



Town of Barnstable  
Town Council  
James H. Crocker Jr. Hearing Room  
367 Main Street, 2<sup>nd</sup> floor,  
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## TOWN COUNCIL MEETING

June 26, 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 June 26, 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/Town Council/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/84709807235> Meeting ID: 847 0980 7235  
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: May 15, 2025; June 05, 2025

### 8. COMMUNICATIONS - from elected officials, boards, committees, and staff, commission reports, correspondence and announcements (will be taken up after the Orders of the Day)

- Town Council Workshop on reports submitted by:

Committee to Review and Assess Zoning and Review the Town's Use of Regulatory Agreements  
Committee to Assess and Recommend Strategies for Housing Creation Within the Town

### 9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

### 10. ADJOURNMENT

NEXT REGULAR MEETING: July 17, 2025

ITEM NO.	INDEX TITLE	PAGE
<b>A.</b>	<b>OLD BUSINESS</b>	
2025-168	Appropriation Order in the amount of <b>\$12,264,116</b> for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works General Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	5
2025-169	Appropriation Order in the amount of <b>\$4,434,258</b> for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works Solid Waste Enterprise Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	6
2025-170	Appropriation Order in the amount of <b>\$11,519,790</b> for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works Water Pollution Control Enterprise Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	7
2025-171	Appropriation Order in the amount of <b>\$9,553,729</b> for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works Water Supply Enterprise Fund Budget <b>(Public Hearing) (Roll Call 2/3 Vote Full Council)</b> .....	8
2025-172	Appropriation Order in the amount of <b>\$269,870</b> for the purpose of funding the Town's Fiscal Year 2026 Town Council Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	9
2025-173	Appropriation Order in the amount of <b>\$1,400,109</b> for the purpose of funding the Town's Fiscal Year 2026 Town Manager Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	10
2025-174	Appropriation Order in the amount of <b>\$981,237</b> for the purpose of funding the Town's Fiscal Year 2026 Public, Education & Government (PEG) Access Channels Enterprise Fund Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	11
2025-175	Appropriation Order in the amount of <b>\$8,727,744</b> for the purpose of funding the Town's Fiscal Year 2026 Administrative Services Department Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	12
2025-176	Appropriation Order in the amount of <b>\$250,000</b> for the purpose of funding the Town Council's Fiscal Year 2026 Reserve Fund <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	13
2025-177	Appropriation Order in the amount of <b>\$59,717,232</b> for the purpose of funding the Town's Fiscal Year 2026 Other Requirements Budget <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	14
2025-178	Appropriation Order in the amount of <b>\$5,299,662</b> for the Community Preservation Fund Program set-asides and administrative expenses <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> ....	15
2025-179	Appropriation Order in the amount of <b>\$91,340</b> for the purpose of paying the Fiscal Year 2026 Community Preservation Fund Debt Service Requirement <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .....	16
2025-180	Fiscal Year 2026 Spending Limitations: Senior Services Classroom Education Fund - <b>\$100,000</b> ; Recreation Program Fund - <b>\$325,000</b> ; Shellfish Propagation Fund - <b>\$200,000</b> ; Consumer Protection Fund - <b>\$600,000</b> ; Geographical Information Technology Fund - <b>\$10,000</b> ; Arts and Culture Program Fund - <b>\$50,000</b> ; Asset Management Fund - <b>\$500,000 (May be acted upon) (Majority Vote)</b> .....	17
2025-188	Appropriation Order in the amount of <b>\$1,000,000</b> for the purpose of funding the Sandy Neck Beach Facility Coastal Resiliency Project <b>(Public Hearing) (Roll Call Majority Vote Full Council)</b> .	18-19

2025-190	Appropriation Order in the amount of <b>\$583,241</b> and reduction in borrowing authorization for the Hyannis Golf Course Club House Restoration Project ( <b>Public Hearing</b> ) ( <b>Roll Call Majority Vote Full Council</b> ) .....	20-21
2025-192	Appointments to a Board/Committee/Commission: <b>Open Space Committee:</b> David Gorrill, as a regular member, to a term expiring 06/30/2027. <b>Youth Commission:</b> Jillian Boyle, as a student member, to a term expiring 06/30/2026; Amelia Stoots, as a student member to a term expiring 06/30/2026; Leo Wang, as a student member to a term expiring 06/30/2027( <b>May be acted upon</b> ) ( <b>Majority Vote</b> ).....	22

## **B. NEW BUSINESS**

2025-193	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 184 Sewers and Water by adding a new Article V establishing a Land Use Control for Flow Neutral Wastewater Management ( <b>Refer to Public Hearing 07/17/2025</b> ) .....	23-26
2025-194	Appropriation and Loan Order in the amount of <b>\$11,500,000</b> for the purpose of funding the Straightway Water Treatment Facility Project ( <b>Refer to Public Hearing 07/17/2025</b> ).....	27-28
2025-195	Authorizing the Town Manager to execute a Development Agreement by and among the Town of Barnstable, Shoestring Properties, LLC, located at 110 and 115 School Street, Main Street Times, LLC, located at 319 and 331 Main Street, and 259 North Street LLC, located at 310 Barnstable Road, Hyannis ( <b>Refer to Public Hearing 07/17/2025</b> ).....	29-39
2025-196	Appointments to a Board/Committee/Commission: <b>Council on Aging:</b> Christine Beer from an associate position to a full member position to a term expiring 06/30/2028, Stephanie Parish, as a regular member to a term expiring 06/30/2028; <b>Comprehensive Financial Advisory Committee:</b> Frank Ward, as a regular member to a term expiring 06/30/2027; <b>Historical Commission:</b> Barbara Cuggino DeBiase as the Historical Commission Representative member to the Community Preservation Committee to a term expiring 06/30/2028 ( <b>First Read</b> ) ( <b>Refer to Second Reading 07/17/2025</b> ).....	40
2025-197	Reappointments to a Board/Committee/Commission: <b>Airport Commission:</b> Bradley Bailey, as a regular member term expiring 06/30/2028; Mark Guiod, as a regular member, to a term expiring 06/30/2028; <b>Board of Health:</b> Donald Guadagnoli, MD, as a regular member to a term expiring 06/30/2028; Steven Waller, MD, as a regular member to a term expiring 06/30/2028; <b>Community Preservation Committee:</b> Steven Robichaud, as a Planning Board representative member, to a term expiring 06/30/2028; Farley Lewis, as a regular member to a term expiring 06/30/2028; <b>Comprehensive Financial Advisory Board:</b> Lillian Woo, as a regular member to a term expiring 06/30/2028; Charistopher Lauzon, as a regular member to a term expiring 06/30/2028; <b>Disability Commission:</b> Patricia Ericson-Taylor, as a regular member to a term expiring 06/30/2028; <b>Golf Committee:</b> Mark Bushway, as a regular member to a term expiring 06/30/2028; Susanne Conley, as a regular member to a term expiring 06/30/2028; Geoffrey Converse, as a regular member to a term expiring 06/30/2028; William Sylva, as a regular member to a term expiring 06/30/2028; <b>Historical Commission:</b> Jack Kay, as a regular member to a term expiring 06/30/2028; <b>Housing Committee:</b> Eileen Elias, as an alternate member to a term expiring 06/30/2028; Chris Beach, as a regular member to a term expiring 06/30/2028; <b>Infrastructure and Energy Committee:</b> Jane Ward, as a regular member to a term expiring 06/30/2028; Barry Sheingold, as a regular member to a term expiring 06/30/2028; <b>John F. Kennedy Memorial Trust Fund Committee:</b> William Murphy, as a Recreation Commission representative member to a term expiring 06/30/2028; Wendy Northcross, as a regular member to a term expiring 06/30/2028; <b>Licensing Authority:</b> John Flores, as a regular member to a term expiring 06/30/2028; Jessica Sylver, as an associate member to a term expiring 06/30/2028; <b>Sandy Neck Board:</b> William Monroe, as a member at large, to a term expiring 06/30/2028; William Carey, as a member at large to a term expiring 06/30/2028; <b>Shellfish Committee:</b> William Cherepon, as a member at large to a term expiring 06/30/2028; Gloriann Hurwitz, as a member holding a family permit to a term expiring 06/30/2028; <b>Waterways Committee:</b> Jacob Angelo, as a regular member to a term expiring 06/30/2028; Todd Walantis, as a regular member to a term expiring 06/30/2028; <b>Zoning Board of Appeals:</b> Larry Hurwitz, as an	

associate member to a term expiring 06/30/2028; Paul Pinard, as a regular member to a term expiring 06/30/2028 **(First Read) (Refer to Second Reading 07/17/2025)**.....41

