Neary, Precinct 6; Councilor Paula K. Schnepf, Precinct 12

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2025-148**  
**INTRO: 04/3/2025**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** James Kupfer, Director, Planning & Development  
**DATE:** April 03, 2025  
**SUBJECT:** Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and Nile Morin, Inc for 9 new Market Rate Residential Rental Units located at 50 Main Street, Hyannis, MA

**RATIONALE:** The Tax Incentive Committee of the Town Council recommends approval of the Housing Development Incentive Program Tax Increment Exemption request from developer Nile Morin, Inc. for the property located at 50 Main Street, Hyannis. The project will create nine (9) market rate units, and one (1) deed restricted affordable unit for a total of ten (10) units.

In January 2018, the Town Council approved the proposed Downtown Hyannis HD Zone and Plan and in March 2018 the Town received approval of its Zone from the Department of Housing and Community Development (now EOHLC). Approval of this Zone allows the Town to enter into Tax Increment Exemption Agreements with property owners within the Zone.

The goals of the Housing Development Incentive Program, which authorizes Tax Increment Exemption Agreements, is to increase residential growth, expand diversity of housing supply, support economic development and promote neighborhood stabilization.

The Housing Development Program (HDIP) staff review committee, and the Town Council Tax Incentive Committee reviewed the application from Nile Morin, Inc. and found it to be complete and that the development meets the objectives of the HDIP Plan including increasing residential stock and diversity of housing choice. The Operating Pro Forma is reasonable and in line with industry standards. Based on limited availability of comparable development in the HDIP Zone, the proposed rents, at \$2,750 per month for a 2-bedroom unit, are priced consistently with prevailing rents. The development will have a positive impact on housing supply and, in turn, support economic development

The TIE Agreement is a contract between the property owner and the municipality which sets forth the amount of the tax exemption and the duration of the benefits. The Sponsor has requested, and the Tax Incentive Committee recommends a 100% Tax Exemption for years 1-5, 75% Tax Exemption for years 6-10 and 50% Tax Exemption for years 11-15 on increased value of the market rate units anticipated to be \$ 2,353,858.00.

**FISCAL IMPACT:** The estimated assessed value of the property when developed as proposed is \$3,196,600 resulting in an increase of \$2,353,858 in assessed value subject to TIE. As proposed, the total estimated value of the TIE is \$220,097.08. This includes an estimated \$213,686.48 in property tax savings and \$6,410.59 in Community Preservation Tax savings for the developer. By approving the TIE Agreement, the Town agrees to forgo this estimated tax revenue over 15 years in exchange for the

If approved by the Town, this project and TIE Agreement must also be approved by the State Executive Office of Housing and Livable Communities.

redevelopment of this property that creates nine (9) new year-round Market Rate rental housing units and one (1) affordable unit deed restricted to 65% Area Median Income.

**STAFF ASSISTANCE:** Mark Milne, Finance Director; John Curran, Director of Assessing; Corey Pacheco, Senior Planner, Planning and Development; Arden Cadrin, Consultant.

## HOUSING DEVELOPMENT INCENTIVE PROGRAM

### TAX INCREMENT EXEMPTION (TIE) AGREEMENT

between  
**Town of Barnstable**  
and  
**Nile Morin Inc.**

This AGREEMENT is made this        day of        , 2025        by and between the Town of Barnstable (“Municipality”) and Nile Morin. Inc., a Massachusetts Corporation (“Sponsor”) with an address at 19 Appaloosa Way, Marstons Mills, MA 02648.

#### Section 1 – Agreement

The Municipality and the Sponsor, for good and valuable consideration and in consideration of the covenants and agreements herein contained, hereby make this agreement regarding a tax increment exemption pursuant to the Housing Development (HD) Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 (HD TIE), with respect to the Property as herein defined.

#### Section 2 – Definitions

Each reference in this Agreement to the following terms shall be deemed to have the following meanings:

Act:	M.G.L. c. 40V as may be amended from time to time.
Completion:	Certificates of occupancy have been issued for the entire Project.
DHCD:	Department of Housing and Community Development
EOHLC:	Executive Office of Housing and Livable Communities
Event of Default:	An “Event of Default” as defined in Section 5 below.
Final Certification:	Determination by EOHLC that the Sponsor has completed the new construction or substantial rehabilitation of the Property, consistent with the New Construction or Rehabilitation Plans, including the creation of MRRUs, as set forth in the Act and the Regulations.
Fiscal Year:	An annual period of July 1 through June 30.
HD Project:	A Certified Housing Development Project as defined in the Act and the Regulations.
HD Zone:	The Housing Development Zone adopted by the Town of Barnstable on January 18, 2018 and approved by EOHLC (formerly DHCD) as evidenced by a Certificate of Approval dated March 9, 2018 and recorded with Barnstable County Registry of Deeds, Book 32702, Page 1. The Zone was amended on January 21, 2021 and approved by EOHLC as evidenced by a Certificate of Approval dated March 2, 2021 and recorded with Barnstable County Registry of Deeds Book 3652, Page 251.