2025-198      Appropriation and Transfer Order in the amount of **\$2,500,000** in Community Preservation Act Funds to increase the number and availability of community housing units in the Town of Barnstable **(Refer to Public Hearing 07/17/2025)** ..... 42-43

2025-199      Acquisition of an Affordable Housing Restriction on land located at 78 North Street in Hyannis **(May be acted upon) (Majority Vote)**..... 44-45

2025-200      Resolve authorizing Meacham-Crawford Scholarship awards to Town of Barnstable Seniors from the Meacham-Crawford Scholarship fund for the purpose of their post-secondary education. **(May be acted upon) (Majority Vote)** ..... 46-47

2025-201      Order waiving fees for construction work by the Barnstable Fire District for a new Fire Station located at 1841 Phinney’s Lane, Barnstable **(Refer to Public Hearing 07/17/2025)**..... 48-51

2025-202      Resolve approving and adopting the Town of Barnstable 2025 Local Comprehensive Plan dated June 9, 2025 **(Refer to Public Hearing 07/17/2025)**..... 52-54

**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 (Public Hearing) (Roll Call Majority Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-168**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-168 APPROPRIATION ORDER IN THE AMOUNT OF \$12,264,116 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 DEPARTMENT OF PUBLIC WORKS GENERAL FUND BUDGET**

**ORDERED:** That the sum of **\$12,264,116** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works General Fund Budget, and to meet such appropriation, that **\$11,353,069** be raised from current year revenue, that **\$125,000** be provided from the Embarkation Fee Special Revenue Fund, that **\$66,340** be provided from the Bismore Special Revenue Fund, and that **\$719,707** be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-169**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-169 APPROPRIATION ORDER IN THE AMOUNT OF \$4,434,258 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$4,434,258** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works Solid Waste Enterprise Fund Budget, and to meet such appropriation that **\$4,007,734** be raised from the Enterprise Fund Revenues, and that **\$426,524** be provided from the Solid Waste Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-170**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-170 APPROPRIATION ORDER IN THE AMOUNT OF \$11,519,790 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 DEPARTMENT OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$11,519,790** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works Water Pollution Control Enterprise Fund Budget, and to meet such appropriation that **\$5,575,940** be raised from the Enterprise Fund Revenues, and that **\$5,943,850** be provided from the Sewer Construction and Private Road Maintenance and Improvement Special Revenue Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-171**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-171 APPROPRIATION ORDER IN THE AMOUNT OF \$9,553,729 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$9,553,729** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works Water Supply Enterprise Fund Budget, and to meet such appropriation that **\$8,616,229** be raised from the Enterprise Fund Revenues, that **\$900,000** be provided from the Water Stabilization Fund, and that **\$37,500** be provided from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-172**  
**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-172 APPROPRIATION ORDER IN THE AMOUNT OF \$269,870 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 TOWN COUNCIL BUDGET**

**ORDERED:** That the sum of **\$269,870** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Town Council Budget and to meet such appropriation, that **\$269,870** be raised from current year revenue, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-173**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-173 APPROPRIATION ORDER IN THE AMOUNT OF \$1,400,109 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 TOWN MANAGER BUDGET**

**ORDERED:** That the sum of **\$1,400,109** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Town Manager Budget and to meet such appropriation, that **\$1,363,032** be raised from current year revenues, and that **\$37,077** be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-174**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-174 APPROPRIATION ORDER IN THE AMOUNT OF \$981,237 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 PUBLIC, EDUCATION & GOVERNMENT (PEG) ACCESS CHANNELS ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$981,237** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Public, Education & Government (PEG) Access Channels Enterprise Fund budget, and to meet such appropriation, that **\$864,430** be raised from the PEG Enterprise Fund revenues, and that **\$116,807** be provided from the PEG Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-175**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-175 APPROPRIATION ORDER IN THE AMOUNT OF \$8,727,744 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 ADMINISTRATIVE SERVICES DEPARTMENT BUDGET**

**ORDERED:**

That the sum of **\$8,727,744** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Administrative Services Department Budget, and to meet such appropriation, that **\$8,538,119** be raised from current year revenue, and that **\$189,625** be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-176**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-176 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE TOWN COUNCIL'S FISCAL YEAR 2026 RESERVE FUND**

**ORDERED:** That the sum of **\$250,000** be appropriated for the purpose of funding the Town Council's Fiscal Year 2026 Reserve Fund and to meet such appropriation, that **\$250,000** be provided from the General Fund Reserves.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-177**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-177 APPROPRIATION ORDER IN THE AMOUNT OF \$59,717,232 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 OTHER REQUIREMENTS BUDGET**

**ORDERED:** That the sum of **\$59,717,232** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Other Requirements Budget, and to meet such appropriation, that **\$56,537,232** be raised from current year revenue, that **\$180,000** be provided from the Pension Reserve Trust Fund, and that **\$3,000,000** be provided from the General Fund Reserves, all for the purpose of funding the Town's Fiscal Year 2026 General Fund Other Requirements Budget as presented to the Town Council by the Town Manager.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-178**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-178 APPROPRIATION ORDER IN THE AMOUNT OF \$5,299,662 COMMUNITY PRESERVATION FUND PROGRAM SET-ASIDES AND ADMINISTRATIVE EXPENSES**

**ORDERED:** That, pursuant to the provisions of General Law Chapter 44B Section 6, for the fiscal year beginning July 1, 2025, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$532,335** for Open Space and Recreation; **\$532,335** for Historic Resources; **\$532,335** for Community Housing; **\$3,452,657** for a Budget Reserve, and that the sum of **\$250,000** be appropriated from the annual revenues of the Community Preservation Fund for the administrative expenses of the Community Preservation Committee, to be expended under the direction of the Town Manager or the Community Preservation Committee with the prior approval of the Town Manager.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-179**

**INTRO: 05/15/2025, 06/05/2025, 06/26/2025**

**2025-179 APPROPRIATION ORDER IN THE AMOUNT OF \$91,340 FOR THE PURPOSE OF PAYING THE FISCAL YEAR 2026 COMMUNITY PRESERVATION FUND DEBT SERVICE REQUIREMENTS**

**ORDERED:** That the sum of **\$91,340** be appropriated for the purpose of paying the Fiscal Year 2026 Community Preservation Fund Debt Service Requirements, and to meet such appropriation, that **\$23,690** be provided from current year revenues of the Community Preservation Fund and that **\$67,650** be provided from the reserves for the Historic Preservation Program within the Community Preservation Fund.

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Public Hearing 06/05/2025</u>
<u>06/05/2025</u>	<u>Continued Public Hearing 06/26/2025</u>

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



**A. OLD BUSINESS (May be acted upon) (Majority Vote Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-180**  
**INTRO: 05/15/2025, 06/05/2025**

**2025-180 FISCAL YEAR 2026 SPENDING LIMITATIONS**

**RESOLVED:** That the Town Council hereby authorizes the following spending limitations for fiscal year 2026 revolving funds:

Senior Services Classroom Education Fund - **\$100,000**  
Recreation Program Fund - **\$325,000**  
Shellfish Propagation Fund - **\$200,000**  
Consumer Protection Fund - **\$600,000**  
Geographical Information Technology Fund - **\$10,000**  
Arts and Culture Program Fund - **\$50,000**  
Asset Management Fund - **\$500,000**

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

DATE	ACTION TAKEN
<u>05/15/2025</u>	<u>Refer to Second Reading 06/05/2025</u>
<u>06/05/2025</u>	<u>Continue Item to 06/26/2025</u>

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-188**

**INTRO: 06/05/2025, 06/26/2025**

**2025-188 APPROPRIATION ORDER IN THE AMOUNT OF \$1,000,000 FOR THE SANDY NECK BEACH FACILITY COASTAL RESILIENCY PROJECT**

**ORDERED:** That the amount of **\$1,000,000** be appropriated from the Sandy Neck Enterprise Fund reserves for the purpose of funding the Sandy Neck Beach Facility Coastal Resiliency Project, and that the amount authorized to borrow under Town Council order 2025-027 in the amount of **\$3,826,327** be reduced by **\$1,000,000** to **\$2,826,327**.