MRRU: Market Rate Residential Unit(s) as defined at Section 3.B.1.

Property: 50 Main Street (Parcel 342026), as shown in Exhibit 1, "Map of Property" and further described in Exhibit 2, "Legal Description of Property".

Regulations: 760 CMR 66.00.

New Construction or Rehabilitation Plans: The material submitted for Conditional Certification pursuant to 760 CMR 66.05(3)(a) and approved by EOHLC.

Sponsor: Nile Morin, Inc., a Massachusetts Corporation, with an address at 19 Appaloosa Way, Marstons Mills, MA 02648, its successors and assigns.

### **Section 3 – Sponsor’s Covenants**

New Construction or Substantial Rehabilitation of the Property. Sponsor will undertake the new construction or substantial rehabilitation of the Property in accordance with the work and schedule set forth in the New Construction or Rehabilitation Plans.

#### Market Rate Residential Units.

There shall be a total of nine (9) residential market rate rental units, as well as one (1) affordable deed restricted units at 65% AMI created in the Project. For the market rate units there will be nine (9) 2-bedroom units; and for the affordable units there will be one (1) 2-bedrooms unit. The monthly rent for such units shall be priced consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the Department, as set forth in Exhibit 3, "Market Rate Residential Units – Pricing Plan".

Sponsor shall use good faith efforts to maintain the units as MRRUs for a minimum of 20 years.

Marketing. Sponsor shall cause the MRRU to be marketed in a manner that is consistent with the strategies, implementation plan and affirmative fair housing efforts set out in the New Construction or Rehabilitation Plans.

HD Project Certification. Sponsor shall take all actions reasonably necessary to obtain Final Certification of the Property as an HD Project including but not limited to submitting applications to EOHLC for Conditional Certification and Final Certification consistent with the requirements of the Act and the Regulations.

### **Section 4 – Tax Increment Exemption**

Municipality agrees to grant Sponsor an exemption to the real property taxes due on the Property pursuant to G.L. c.59 according to the following terms.

- A. Base Value. Consistent with 760 CMR 66.06(1)(c), the Base Value is equal to the assessed value (or aggregate thereof) of the parcel(s) that comprise the property as of the fiscal year in which a HD Tax Increment Exemption Agreement is executed by the Sponsor and the Municipality with respect to the parcel or parcels, as the case may be, and prior to the start of any new construction or Substantial Rehabilitation activities, including demolition, minus the assessed value attributable to any portion of the property that was assessed as other than residential in the applicable fiscal year and remains non-residential after completion of new construction or Substantial Rehabilitation.

At the time of execution, the base value of this property is expected to be \$523,100. This value is subject to change and will be re-confirmed at the time the exemption percentage is applied starting on the effective date of the agreement.

- B. MRRU Percentage. 90%. The MRRU Percentage shall be confirmed as required in paragraph F, below.
- C. Exemption Percentage. Commencing on the Effective Date which shall be Fiscal Year 1: 100% Years 1-5; 75% Years 6-10; 50% Years 11-15
- D. The Increment. As defined at 760 CMR 66.06(1)(b)(1).
- E. Calculation. For each Fiscal Year during the term of this Agreement, the HD TIE shall be determined by applying the Exemption Percentage to the property tax on the Increment.
- F. Confirmation or Amendment of Calculation. Upon Completion, and prior to applying for Final Certification of the Project, the Sponsor and Municipality shall file a "Tax Increment Exemption – Confirmation of Calculation" in the form attached as Exhibit 4 ("TIE Confirmation"). To the extent that the dates or figures in the TIE Confirmation differ from those set forth in this Agreement, the contents of the TIE Confirmation shall control and shall be deemed to have amended this Agreement.

**Section 5 – Default**

Event of Default. An "Event of Default" shall arise under this Agreement upon the occurrence of any one or more of the following events:

§240-24.0 Breach of Covenant Prior to Final Certification. Subject to the limitations set forth in the Regulations at section 66.05(4)(b), Sponsor defaults in the observance or performance of any material covenant, condition or agreement to be observed or performed by Sponsor pursuant to the terms of this Agreement, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

1) Breach of Covenant Subsequent to Final Certification. Sponsor’s conduct is materially at variance with the representations made in its New Construction or Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

2) Misrepresentation. Any representation made herein or in any report, certificate, financial statement or other instrument furnished in connection with this Agreement shall prove to be false in any material respect.

Rights on Default.

Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final Certification, then this Agreement shall become null and void.

1) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:

a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that EOHLC revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which EOHLC determines that a material variance commenced.

b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.

c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.

2) Other Remedies. The Municipality's rights upon the occurrence of an Event of Default are in addition to those granted to EOHLC and the Massachusetts Commissioner of Revenue under the terms of the Act.