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

DATE	ACTION
<u>06/06/2025</u>	<u>Refer to Public Hearing 06/26/2025</u>

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2025-188**

**INTRO: 06/05/2025, 06/26/2025**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** May 1, 2025  
**SUBJECT:** Appropriation Order in the amount of **\$1,000,000** for the Purpose of Funding the Sandy Neck Beach Facility Coastal Resiliency Project

**BACKGROUND:** Town Council order 2025-027 appropriated \$3,826,327 for the Sandy Neck Beach Facility Coastal Resiliency Project and the appropriation was funded with a borrowing authorization. The Town had planned on utilizing \$1,000,000 from the Enterprise Fund's Reserves but due to the timing we had to wait for the Enterprise Fund's Reserves to be certified by the State Department of Revenue and appropriation was needed to secure a state grant.

**ANALYSIS:** The total cost for this project is \$6,660,176. The town has received a grant from the Commonwealth's Executive Office of Energy and Environmental Affairs for \$2,833,849 leaving a local contribution of \$3,826,327. The appropriation from the reserve will not increase the budget; it will reduce the borrowing for the project to \$2,826,327. In addition, town officials are planning to submit another application for more state funding, which, if received, will further reduce the borrowing authorization. The town will not conduct a borrowing for the project until it hears back on its next grant application.

**FINANCIAL IMPACT:** The Enterprise Fund's Reserve was certified at \$1,488,214. This appropriation will reduce it to \$488,214. The Enterprise Fund is projected to generate an additional surplus in excess of \$300,000 at the close of Fiscal Year 2025.

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

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-190**

**INTRO: 06/05/2025, 06/26/2025**

**2025-190 APPROPRIATION ORDER IN THE AMOUNT OF \$583,241 AND REDUCTION IN BORROWING AUTHORIZATION FOR THE HYANNIS GOLF COURSE CLUB HOUSE RESTORATION PROJECT**

**ORDERED:** That the amount of **\$583,241** be appropriated from the General Fund Reserves for the purpose of funding the Hyannis Golf Course Club House Restoration Project, and that the borrowing authorization under Town Council Order 2024-138, approved on May 02, 2024, in the amount of **\$2,950,000** be reduced by **\$583,241** to **\$2,366,759**.

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

DATE	ACTION
<u>06/05/2025</u>	<u>Refer to Public Hearing 06/26/2025</u>

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2025-190

INTRO: 06/05/2025, 06/26/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** June 05, 2025  
**SUBJECT:** Appropriation Order in the amount of **\$583,241** and Borrowing Authorization Reduction for the Hyannis Golf Course Club House Restoration Project

**BACKGROUND:** The Hyannis Golf Course club house sustained extensive damage due to flooding resulting from a ruptured water pipe in the winter of 2023. Due to the extent of damage, the existing building needs to be brought up to code as part of the reconstruction. The town has been working with the insurance company for a settlement which will cover a portion of the construction costs. As the town continues to negotiate the insurance settlement an appropriation and borrowing authorization for \$2,950,000 was approved by the Town Council under order 2024-138 in order to proceed with the reconstruction.

**ANALYSIS:** At the end of fiscal year 2024, the town received an initial insurance reimbursement for \$583,241. This payment was credited to the General Fund and is now part of the General Fund Reserve balance. Another insurance reimbursement is anticipated; however, the final amount is still under negotiation. At this time, it is proposed that the initial payment residing in the General Fund Reserves be appropriated for the project as it is actively under construction. When the final insurance payment is received it will also be appropriated for the project's construction.

**FINANCIAL IMPACT:** The total appropriation for the club house renovation will remain at \$2,950,000. This appropriation will not add to the project's budget but will reduce the borrowing authorization. Additional insurance payments received will further reduce the borrowing authorization under Town Council order 2024-138. The town anticipates issuing the loan for this project in Fiscal Year 2026 after all insurance payments have been received and beginning in fiscal year 2027, the Golf Enterprise Fund Operating Budget will include an annual loan payment for this project.

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

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-192**  
**INTRO: 06/05/2025, 06/26/2025**

**2025-192 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Open Space Committee:** David Gorrill, as a regular member, to a term expiring 06/30/2027. **Youth Commission:** Jillian Boyle, as a student member, to a term expiring 06/30/2026; Amelia Stoots, as a student member to a term expiring 06/30/2026; Leo Wang, as a student member to a term expiring 06/30/2027

**SPONSOR:** Appointments Committee Members: Councilor Kristin Terkelsen, (Chair); Councilor Jeffrey Mendes, Councilor John Crow, Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
<u>06/06/2025</u>	<u>First Reading, Refer to Second Reading 06/26/2025</u>

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

**B. NEW BUSINESS (Refer to Public Hearing 07/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-193  
INTRO: 06/26/2025**

**2025-193 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I  
GENERAL ORDINANCES, CHAPTER 184 SEWERS AND WATER BY  
ADDING A NEW ARTICLE V ESTABLISHING A LAND USE CONTROL  
FOR FLOW NEUTRAL WASTEWATER MANAGEMENT**

**ORDERED:** That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 184 Sewers and Water is hereby amended by adding after Article IV a new Article V as follows:

**“Article V Land Use Control for Flow Neutral Wastewater Management**

**§ 184-15 Purpose.**

The purpose of this Article **V** is to establish a Flow Neutral Land Use Control, as provided in 310 CMR 44.07(3), and to ensure that the overall wastewater flow in the Sewer Service Area (SSA), as defined herein, will be “flow neutral” for purposes of M.G.L. c. 29C, § 6, and 310 CMR 44.07. The Town plans to implement sewer expansion within the SSA over three phases spanning a 30-year period, and wastewater flow projections for those phases have been defined within a comprehensive and deliberate study of the existing and projected wastewater needs of the Town, as reflected in the Comprehensive Wastewater Management Plan (CWMP), as defined herein. The Town intends under this Article **V** that growth based on the availability of sewer service and wastewater flows in the SSA shall be managed to the levels projected in the CWMP.

**§ 184-16 Applicability.**

Article **V** shall apply to all property located within the SSA which is, or shall in the future be, connected to a public sewer system.

**§ 184-17 Definitions.**

For purposes of this Article **V**, the following words shall be considered to have the following meanings:

**COMPREHENSIVE WASTEWATER MANAGEMENT PLAN (CWMP)**

The Town’s November 2020 final Comprehensive Wastewater Management Plan (EEA File No. 16148), which was found to adequately and properly comply with MEPA by the Secretary of Energy and Environmental Affairs in a Certificate dated December 30, 2020, as it may be amended from time to time in accordance with MEPA and any other applicable law, and approved by the state Department of Environmental Protection.

**MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA)**

The Massachusetts Environmental Policy Act, G.L. c. 30, §§ 61- 62L, and the regulations promulgated thereunder at 301 CMR 11.00, as amended.

**PERSON**

An individual, group of individuals, partnership, association whether incorporated or unincorporated, firm, company, trust, estate, corporation, business organization, agency, authority, department, or political subdivision of the Commonwealth of Massachusetts, public or quasi-public corporation or body, or any other legal entity or its legal representative, or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**SEWER SERVICE AREA (SSA)**

The Sewer Service Area, which shall be comprised of the geographic areas in the Town that are presently sewerred or proposed for sewer expansion, as identified within the CWMP.

**§ 184-18 Wastewater Flow Management; Regulations.**

- A. The CWMP addresses the multiple wastewater needs of the Town within a single SSA. No property outside of the SSA may be connected to public sewer until authorized under the CWMP. The total average daily wastewater flows within the SSA connected or to be connected to public sewer systems shall not exceed the figure of 4,573,550 gallons per day or such other figure as identified in the CWMP. This figure will be adjusted if additional flow is authorized or a modification to the SSA is made through (1) the approved CWMP, (2) an approved Notice of Project Change to the CWMP, or (3) approval from the state Department of Environmental Protection. No person shall be issued a permit or other approval for a sewer connection under Article I of this Chapter 184 if the anticipated wastewater flow to be generated under that permit or approval shall cause an exceedance in the total wastewater figure identified in this Section 184-18.
- B. The Town, through its Department of Public Works and any other departments as the Town Manager may require, shall periodically review new or projected growth in the SSA to confirm projections and compliance with the CWMP and determine whether any amendments to the CWMP are appropriate.
- C. The Town Manager may promulgate rules and regulations to effectuate the purposes of this Article V after conducting at least one public hearing to receive comments on any such proposed rules and regulations or revisions thereto. Failure to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Article V.”

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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



# BARNSTABLE TOWN COUNCIL

ITEM# 2025-193  
INTRO: 06/26/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Jim Kupfer, Director of Planning and Development  
**THROUGH:** Mark S. Ells, Town Manager  
**DATE:** June 26, 2025  
**SUBJECT:** Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 184 Sewers and Water by adding a new Article V establishing a Land Use Control for Flow Neutral Wastewater Management

**BACKGROUND:** The objective of this amendment to the Town Code, as discussed in more detail below, is to allow the Town to be eligible for a loan of financial assistance from the State Revolving Fund(SRF) with a more favorable interest rate equal to zero percent for eligible sewer projects.

The Town continues to implement its 30-year Comprehensive Wastewater Management Plan. The plan is focused on traditional sewerage solutions and is designed to address multiple goals and needs of the community, specifically nutrient removal, pond protection, drinking water protection, economic development and other related concerns regarding wastewater management. The costs of these efforts are funded primarily through the Town's capital plan and other established sources, including in particular SRF's Financial Assistance Program. SRF provides financing options to communities across the Commonwealth to improve water infrastructure, ensure compliance with federal and state water quality standards, support safe drinking water, implement watershed and stormwater management, address climate resiliency, and administer the community septic loan program. These financing options include low-interest loans, which the Town is accessing already for new infrastructure and replacement/upgrades to existing infrastructure. SRF generally structures the debt service on loans or other financial assistance for an eligible project to provide the equivalent of a loan made at an interest rate equal to 2 percent. As a Housing Choice Community, the Town is presently eligible for a loan made at an interest rate equal, at most, to 1.5 percent.

In addition to such low interest loans, SRF also may provide loans and financial assistance at the equivalent of a zero-percent interest rate for a water pollution abatement project undertaken by a municipality to remediate or prevent nutrient enrichment of a surface water body or a source of water supply to comply with effluent limitations established under a National Pollutant Discharge Elimination System (NPDES) permit issued to the Town by the federal Environmental Protection Agency (EPA) or co-issued by the EPA and the state Department of Environmental Protection (MassDEP), or to comply with an EPA-approved Total Maximum Daily Load (TMDL). A TMDL is the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant. However, in order to be eligible to secure an interest rate equivalent to zero percent, state law requires that the municipality have in place a "Flow Neutral Land Use Control." The goal of this land use control, as stated in 310 CMR 44.07(3), is "to demonstrate that overall wastewater flow in the sewerage watershed will not increase as a result of the project for which a zero rate of interest is sought."

The proposed ordinance would amend Chapter 184 of the Town Code to add a new Article V that would establish the above-referenced land use control. Doing so would allow the Town to be eligible for a loan from SRF with the more favorable interest rate equal to zero percent for eligible sewer projects. The proposed ordinance was reviewed by MassDEP, and they provided several minor comments that were incorporated into the version that is being proposed.

**FINANCIAL IMPACT:** The Town currently has \$270,512,264 of projects listed on the 2023, 2024 and 2025 Intended Use Plans (IUP). None of these projects have proceeded to permanent financing to date with the State's

revolving loan fund (SRF). The Town's current borrowing rate through the SRF is 1.5% for a 20-year loan. A 30-year loan would likely incur a higher interest rate of 1.7%. The total interest cost at 1.7% on the \$270 million is estimated to be \$77 million over the life of the loans.

If the Town passes this ordinance, it may be eligible for a 0% financing rate on a 20-year loan through the SRF for all these projects. For a 30-year loan the Town will likely incur an interest rate of 0.2%. The total interest cost at 0.2% on \$270 million is estimated to be \$8.5 million over the life of the loans resulting in a savings of \$68.5 million over the life of the loans.

State officials at the SRF have stated that if an approved flow-neutral policy is in place before permanent financing takes place the Town would qualify for the reduced interest rate. The next permanent financing to take place is anticipated to be November 2025.

The Town has another \$217 million in project costs listed in the FY 2027 to FY 2030 Capital Improvement Plan that may also become eligible for the lower interest rate through the SRF if the projects are listed on future IUP's. The estimated interest savings on this amount of financing is \$55 million if all projects were eligible to be financed through the SRF.

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

**STAFF SUPPORT:** Jim Kuper, Director of Planning and Development; Griffin Beaudoin, Town Engineer; Thomas J. LaRosa, First Assistant Town Attorney.

**B. NEW BUSINESS (Refer to Public Hearing 07/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-194  
INTRO: 06/26/2025**

**2025-194 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$11,500,000 FOR THE PURPOSE OF FUNDING THE STRAIGHTWAY WATER TREATMENT FACILITY PROJECT**

**ORDERED:** That the sum of **\$11,500,000** be appropriated for the purpose of funding the Straightway Water Treatment Facility Project, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$763,379** be provided from the 3M Company PFAS Settlement Account, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$10,736,621** 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
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_____	_____
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_____	Read Item
_____	Motion to Open Public Hearing
_____	Rationale
_____	Public Hearing
_____	Close Public Hearing
_____	Council Discussion
_____	Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2025-194  
INTRO: 06/26/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** June 26, 2025  
**SUBJECT:** Appropriation and Loan Order in the amount of **\$11,500,000** for the purpose of funding the Straightway Water Treatment Facility Project

**BACKGROUND:** The Hyannis Water System plans to start construction of the new Straightway Water Treatment Facility this fall, which will replace the existing Straightway and Hyannisport water treatment plants upon its completion. The project will involve the demolition and reconstruction of the Simmons Pond and Hyannis-Port well buildings at 132 Smith Street; construction of a winterization building to house the four existing Granular Activated Carbon (GAC) filter units, upgrades to the existing booster pump station, and construction of the new 4.03 MGD Straightway Water Treatment Facility building which will include five Greensand filtration units, three Ultraviolet Advanced Oxidation Process (UV-AOP) units, and an additional eight GAC filtration units at 228 Straightway. Bids were opened for the project on May 23, 2025. The apparent low bidder's total bid price is \$38,490,000, bringing the total project to \$45.84 million (including: construction contingency, construction inspection and administration, utility fees, permit fees, and police details).

**ANALYSIS:** The Town previously appropriated \$36.5 million for the design and construction of the new Straightway Water Treatment Facility based on its 2023 evaluation study and cost estimate. The 2023 study determined that a single plant approach was more cost effective than two separate plants built over time. Due to increases in construction costs, the anticipated total cost has grown to \$45.84 million. Additional funds will be required to meet SRF's local funding requirements prior to awarding the construction contract.

**FINANCIAL IMPACT:** Completion of construction will result in an estimated \$960,000 increase in operating expenses for the Water Supply Division beginning in Fiscal Year 2028 and is included in current rate projections. The project is listed on the 2025 Drinking Water State Revolving Fund Intended Use Plan and is eligible for \$45,114,487 in financing from the Trust, potentially at 0% interest. The loan through the Trust will be paid back by the Water Enterprise Fund and the estimated loan payments have been included in the rate projection model. Prior appropriations for the construction of this project include \$1,000,000 for the water treatment plant design (Town Council Order 2022-093) and \$35,500,000 for construction (Town Council Order 2024-102). \$763,379 in PFAS settlement funds received from the 3M Company will be used to reduce the borrowing included in this request.