## **Section 6 – Miscellaneous**

A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following EOHLC's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations. The Effective Date shall be confirmed as required under Section 4.F above.

B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.

C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:

1) Until Completion, the status of construction in relation to the schedule contained in the New Construction or Rehabilitation Plan;

2) Until Completion, the status of marketing in relation to the New Construction or Rehabilitation Plans; and

3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.

Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld or delayed. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.

Notices. In conjunction with concurrent electronic submission as provided for below or, if reasonable efforts can determine that such information is no longer current, otherwise reasonably obtainable and verifiable electronic contact information, any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and, unless general measures for electronic receipt as a substitute are in place at such time or can otherwise be reasonably assumed due to publicized or immediately foreseeable remote working conditions, shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

Municipality: Town Manager

Town of Barnstable

367 Main Street  
Hyannis, MA 02601

Sponsor: Nile Morin, Inc.  
19 Appaloosa Way  
Marstons Mills, MA 02648  
  
[nile@soldcapecod.com](mailto:nile@soldcapecod.com)

Copy to EOHLC: All such notices shall be copied to EOHLC at:

HDIP Program Coordinator  
Executive Office of Housing and Livable Communities  
100 Cambridge Street, Suite 300  
Boston, MA 02114  
eohlchdip@mass.gov

Change of Address. Either party may change the address to which notices are to be sent to it by giving written notice of such change of address to the other party in the manner herein provided for giving notice.

Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose for which given. No failure or delay on the part of Municipality in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege.

**IN WITNESS WHEREOF**, the Sponsor has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, and the Municipality has caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Town Manager as of the day and year first above written.

MUNICIPALITY SPONSOR  
TOWN OF BARNSTABLE

Nile Morin, Inc.

\_\_\_\_\_  
By: Mark S. Ells, Town Manager

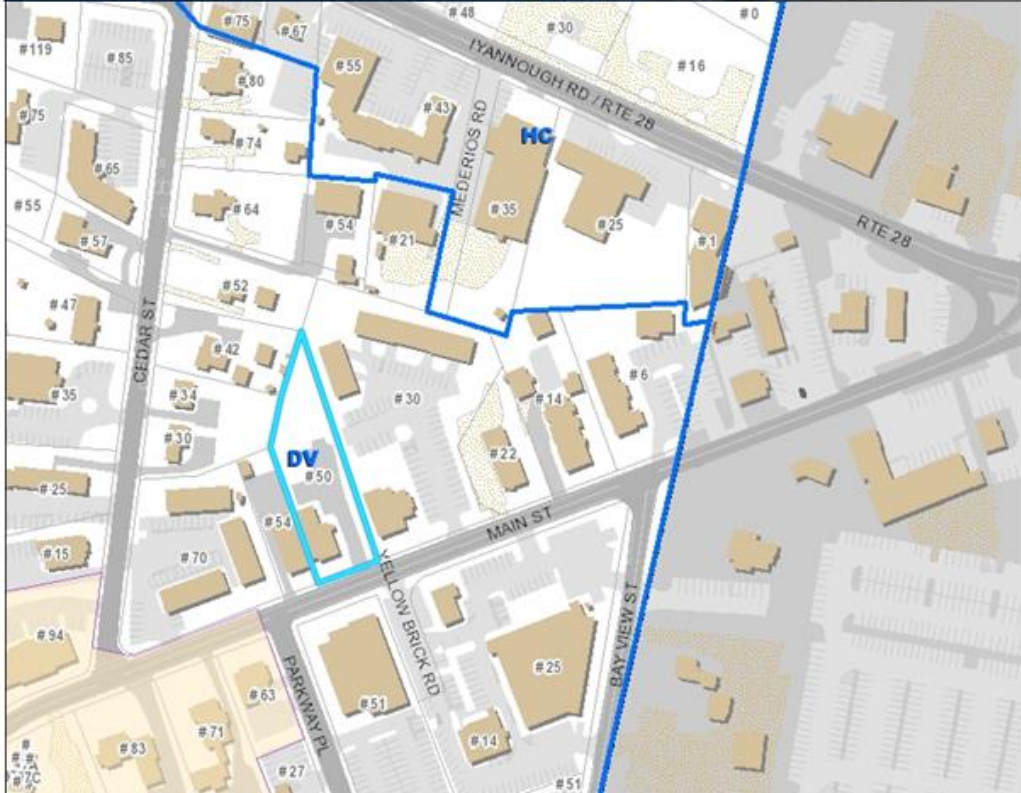
\_\_\_\_\_  
Nile A. Morin, President and Treasurer

**EXHIBIT 1**

**MAP OF PROPERTY**



TOWN OF BARNSTABLE PROPERTY MAPS



- Legend**
- HHDC
  - OKH
  - Zoning Districts
  - Parcels
  - Town Boundary
  - Railroad Tracks
  - Buildings
  - Approx. Building
  - Buildings
  - Painted Lines
  - Parking Lots
  - Paved
  - Unpaved
  - Driveways
  - Paved
  - Unpaved
  - Roads
  - Paved Road
  - Unpaved Road
  - Bridge
  - Paved Median
  - Streams
  - Marsh
  - Water Bodies

Map printed on: 1/29/2025

0 167 333 Feet

Approx. Scale: 1 inch = 167 feet

This map is for illustration purposes only. It is not adequate for legal boundary determination or regulatory interpretation. This map does not represent an on-the-ground survey. It may be generalized, may not reflect current conditions, and may contain cartographic errors or omissions.