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

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

**B. NEW BUSINESS (Refer to Public Hearing 7/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-195  
INTRO: 06/26/2025**

**2025-195 AUTHORIZING THE TOWN MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BY AND AMONG THE TOWN OF BARNSTABLE, SHOESTRING PROPERTIES, LLC, LOCATED AT 110 AND 115 SCHOOL STREET, MAIN STREET TIMES, LLC, LOCATED AT 319 AND 331 MAIN STREET, AND 259 NORTH STREET LLC, LOCATED AT 310 BARNSTABLE ROAD, HYANNIS**

**ORDERED:** That the Town Council hereby authorizes the Town Manager pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code of the Town of Barnstable (the “Code”), to enter into and execute a Development Agreement by and among the Town of Barnstable and three Applicants:

1. Shoestring Properties, LLC for the properties located at 110 & 115 School Street, Hyannis, MA 02601 (“Dockside”), as shown on Town of Barnstable Assessors Map 326, Parcels 121 and 125, and more particularly described in Book 10473, Page 204, and Book 642, Page 74.
2. Main Street Times LLC for properties located at 319 and 331 Main Street, Hyannis, MA 02601 (“Cape Cod Times”), as shown on the Town of Barnstable Assessors Map 327, Parcels 102 and 106 and more particularly described in Book 32746, Page 290.
3. 259 North Street LLC for property located at 310 Barnstable Road, Hyannis, MA 02601 (“310 Barnstable”), as shown on the Town of Barnstable Assessors Map 310, Parcel 143 and more particularly described in Barnstable County Land Registration Office of the Land Court Registry Certificate #137681, as shown on Land Court Plan 16462-A Lot C, 16462-E Lot 2.

Collectively the three properties are referred to as the “Applicants’ Properties.”

This Development Agreement grants the requested relief concerning the Applicants’ requirements to dedicate a total of ten (10) residential housing units, in perpetuity, to the Town of Barnstable’s Inclusionary Affordable Housing Inventory, as required for the development of the Applicants’ Properties under Chapter 9, Article 1, of the Code and as part of their project permitting. The Town Council further authorizes the Town Manager, on behalf of the Town, to acquire, for no monetary consideration, from 259 North Street LLC a perpetual Affordable Housing Restriction, pursuant to G.L. c. 184, sections 31-32 and meeting the requirements for the Deed Restriction, as defined in the Development Agreement. It is hereby further ordered that the Town Manager is authorized to accept, negotiate, execute, receive, deliver and record any written instruments necessary to effectuate this Order.

**DEVELOPMENT AGREEMENT**  
**BY AND AMONG**  
**THE TOWN OF BARNSTABLE**

**AND**

SHOESTRING PROPERTIES, LLC  
MAIN STREET TIMES, LLC  
259 NORTH STREET, LLC

This Development Agreement ("Agreement") is entered into by and among the applicants, **Shoestring Properties, LLC, Main Street Times LLC**, and **259 North Street LLC** (collectively the "Developers" or "Applicants") and the **Town of Barnstable** (the "Town"), a Massachusetts municipal corporation with a mailing address of 367 Main Street, Hyannis, MA 02601, on this \_\_\_\_ day of \_\_\_\_\_, 2025, pursuant to Chapter 9, "Affordable Housing," of the Code of the Town of Barnstable ("Chapter 9") and Chapter 168 of the Code of the Town of Barnstable ("Chapter 168"). The Applicants are Massachusetts limited liability companies and share the mailing address of 297 North Street, Hyannis, MA 02601.

WITNESSETH:

WHEREAS, pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code, the Town of Barnstable is authorized to enter this Agreement with the Developers.

WHEREAS, pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code, the Town of Barnstable may enter into Development Agreements with qualified applicants in areas shown on the Regulatory Agreements District Map. Chapter 9 authorizes the Town to enter into Development Agreements "in accordance with Section 14 of the Cape Cod Commission Act ... which provides for the development of affordable housing in the Town and establishes the permitted uses, densities, location and other characteristics of the development." The subject properties are located within the area delineated for regulatory agreements.

WHEREAS, the Town of Barnstable has issued and approved building permits for the Developers' Properties at Shoestring Properties, LLC Project at 110 and 115 School Street, Hyannis, MA 02601 ("Dockside"); Main Street Times LLC Project at 319 and 331 Main Street, Hyannis, MA 02601 ("Cape Cod Times"); and 259 North Street LLC Project at 310 Barnstable Road, Hyannis, MA 02601 ("Barnstable Road") as described herein. Each Developer's project is referred to herein, as applicable, a "Property"; and the Developers' projects collectively referred to as the "Properties." The Properties are defined more specifically in "Exhibit A" attached hereto and incorporated herein.

WHEREAS, each such approval and building permit was subject to the Developers each designating a number of one-bedroom and two-bedroom units to the Town of Barnstable Inclusionary Affordable ("Inclusionary Affordable") rental or ownership inventory with Deed Restrictions in perpetuity as required by Chapter 9.

WHEREAS, there are ten (10) total units required to be so designated as Inclusionary Affordable Units by the Developers broken down as follows:

- Dockside at 110 and 115 School Street(5): (3) 1BR Units; (2) 2BR Units
- Cape Cod Times at 319 and 331 Main Street2 (2): (1) 1BR Unit; (1) 2BR Unit
- Barnstable Road at 310 Barnstable Road(3):(2) 1BR Units; (1) 2BR Unit

WHEREAS, the Dockside is currently at the early stages of development with expected occupancy in 2026.

WHEREAS, the Cape Cod Times currently has designated two (2) as Inclusionary Affordable Units;

WHEREAS, 310 Barnstable Road has been fully renovated and repurposed to residential housing and is ready for occupancy with three (3) Inclusionary Affordable Units to be designated.

WHEREAS, the Developers propose to redirect and dedicate the Inclusionary Affordable Units from Cape Cod Times and Dockside (a total of 7 units) to 310 Barnstable Road.

WHEREAS, the designation of the Inclusionary Affordable Units comply with Chapter 9 of the Town Code and by redirecting and dedicating seven (7) of the Inclusionary Affordable Units to 310 Barnstable Road, the Developers will fulfill their obligations to the Town under the Developers' project permitting and Chapter 9.

WHEREAS, the Town and Developers desire to enter into a Development Agreement and this Agreement reflects their respective understandings and agreements with regard to the proposed redirection and designation of seven of the Inclusionary Affordable units to 310 Barnstable Road.

WHEREAS, the Developers commit to designation of ten (10) Inclusionary Affordable units in accordance with this Agreement and shall provide that 70% of the units be designated for town residents.

WHEREAS, the Developers have agreed that of the two two-bedroom units to be relocated from Dockside to 310 Barnstable, the Developers will upgrade the units to three-bedroom units, which are in very high demand;

WHEREAS, the Developers have represented that the Developers' projects, individually or collectively, will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Agreement is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the Growth Improvement Zone (GIZ) and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this Redevelopment may proceed.

WHEREAS, the redirecting and designation of seven of the Inclusionary Affordable Units to 310 Barnstable Road and the Town's release of the Inclusionary Affordable Units at Dockside and Cape Cod Times was reviewed and approved by the Barnstable Housing Committee on January 23, 2025, at which time the Committee voted 3:0 to recommend favorable action.

WHEREAS, the Agreement has undergone a public hearing, which was opened and closed on February 24, 2025, and received an affirmative 4:0 majority vote from the Planning Board on February 24, 2025; and,

WHEREAS, the Agreement has undergone a public hearing which opened on \_\_\_\_\_ and closed on \_\_\_\_\_ before the Barnstable Town Council and received a \_\_\_\_\_ vote on \_\_\_\_\_, 2025;

**NOW, THEREFORE**, for and in consideration of the rights and privileges set forth in this

Agreement and in accordance with its terms, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developers, for themselves and their successors and assigns, hereby grant and jointly and severally agree that the Properties shall be subject to the following rights and restrictions which are hereby imposed for the benefit of, and enforceable by the Town.

1. Definitions.

In this “Agreement”, in addition to the terms defined above, the following words and phrases shall have the following meanings:

**Area** means the Metropolitan Statistical Area which includes the Town.

**Deed Restriction** shall have the meaning set forth in Section 2(e) below.

**Eligible Tenant** means an individual or household earning no more than 100% of the Barnstable area median income (AMI), as most recently published by HUD. If HUD discontinues publication of median income statistics, then the Monitoring Agent shall designate another measure of eligible income.