Parcel lines shown on this map are only graphic representations of Assessor's tax parcels. They are not true property boundaries and do not represent accurate relationships to physical objects on the map such as building locations.



**Town of Barnstable GIS Unit**  
 397 Main Street, Hyannis, MA 02601  
 508-862-4624  
 gis@town.barnstable.ma.us

**EXHIBIT 2  
DESCRIPTION OF PROPERTY**

**EXHIBIT 3**

## MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Proposed Initial  
Monthly Rent(s)\*: \$2,750 (2-BR)

\*units shall be priced in compliance with EOHLIC's HDIP Guidelines and 760 CMR 66.04(2)(f)

**EXHIBIT 4**

**TAX INCREMENT EXEMPTION – CONFIRMATION OF CALCULATION**

**[FORM TO REMAIN BLANK UNTIL PROJECT COMPLETED AND ELIGIBLE FOR FINAL CERTIFICATION]**

In connection with the Tax Increment Exemption Agreement dated \_\_\_\_\_, 2025 by and between the Town of Barnstable, and Nile Morin Inc., a Massachusetts Limited Liability Corporation (“Sponsor”) with an address at 19 Appaloosa Way, Marstons Mills, MA 02648, with respect to the property at 50 Main Street, Hyannis, MA 02601 (the “Agreement”), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

The effective date of the Agreement is:

The MRRU Percentage is:

The assessed value of the residential portion of the Property upon Completion is:

To the extent that the dates or figures in this “Tax Increment Exemption – Confirmation of Calculation” differ from those set forth in the Agreement, the contents of this document shall control and shall be deemed to have amended the Agreement.

MUNICIPALITYSPONSOR

\_\_\_\_\_  
By: Mark S. Ells, Town Manager

\_\_\_\_\_  
By: Nile Morin, President and Treasurer

\_\_\_\_\_  
Dated: \_\_\_\_\_

**B. NEW BUSINESS (Refer to Second Reading 05/15/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-149  
INTRO: 04/03/2025**

**2025-149 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND 94 STEVENS STREET, LLC FOR 36 NEW MARKET RATE RESIDENTIAL RENTAL UNITS LOCATED AT 94 STEVENS STREET, HYANNIS, MA**

**ORDERED:** That the Town Council hereby authorizes a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and 94 Stevens Street, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for thirty-six (36) market rate residential units located at 94 Stevens Street, Hyannis, substantially in the form presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

**SPONSORS:** Town Council Tax Incentive Committee: Councilor Paula K. Schnepf, Precinct 12; Councilor John R. Crow, Precinct 5; Councilor Paul C. Neary, Precinct 6

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2025-149  
INTRO: 04/03/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** James Kupfer, Director, Planning & Development  
**DATE:** April 03, 2025  
**SUBJECT:** Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and 94 Stevens Street, LLC for 36 new Market Rate Residential Rental Units located at located at 94 Stevens Street, Hyannis, MA

**RATIONALE:** The Tax Incentive Committee of the Town Council recommends approval of the Housing Development Incentive Program Tax Increment Exemption request from developer 94 Stevens Street, LLC for the property located at 94 Stevens Street, Hyannis. In addition to the thirty-six (36) market rate units, four (4) units are proposed to be permanently deed-restricted and affordable; the project has a total of forty units (40) units.

In January 2018, the Town Council approved the proposed Downtown Hyannis HD Zone and Plan and in March 2018 the Town received approval of its Zone from the Department of Housing and Community Development (now EOHLC). Approval of this Zone allows the Town to enter into Tax Increment Exemption Agreements with property owners within the Zone.

The goals of the Housing Development Incentive Program, which authorizes Tax Increment Exemption Agreements, is to increase residential growth, expand diversity of housing supply, support economic development and promote neighborhood stabilization.

The Housing Development Program (HDIP) staff review committee, and the Town Council Tax Incentive Committee reviewed the application from 94 Stevens Street, LLC and found it to be complete and that the development meets the objectives of the HDIP Plan including increasing residential stock and diversity of housing choice. The Operating Pro Forma is reasonable and in line with industry standards. Based on limited availability of comparable development in the HDIP Zone, the proposed rents, at \$2,100 per month for a 1-bedroom unit; \$2,400 per month for a 2-bedroom unit; \$2,600 per month for a 3-bedroom unit, are priced consistently with prevailing rents. The development will have a positive impact on housing supply and, in turn, support economic development.