**HUD** means the United States Department of Housing and Urban Development.

**Monitoring Agent** means the Town or any successor or designee appointed by the Town.

**Inclusionary Affordable Unit** means a dwelling unit that by deed restriction is and will remain(a) available for sale and sold at a selling price that will result in an annual shelter cost of not more than 30% of the annual household income of a qualified affordable housing unit purchaser or (b) available for rental and rented at an annual rent that will result in an annual shelter cost of not more than 30% of the annual household income of a qualified affordable housing unit tenant, not including any unit rented to a tenant receiving rental assistance under 42 U.S.C. section 1437f or any similar rental assistance program

**Term** means in perpetuity.

2. Affordability

The Developers agree to construct the project in accordance with plans and specifications approved by the Town and shall comply with the following requirements:

- a. On or within ninety (90) days from the effective date of this Agreement, the Developers will redirect and designate the two inclusionary units (1-BR Unit and 2-BR unit) at Cape Cod Times to 310 Barnstable Road and will encumber the two units with a Deed Restriction as Inclusionary Affordable units in lieu of the two current units at Cape Cod Times.
- b. On or within ninety (90) days from the effective date of this Agreement, the Developers will redirect and designate the five (5) Affordable Inclusionary units (3-1BR units and 2-2 BR) at the Dockside project to 310 Barnstable Road and will upgrade the two two-bedroom units to two three-bedroom units, all of which will be encumbered with a Deed Restriction as Inclusionary Affordable units.
- c. The Developers will then have a total of ten (10) Inclusionary Affordable Units at 310 Barnstable Road immediately available for use and occupancy, rather than waiting several years for the Dockside at 110 and 115 School Street five (5) units to be built and occupied. The seven



inclusionary units at 310 Barnstable Road will be immediately available for rent in lieu of the five units at the Dockside and the two units at Cape Cod Times at 319 and 331 Main Street. Of the 10 Units, 70% will be dedicated to Town residents.

- d. The Developers will be responsible for all costs associated with redesignation of the seven (7) Inclusionary Affordable units from Cape Cod Times and Dockside to 310 Barnstable Road, including the payment of all recording fees to record the Deed Restrictions and discharging the current deed restrictions on the Cape Cod Times and Dockside.
- e. “Deed Restriction” in this Agreement shall mean a perpetual Affordable Housing Restriction, which shall run with the land comprising the applicable 259 North Street LLC’s property at 310 Barnstable Road, as described in Exhibit A, to be granted by the property owner, 259 North Street LLC, and accepted in writing by the Town pursuant to G.L. c. 184, §§ 31-32, and addressing, at a minimum, the requirements for the (10) Inclusionary Affordable Units and Sections 9-7 and 9-8 of Chapter 9 and Chapter 168 of the Town Code. The Parties understand and acknowledge that the Deed Restriction will require approval by the state Executive Office of Housing and Living Communities (EOHLC). If EOHLC withholds approval or fails to act on the Deed Restriction required under this Agreement, then the Town may rescind the Agreement and the Developers’ obligations for Inclusionary Housing Units, including the location of the units, will be as existing prior to execution of the Agreement.

Prior to finalizing and executing the Deed Restriction, the Developers, at their sole cost, shall cause a licensed attorney in good standing in the Commonwealth to undertake a title examination and certify title to the 310 Barnstable Road properties, as described in Exhibit A, in writing to the Town of Barnstable. The title examination and certification shall be performed to specifications acceptable to the Town and shall include a detailed narrative of title.

Prior to recording the executed Deed Restriction, the Developers shall cause any lien, mortgage, easement, or other encumbrance or interest of record affecting the 310 Barnstable Road property, as described in Exhibit A, to be fully subordinated, with no conditions and subject to the consent of the Town, to the Deed Restriction. The Developers shall cause said subordination instruments to be recorded prior to recording the Deed Restriction. The Deed Restriction, subordination instruments and any other necessary documents shall be recorded at the expense of the Developers.

- f. The Developers agree not to apply for Certificates of Occupancy for the Properties until all conditions of this Agreement have been met, including finalizing and recording the Deed Restriction.
- g. This Agreement is transferable to a person or entity other than the Developers (hereafter, the “Transferees”) with prior written notice to the Town Manager and contingent upon the Developers demonstrating in writing their compliance with all the requirements of this Agreement and subject to the written consent of the Town Manager. However, no such notice to the Town shall be effective unless it includes a written acknowledgment by the Transferees that they have read this Agreement, and any amendments thereto, and they agree to be bound by the terms and conditions set forth herein, in which event after such assignment the transferor shall be relieved of liability from and after the date of transfer. Upon receipt of such written notice of transfer, and subject to a determination by the Town Manager that that the Developers are in compliance with all the then-applicable requirements of the Agreement, the Transferees and the Town Manager shall execute a minor amendment to this Agreement acknowledging: the Transferees are a signatory to this Agreement, the Transferees agree to be bound by the terms and conditions set forth herein and any subsequent amendments hereto, and that the Transferees

assume all obligations under the Agreement. No Planning Board or Town Council approval is required for such a minor amendment acknowledging such a transfer in ownership.

- h. This Agreement may not be used to prevent the Town of Barnstable or other governmental agency from requiring qualified applicants to comply with the laws, rules and regulations and policies enacted after the date of this Agreement, if the Town of Barnstable or governmental agency determines that the imposition of and compliance with the newly effective laws and regulations are essential to ensure the public health, safety or welfare of the residents of all or part of the Town.

3. Non-discrimination.

The Developers shall not discriminate on the basis of race, creed, religion, color, sex, age, handicap, marital status, national origin, sexual orientation, familial status, genetic information, ancestry, children, receipt of public assistance, or any other basis prohibited by law in the selection of tenants; and the Developers shall not so discriminate in connection with the employment or application for employment of persons for the construction, operation or management of the Properties.

4. Inspection.

The Developers agree to comply and to cause the Properties to comply with the Agreement application as approved by the Barnstable Housing Committee at its meeting of January 23, 2025 and by the Planning Board at its meeting of February 24, 2025, and all other applicable laws, rules and regulations. The Town shall have access during normal business hours to all books and records of the Developers and the Properties upon reasonable prior written notice to the Developer in order to monitor the Developers' compliance with the terms of this Agreement but without any unreasonable interference with the operations at the Properties.

5. Recording.

Upon execution, the Developers shall immediately cause this Agreement and any amendments hereto to be recorded with the Barnstable County Registry of Deeds, or, if the Properties consist in whole or in part of registered land, file this Agreement and any amendments hereto with the Registry District of the Land Court for the County where the Properties are located (collectively hereinafter the "Registry of Deeds"), and the Developers shall pay all fees and charges incurred in connection therewith. Upon recording or filing, as applicable, the Developers shall as soon as possible transmit to the Town evidence of such recording or filing including the date and instrument, book and page or registration number of the Agreement.

6. Representations.

The Developers hereby represent and warrant as follows:

(a) The Developers (i) have the power and authority to own their properties and assets and to carry on its business as now being conducted, and (ii) have the full legal right, power and authority to execute, deliver and fully perform their obligations under this Agreement.

(b) The execution and performance of their obligations under this Agreement by the Developers

(i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or any order of any court or other agency or governmental body to which the Project or Properties are

subject, and

(ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Developers are parties or by which they or the Project or Properties are bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

(c)The Developers will, at the time of execution and delivery of this Agreement, have good and marketable title to the Properties free and clear of any lien or encumbrance (subject to encumbrances created pursuant to this Agreement, any loan documents relating to the Project or Properties, or other permitted encumbrances, including mortgages referred to in paragraph 12, below).

(d)There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Developers, threatened against or affecting it, or any of its properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted (and as now contemplated by this Agreement) or would materially adversely affect their financial condition.

7. Transfer Restrictions.

Subject to demonstrating compliance in writing and the consent of the Town Manager as set forth in Section 2(g) above and prior to any approved transfer of ownership of the Project or Properties, the Developers agree to secure from the Transferee a written agreement stating that Transferee will assume in full the Developers' obligations and duties under this Agreement and provide a copy of said executed written agreement to the Town thirty (30) days prior to any such transfer.