The TIE Agreement is a contract between the property owner and the municipality which sets forth the amount of tax exemption and the duration of the benefits. The Sponsor has requested, and the Tax Incentive Committee recommends a 100% Tax Exemption for years 1-4, 75% Tax Exemption for years 5-7 and 50% Tax Exemption on years 8-10 on increased value anticipated to be \$10,680,600 which excludes the value of the four (4) affordable units.

If approved by the Town, this project and TIE Agreement must also be approved by the State Executive Office of Housing and Livable Communities.

**FISCAL IMPACT:** The estimated total assessed value of the property when developed as proposed is \$13,010,000 resulting in an increase of \$11,709,000 in assessed value for the Market Rate Units with an

increase in value subject to TIE at \$10,680,600. As proposed, the total estimated value of the TIE is \$650,986.79. Which includes an estimated \$632,026.01 in property tax savings and \$18,960.78 in Community Preservation Tax savings for the developer. By approving the TIE Agreement, the Town agrees to forgo this estimated tax revenue over 10 years in exchange for the redevelopment of this property that creates thirty-six (36) new year-round Market Rate rental housing units, and four (4) affordable units at 65% of Area Median Income.

**STAFF ASSISTANCE:** Mark Milne, Director of Finance; John Curran, Director of Assessing; Corey Pacheco, Senior Planner, Planning and Development; Arden Cadrin, Consultant.

## HOUSING DEVELOPMENT INCENTIVE PROGRAM

### TAX INCREMENT EXEMPTION (TIE) AGREEMENT

between

**Town of Barnstable**

and

**94 Stevens Street LLC**

This AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by and between the Town of Barnstable (“Municipality”) and 94 Stevens Street, LLC, a Massachusetts Limited Liability Corporation (“Sponsor”) with an address at 67 Willow Avenue, Unit A, Hyannis, MA 02601,

#### **Section 1 – Agreement**

The Municipality and the Sponsor, for good and valuable consideration and in consideration of the covenants and agreements herein contained, hereby make this agreement regarding a tax increment exemption pursuant to the Housing Development (HD) Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 (HD TIE), with respect to the Property as herein defined.

#### **Section 2 – Definitions**

Each reference in this Agreement to the following terms shall be deemed to have the following meanings:

Act: M.G.L. c. 40V as may be amended from time to time.

Completion: Certificates of occupancy have been issued for the entire Project.

DHCD: Department of Housing and Community Development

EOHLC: Executive Office of Housing and Livable Communities

Event of Default: An “Event of Default” as defined in Section 5 below.

Final Certification: Determination by EOHLC that the Sponsor has completed the new construction or substantial rehabilitation of the Property, consistent with the New Construction or Rehabilitation Plans, including the creation of MRRUs, as set forth in the Act and the Regulations.

Fiscal Year: An annual period of July 1 through June 30.

HD Project: A Certified Housing Development Project as defined in the Act and the Regulations.

HD Zone: The Housing Development Zone adopted by the Town of Barnstable on January 18, 2018 and approved by EOHLC (formerly DHCD) as evidenced by a Certificate of Approval dated March 9, 2018 and recorded with Barnstable County Registry of Deeds, Book 32702, Page 1. The Zone was amended on January 21, 2021 and approved by EOHLC as evidenced by a Certificate of Approval dated March 2, 2021 and recorded with



Barnstable County Registry of Deeds Book 3652, Page 251.

MRRU: Market Rate Residential Unit(s) as defined at Section 3.B.1.

Property: 94 Stevens Street (parcel 000309-000231) as shown in Exhibit 1, "Map of Property" and further described in Exhibit 2, "Legal Description of Property".

Regulations: 760 CMR 66.00.

New Construction or Rehabilitation Plans: The material submitted for Conditional Certification pursuant to 760 CMR 66.05(3)(a) and approved by EOHLC.

Sponsor: 94 Stevens Street, LLC, a Massachusetts Limited Liability Corporation, with an address at 67 Willow Avenue, Unit A, Hyannis, MA 02601, its successors and assigns.

### **Section 3 – Sponsor’s Covenants**

New Construction or Substantial Rehabilitation of the Property. Sponsor will undertake the new construction or substantial rehabilitation of the Property in accordance with the work and schedule set forth in the New Construction or Rehabilitation Plans.

#### Market Rate Residential Units.

The subject property is the proposed new construction development totaling 40 residential units. The unit mix is comprised of four affordable units: 2 one-bedroom units and 2 two-bedroom units restricted to residents at 65% Area Median Income (AMI); six(6) one-bedroom, twenty eight (28) two-bedroom, and two three-bedroom market rate units. The month rents for the market rate units will be priced consistently with prevailing rents.

Sponsor shall use good faith efforts to maintain the units as MRRUs for a minimum of 20 years.

Marketing. Sponsor shall cause the MRRU to be marketed in a manner that is consistent with the strategies, implementation plan and affirmative fair housing efforts set out in the New Construction or Rehabilitation Plans.