8. Amendment.

Any Developer that is party to this Agreement may petition the Town of Barnstable to amend or rescind this Agreement pursuant to the terms of Chapter 168-10 of the Town Code.

9. Notices.

All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when delivered by hand or when mailed by certified or registered mail, postage prepaid, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate by written notice.

IN WITNESS WHEREOF, the Parties, each duly authorized, have hereunto caused this Agreement to be executed as a sealed instrument on the day and year first above written.

Applicants:

**Town of Barnstable**

By:

**Shoestring Properties, LLC**

By its sole manager:

**Holly Management and Supply Corporation**

\_\_\_\_\_  
**Stuart A. Bornstein,**  
**President and Treasurer**

Date: \_\_\_\_\_

\_\_\_\_\_  
**Mark S. Ells, Town Manager**

Date: \_\_\_\_\_

**Main Street Times LLC**

By:

\_\_\_\_\_  
**Aaron B. Bornstein, Manager**

Date: \_\_\_\_\_

**259 North Street LLC**

By its sole manager:

**Holly Management and Supply Corporation**

\_\_\_\_\_  
**Stuart A. Bornstein**

Date: \_\_\_\_\_

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

Property address: 110 and 115 School Street, Hyannis, MA 02601(Dockside); Assessors Map 326, Parcels 121 and 125

The land together with the buildings thereon situated in the Town of Barnstable (Hyannis), Barnstable County Massachusetts described as follows:

**Parcel I** – being the same premises shown on a plan of land entitled “Plan of Land in Hyannis – Barnstable, Mass. belonging to Lewis Bay Lodge, Inc., Scale: 1” = 50’ dated December 20, 1961, John C. O’Toole, Surveyor” and recorded with said Deeds in Plan Book 167, Page 41 to which reference may be made for a more detailed description.

Together with all littoral rights appurtenant thereto and together with all rights over the streets and ways as shown on said plan in common with all others lawfully entitled to use the same for all purposed for which streets or ways are commonly used in the Town of Barnstable, Massachusetts.

**Parcel II** – being the land located in Barnstable (Hyannis) containing by calculation 24,819 square feet of land, more or less and being delineated as PARCEL A on a plan entitled “Land in Hyannis, Massachusetts owned by Lewis Bay Motel, Restaurant & Marine, Inc.” dated January 24, 1992 by Bouley Brother, Inc., Registered Land

Surveyors, Worcester, MA” and recorded in Plan Book 485, Page 93.

Subject to and together with all rights, reservations, easement and restrictions of record insofar as the same are in force and applicable.

**For title see Deed recorded in Book 10473, Page 204.**

Property address: 331 Main Street, Hyannis, MA 02601 (Cape Cod Times); Assessors Map 327, Parcels 102 and 106

**Parcel One** – That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts described as follows:

Beginning at the Northeast corner of the granted premises at a concrete bound in the Southerly line of Main Street and at the Northwest corner of a right of way hereinafter mentioned; and thence running South 15°09’East in the Westerly sideline of said hereinafter mentioned right of way through a concrete bound two hundred eight (280) feet, more or less to land of Claretta M. Stuart; and thence running South 60°52’10”West eight-four and 90/100 (84.90) feet, more or less by land of said Stuart to a stone bound and land of Hyannis Women’s Club; and thence running North 16°24’20”West by land of Hyannis Women’s Club, Georgie A. Kenney and Inter Cities Realty Corporation, two hundred sixty-nine and 40/100 (269.40) feet, more or less to a drill hole in a concrete bound at Main Street; and thence running North 73°44’East by said Main Street ninety and 36/100 (90.36) feet, more or less to a concrete bound at the point of beginning.

Together with a right of way in common with others entitled thereto over a twenty-five (25) foot right of way extending Southerly from Main Street to the Northerly line of land of said Claretta M. Stuart adjoining the Easterly line of the above-described premises. Said right of way is to be used only in any manner reasonably required for travel to and from Main Street in connection with the use of the premises.

**Parcel Two** - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts containing an area of 35,400 square feet, more or less and being shown on plan entitled “Plan of Land – Hyannis – Barnstable, Mass. as surveyed for Claretta Stuart, Scale: 1” = 40’ dated December 1956, Whitney & Bassetts, Architects & Engineers, Hyannis, Mass.,” which plan is recorded in Plan Book 132, Page 35.

Excepting from the above land is that certain parcel of land being shown as Parcel A on plan recorded in Plan Book 215, Page 147 and more particularly described in a Deed from Ottaway Newspapers-Radio, Inc. to the Town of Barnstable dated October 26, 1967, and recorded in Book 1385, Page 439.

Together with rights of access as reserved in Deed recorded in Book 1385, Page 439.

**Parcel Three** - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts bounded and described as follows:

On the West about eighty-eight and 5/10 (88.5) feet by Ocean Street; and On the North about ninety-five and 13/100 (95.13) feet by land now or formerly of the Investor’s Security Trust; and On the East about eight-four and 38/100 (84.38) feet by land formerly of Hugh R. Ferguson; and on the South about ninety-nine and 5/10 (99.5) feet by land of the Hyannis Women’s Club.

**Parcel Four** - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts shown on a land of “Hyannis Women’s Club” on a plan entitled “Plan of Land in Hyannis, Barnstable, Mass. for E. Anthony & Sons, Inc.” Scale: 1’ = 40’ and dated December 1962, David H. Greene, Surveyor, Hyannis, Mass. and recorded in Plan Book 242, Page 157.

**For title see Deed recorded in Book 32746, Page 290.**

Property address: 319 Main Street, Hyannis, MA 02601 (Cape Cod Times)

The land together with any buildings thereon located at 331 Main Street Hyannis, Barnstable County,

Massachusetts situated at the corner of Main Street and Ocean Street in Hyannis, Barnstable County, Massachusetts being shown as LOTS A and B1 on a plan entitled "Subdivision of Land of Inter Cities Realty Corporation in Hyannis, Barnstable, Mass.," dated March 1935, prepared by Sumner Shein, CE and recorded in Plan Book 50, Page 111, to which reference may be made for a more detailed description. See also plan recorded in Plan Book 597, Page 70.

Excepting from the above-referenced parcel the Southwesterly corner thereof shown on plan recorded in Plan Book 53, Page 47 and bounded and described on Exhibit B of deed recorded in Book 32746, Page 290.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

**For title see Deed recorded at Book 32746, Page 290.**

Property address: 310 Barnstable Road, Hyannis, MA 02601 (Barnstable Road); Assessors Map 310, Parcel 143

The land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts being shown as **LOT C** on Land Court Plan No. 16462-A; and **LOT 1** on Land Court Plan No. 16462-E.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

**For title see Deed registered as Document No. 643,051 filed with Certificate of Title No. 137681.**

# BARNSTABLE TOWN COUNCIL

**ITEM# 2025-195**  
**INTRO: 06/26/2025**

## SUMMARY

**TO:** Town Council  
**FROM:** Jim Kupfer, AICP, Planning & Development Director  
**THROUGH:** Mark Ells, Town Manager  
**DATE:** July 17, 2025  
**SUBJECT:** Authorizing the Town Manager to execute a Development Agreement by and among the Town of Barnstable, Shoestring Properties, LLC, located at 110 and 115 School Street, Main Street Times, LLC, located at 319 and 331 Main Street, and 259 North Street LLC, located at 310 Barnstable Road, Hyannis

**BACKGROUND:** Pursuant to Section 9-6 of Chapter 9 of the Town Code, the Town may enter into Development Agreements for Inclusionary Affordable Housing Requirements under Chapter 9, Article 1, of the Town Code in areas delineated on the Regulatory Agreements District Map. Applicants may apply to enter into a Development Agreement pursuant to and following the process for Regulatory Agreements under Chapter 168 of the Town Code. The subject properties are located within the area delineated for such agreements. Pursuant to Section 168-5 of Chapter 168, no such agreement may be executed by the Town Manager without there first being an affirmative, majority vote by the Planning Board and the Town Council recommending the execution of the regulatory agreement.