HD Project Certification. Sponsor shall take all actions reasonably necessary to obtain Final Certification of the Property as an HD Project including but not limited to submitting applications to EOHLC for Conditional Certification and Final Certification consistent with the requirements of the Act and the Regulations.

### **Section 4 – Tax Increment Exemption**

Municipality agrees to grant Sponsor an exemption to the real property taxes due on the Property pursuant to G.L. c.59 according to the following terms.

- G. Base Value. Consistent with 760 CMR 66.06(1)(c), the Base Value is equal to the assessed value (or aggregate thereof) of the parcel(s) that comprise the property as of the fiscal year in which a HD Tax Increment Exemption Agreement is executed by the Sponsor and the Municipality with respect to the parcel or parcels, as the case may be, and prior to the start of any new construction or Substantial Rehabilitation activities, including demolition, minus the assessed value attributable to any portion of the property that was assessed as other than residential in the applicable fiscal year and remains non-residential after completion of new construction or Substantial Rehabilitation.

At the time of execution, the base value of this property is expected to be \$1,028,400. This value is subject to change and will be re-confirmed at the time the exemption percentage is applied starting on the effective

date of the agreement.

- H. MRRU Percentage. 90%. The MRRU Percentage shall be confirmed as required in paragraph F, below.
- I. Exemption Percentage. Commencing on the Effective Date which shall be Fiscal Year 1: 100% Years 1-4; 75% Years 5-7; 50% Years 8-10
- J. The Increment. As defined at 760 CMR 66.06(1)(b)(1).
- K. Calculation. For each Fiscal Year during the term of this Agreement, the HD TIE shall be determined by applying the Exemption Percentage to the property tax on the Increment.
- L. Confirmation or Amendment of Calculation. Upon Completion, and prior to applying for Final Certification of the Project, the Sponsor and Municipality shall file a "Tax Increment Exemption – Confirmation of Calculation" in the form attached as Exhibit 4 ("TIE Confirmation"). To the extent that the dates or figures in the TIE Confirmation differ from those set forth in this Agreement, the contents of the TIE Confirmation shall control and shall be deemed to have amended this Agreement.

## **Section 5 – Default**

Event of Default. An "Event of Default" shall arise under this Agreement upon the occurrence of any one or more of the following events:

§240-24.3 Breach of Covenant Prior to Final Certification. Subject to the limitations set forth in the Regulations at section 66.05(4)(b), Sponsor defaults in the observance or performance of any material covenant, condition or agreement to be observed or performed by Sponsor pursuant to the terms of this Agreement, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

4) Breach of Covenant Subsequent to Final Certification. Sponsor's conduct is materially at variance with the representations made in its New Construction or Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

5) Misrepresentation. Any representation made herein or in any report, certificate, financial statement or other instrument furnished in connection with this Agreement shall prove to be false in any material respect.

### Rights on Default.

Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final Certification, then this Agreement shall become null and void.

- 1) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:

- a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that EOHLC revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which EOHLC determines that a material variance commenced.
- b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.
- c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.

2) Other Remedies. The Municipality's rights upon the occurrence of an Event of Default are in addition to those granted to EOHLC and the Massachusetts Commissioner of Revenue under the terms of the Act.

## **Section 6 – Miscellaneous**

- A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following EOHLC's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations. The Effective Date shall be confirmed as required under Section 4.F above.
- B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.
- C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:
  - 1) Until Completion, the status of construction in relation to the schedule contained in the New Construction or Rehabilitation Plan;
  - 2) Until Completion, the status of marketing in relation to the New Construction or Rehabilitation Plans; and
  - 3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.

Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld or delayed. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.

Notices. In conjunction with concurrent electronic submission as provided for below or, if reasonable efforts can determine that such information is no longer current, otherwise reasonably obtainable and verifiable electronic contact information, any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and, unless general measures for electronic receipt as a substitute are in place at such time or can otherwise be reasonably assumed due to publicized or immediately foreseeable remote working conditions, shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

Municipality: Town Manager

Town of Barnstable  
367 Main Street  
Hyannis, MA 02601

Sponsor: 94 Stevens Street LLC  
67 Willow Avenue, Unit A  
Hyannis, MA 02601  
[roberto@starbuckcapecod.com](mailto:roberto@starbuckcapecod.com)

Copy to EOHLHC: All such notices shall be copied to EOHLHC at:

HDIP Program Coordinator  
Executive Office of Housing and Livable Communities  
100 Cambridge Street, Suite 300  
Boston, MA 02114  
[eohlchdip@mass.gov](mailto:eohlchdip@mass.gov)

Change of Address. Either party may change the address to which notices are to be sent to it by giving written notice of such change of address to the other party in the manner herein provided for giving notice.

Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose for which given. No failure or delay on the part of Municipality in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege.

**IN WITNESS WHEREOF**, the Sponsor has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, and the Municipality has caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Town Manager as of the day and year first above written.

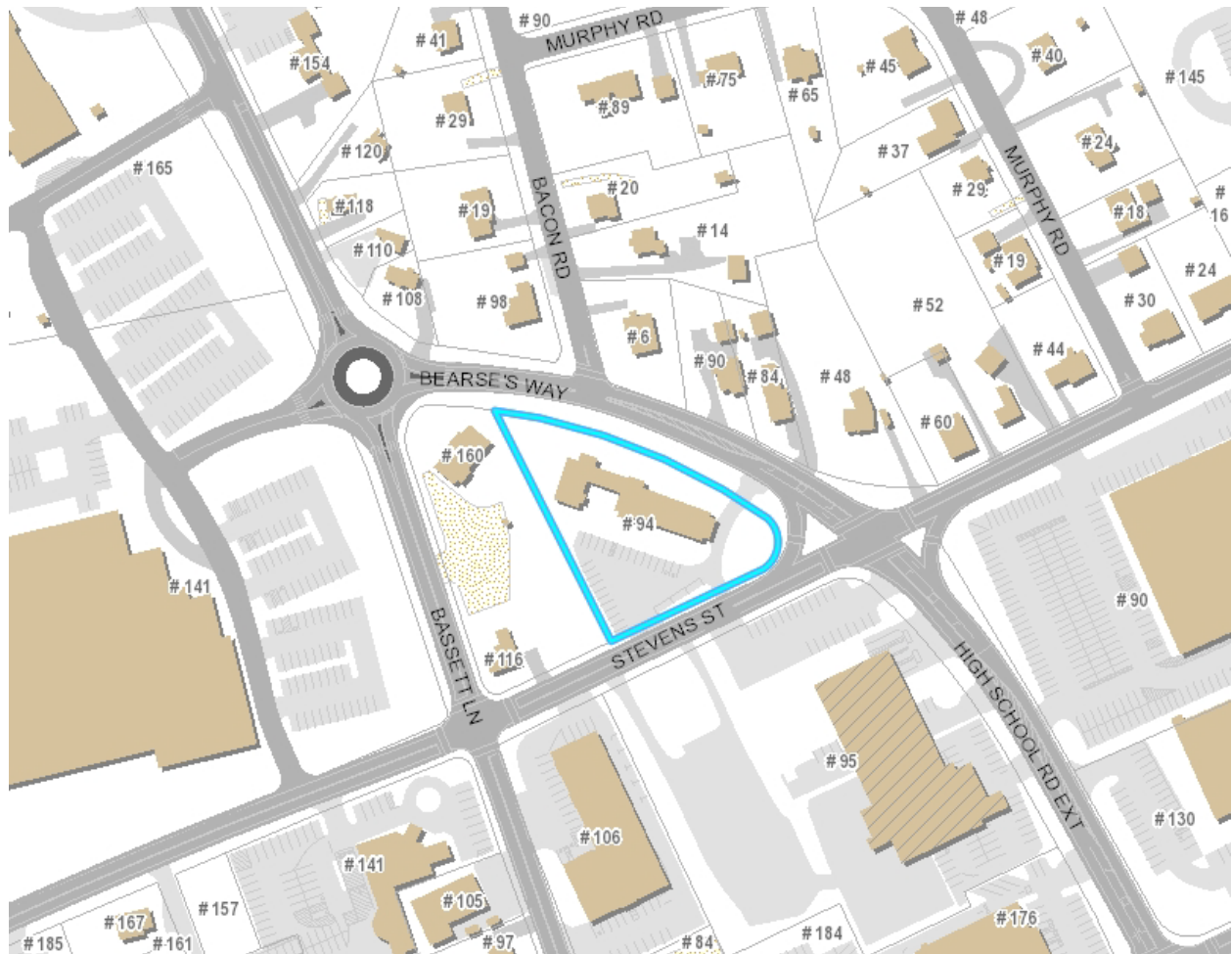
MUNICIPALITY  
TOWN OF BARNSTABLE

SPONSOR  
94 Stevens Street, LLC

\_\_\_\_\_  
By: Mark S. Ells, Town Manager

\_\_\_\_\_  
Roberto Maia Junior, Manager

EXHIBIT 1  
MAP OF PROPERTY



**EXHIBIT 2  
DESCRIPTION OF PROPERTY**

Doc: 1,485,396 08-02-2023 3:27  
Ctf#: 233602

**QUITCLAIM DEED**

FIRST CHURCH OF CHRIST, SCIENTIST, also known as FIRST CHURCH OF CHRIST, SCIENTIST, HYANNIS, MASSACHUSETTS, a Massachusetts religious corporation, with an address of 94 Stevens Street, Hyannis, Massachusetts 02601,

for consideration of Nine Hundred Ninety-five Thousand and 00/100 (\$995,000.00) Dollars paid, grant to

94 STEVENS ST LLC, a Massachusetts limited liability company, of 67 Willow Avenue, Hyannis, Massachusetts 02601,

with Quitclaim Covenants,

the land, together with the buildings thereon, situated in Barnstable (Hyannis), Barnstable County, Massachusetts, more particularly described as follows:

Northeasterly	by	Bearses Way, three hundred twenty and 04/100 (320.04) feet;
Easterly	by	the junction of said Bearses Way and Stevens Street, measuring on the westerly curving line thereof ninety-seven and 08/100 (97.08) feet;
Southeasterly	by	said Stevens Street, one hundred eighty and 11/100 (180.11) feet; and
Southwesterly	by	land now or formerly of Louise M. Forsmark, two hundred ninety-seven and 69/100 (297.69) feet.

Being the land shown on Land Court Plan No. 22287-A.

PROPERTY ADDRESS: 94 Stevens Street, Hyannis, Massachusetts 02601.

For title, see Certificate of Title No. 14488.

MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE LAND COURT REGISTRY  
Date: 08-02-2023 @ 03:27pm  
CtL#: 540  
Fee: \$3,402.90 Cons: \$995,000.00

BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE LAND COURT REGISTRY  
Date: 08-02-2023 @ 03:27pm  
CtL#: 540  
Fee: \$3,044.70 Cons: \$995,000.00

**EXHIBIT 3**

**MARKET RATE RESIDENTIAL UNITS – PRICING PLAN**

Proposed Initial  
Monthly Rent(s)\*:     \$2,100 (1-BR)  
                                  \$2,400 (2-BR)  
                                  \$2,600 (3-BR)

\*units shall be priced in compliance with EOHLC's HDIP Guidelines and 760 CMR 66.04(2)(f)

**EXHIBIT 4**

**TAX INCREMENT EXEMPTION – CONFIRMATION OF CALCULATION**

**[FORM TO REMAIN BLANK UNTIL PROJECT COMPLETED AND ELIGIBLE FOR FINAL CERTIFICATION]**

In connection with the Tax Increment Exemption Agreement dated \_\_\_\_\_, 2025 by and between the Town of Barnstable, and 94 Stevens LLC, a Massachusetts Limited Liability Corporation (“Sponsor”) with an address at 67 Willow Avenue, Unit A, Hyannis, MA 02601 with respect to the property at 94 Stevens Street, Hyannis, MA 02601 (the “Agreement”), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

The effective date of the Agreement is:

The MRRU Percentage is:

The assessed value of the residential portion of the Property upon Completion is:

To the extent that the dates or figures in this “Tax Increment Exemption – Confirmation of Calculation” differ from those set forth in the Agreement, the contents of this document shall control and shall be deemed to have amended the Agreement.

MUNICIPALITY SPONSOR

\_\_\_\_\_  
By: Mark S. Ells, Town Manager

\_\_\_\_\_  
By: \_\_\_\_\_, Manager

\_\_\_\_\_  
By: \_\_\_\_\_, Manager  
Its: \_\_\_\_\_

Dated: \_\_\_\_\_



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-150  
INTRO: 04/03/2025**

**2025-150 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$37,615 FOR PURPOSE OF FUNDING NITROGEN SCENARIO MODELING**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2025 grant from the Commonwealth of Massachusetts, Department of Environmental Protection, in the amount of **\$37,615** for the purpose of funding nitrogen scenario modeling in Lewis Bay, the Centerville River, and the Three Bays estuaries.

**SPONSOR:** Mark Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rational
- Council Discussion
- Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2025-150**  
**INTRO: 04/03/2025**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, Director, Department of Public Works  
**DATE:** April 03, 2025  
**SUBJECT:** Authorization to contract for and expend a Fiscal Year 2025 Grant from the Commonwealth of Massachusetts Department of Environmental Protection in the amount of **\$37,615** for purpose of funding Nitrogen Scenario Modeling

**BACKGROUND:** The Massachusetts Department of Environmental Protection (MassDEP) is providing a grant opportunity for municipalities with a watershed that has been designated as a Natural Resource Nitrogen Sensitive Area. The purpose of this grant program is to assist municipalities in a variety of activities that contribute to, or come from, a Comprehensive Wastewater Management Plan, which facilitates the completion of a Watershed Permit application to address solutions to cultural eutrophication caused by nitrogen pollution from wastewater and other sources.

**ANALYSIS:** The Town of Barnstable has been awarded a \$37,615 grant to support nitrogen scenario modeling with the Massachusetts Estuaries Project (MEP) models for adaptive management scenarios in the Lewis Bay, Centerville River, and Three Bays watersheds that evaluate options such as: innovative/ alternative septic systems, modification to sewer areas, effluent disposal options, and timelines for completing this work. The project will be completed by June 30, 2025.

**FISCAL IMPACT:** This grant is a reimbursement grant in the amount of \$37,615. The Town must expend and request reimbursement of the costs. All costs associated with this grant must be expended prior to June 30, 2025.

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

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