Shoestring Properties LLC, Main Street Times LLC, and 259 North Street LLC seek to enter into a Regulatory Agreement with the Town of Barnstable to deed-restrict seven affordable units located at 310 Barnstable Road, in lieu of the five affordable units required at the Dockside development (110 & 115 School Street) and two affordable units required at the Cape Cod Times building (319 & 331 Main Street).

On December 2, 2024, Shoestring Properties, LLC, Main Street Times LLC, and 259 North Street LLC submitted an application to the Planning Board for a Development Agreement pursuant to Chapters 9 and 168 of the Town Code.

The Planning Board held a duly-posted and noticed public hearing on the proposal on February 24, 2025. At the conclusion of the hearing, the Planning Board unanimously voted to recommend Town Council to execute the Development Agreement consistent with the final agreement reviewed by the Board.

**FINANCIAL IMPACT:** Approval of the proposed Development Agreement will have no significant fiscal impact.

**STAFF ASSISTANCE:** Jim Kupfer, AICP, Planning & Development Director

**B. NEW BUSINESS (First Reading) (Refer to Second Reading  
07/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-196  
INTRO: 06/26/2025**

**2025-196 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Christine Beer from an associate position to a full member position to a term expiring 06/30/2028, Stephanie Parish, as a regular member to a term expiring 06/30/2028; **Comprehensive Financial Advisory Committee:** Frank Ward, as a regular member to a term expiring 06/30/2027; **Historical Commission:** Barbara Cuggino DeBiase as the Historical Commission Representative member to the Community Preservation Committee to a term expiring 06/30/2028.

**SPONSOR:** Appointments Committee Members: Councilor Kristin Terkelsen, (Chair); Councilor Jeffrey Mendes; Councilor John Crow; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
_____	_____
_____	_____

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



**B. NEW BUSINESS (First Reading) (Refer to Second Reading  
07/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-197  
INTRO: 06/26/2025**

**2025-197 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Airport Commission:** Bradley Bailey, as a regular member term expiring 06/30/2028; Mark Guiod, as a regular member, to a term expiring 06/30/2028; **Board of Health:** Donald Guadagnoli, MD, as a regular member to a term expiring 06/30/2028; Steven Waller, MD, as a regular member to a term expiring 06/30/2028; **Community Preservation Committee:** Steven Robichaud, as a Planning Board representative member, to a term expiring 06/30/2028; Farley Lewis, as a regular member to a term expiring 06/30/2028; **Comprehensive Financial Advisory Board:** Lillian Woo, as a regular member to a term expiring 06/30/2028; Charistopher Lauzon, as a regular member to a term expiring 06/30/2028; **Disability Commission:** Patricia Ericson-Taylor, as a regular member to a term expiring 06/30/2028; **Golf Committee:** Mark Bushway, as a regular member to a term expiring 06/30/2028; Susanne Conley, as a regular member to a term expiring 06/30/2028; Geoffrey Converse, as a regular member to a term expiring 06/30/2028; William Sylva, as a regular member to a term expiring 06/30/2028; **Historical Commission:** Jack Kay, as a regular member to a term expiring 06/30/2028; **Housing Committee:** Eileen Elias, as an alternate member to a term expiring 06/30/2028; Chris Beach, as a regular member to a term expiring 06/30/2028; **Infrastructure and Energy Committee:** Jane Ward, as a regular member to a term expiring 06/30/2028; Barry Sheingold, as a regular member to a term expiring 06/30/2028; **John F. Kennedy Memorial Trust Fund Committee:** William Murphy, as a Recreation Commission Representative member to a term expiring 06/30/2028; Wendy Northcross, as a regular member to a term expiring 06/30/2028; **Licensing Authority:** John Flores, as a regular member to a term expiring 06/30/2028; Jessica Sylver, as an associate member to a term expiring 06/30/2028; **Recreation Commission:** James O'Leary, as a regular member to a term expiring 06/30/2028; **Sandy Neck Board:** William Monroe, as a member at large, to a term expiring 06/30/2028; William Carey, as a member at large to a term expiring 06/30/2028; **Shellfish Committee:** William Cherepon, as a member at large to a term expiring 06/30/2028; Gloriann Hurwitz, as a member holding a family permit to a term expiring 06/30/2028; **Waterways Committee:** Jacob Angelo, as a regular member to a term expiring 06/30/2028; Todd Walantis, as a regular member to a term expiring 06/30/2028; **Zoning Board of Appeals:** Larry Hurwitz, as an associate member to a term expiring 06/30/2028; Paul Pinard, as a regular member to a term expiring 06/30/2028.

**SPONSOR:** Appointments Committee Members: Councilor Kristin Terkelsen, (Chair); Councilor Jeffrey Mendes; Councilor John Crow; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing on 07/17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-198**  
**INTRO: 06/26/2025**

**2025-198 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$2,500,000  
IN COMMUNITY PRESERVATION ACT FUNDS FOR THE PURPOSE OF  
INCREASING THE NUMBER AND AVAILABILITY OF COMMUNITY  
HOUSING UNITS IN THE TOWN OF BARNSTABLE**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of **\$2,500,000** be appropriated and transferred from the funds set aside for Community Housing Funds within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund for the purpose of the Affordable Housing/Growth & Development Trust Fund, and that the Affordable Housing/Growth & Development Trust Fund Board is authorized to contract for and expend the total appropriation of Two Million Five Hundred Thousand Dollars (**\$2,500,000**) to increase the number and availability of community housing units within the Town of Barnstable by both funding and initiating projects and programs for that purpose, subject to the oversight by the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2025-198**  
**INTRO: 06/26/2025**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** June 26, 2025  
**SUBJECT:** Appropriation and Transfer Order in the amount of **\$2,500,000** in Community Preservation Act Funds to increase the number and availability of community housing units in the Town of Barnstable

**BACKGROUND:** At the June 2, 2025, Community Preservation Committee (CPC) meeting, the seven Committee members present voted unanimously to recommend to the Town Council, through the Town Manager, the Affordable Housing Growth & Development Trust Board's (Trust) request for \$795,821 in Community Preservation Community Housing and \$1,704,179 in Community Preservation Undesignated Funds. This amount represents an additional \$2.5 million in Community Preservation Act (CPA) Funds to be transferred to and administered by the Trust to continue to utilize the Trust's unique statutory flexibility to create, acquire, preserve, and support community housing.

Following positive recommendations from the CPC in 2020, 2021, and October 2023, the Town Council voted unanimously to appropriate a total of \$2.5 million each year for the purpose of increasing the number and availability of affordable community housing units within the Town of Barnstable. Since the CPA funds became available, the Trust has expended \$1,402,266 and committed \$5,145,000 to address the Town's community housing needs with additional projects under consideration. There currently remains an uncommitted balance of \$952,734 in CPA sourced funds and \$53,977 in other Trust funds. In response to the heightened and ongoing housing affordability crisis, the Trust is seeking additional funds to continue incentives for construction, preservation, and production of community housing, as well as expanding efforts to support and supplement aid to prevent homelessness and bring stability to households facing housing insecurity.

**FISCAL IMPACT:** This appropriation has no impact on the General Fund since the entire amount is appropriated and transferred from the Community Preservation Fund. \$795,821 of this request will be provided from the set-aside in the Community Preservation Fund for Community Housing, and \$1,704,179 will be provided from the Community Preservation Fund's undesignated reserve, which has a current available balance of \$10,488,734.

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

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

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-199**  
**INTRO: 06/26/2025**

**2025-199 ACQUISITION OF AN AFFORDABLE HOUSING RESTRICTION ON LAND  
LOCATED AT 78 NORTH STREET IN HYANNIS**

**RESOLVED:** That the Town Council hereby authorizes the Town Manager, on behalf of the Town, as part of a negotiated transaction and for no monetary consideration, to acquire a perpetual Affordable Housing Restriction, pursuant to M.G.L. c. 184, §§ 31-32, and for creating a permanently deed restricted Affordable Housing Unit in accordance with Chapter 9, Article 1, of the Town Code, from Bayridge Realty, LLC on the land located at 78 North Street in Hyannis, described in a deed recorded at the Barnstable County Registry of Deeds in Book 35448, Page 282, and being shown in Town Assessor records as Parcel No. 309-192. The Town Manager is authorized to negotiate, accept, sign, deliver and record any documents necessary to effectuate this Resolve and complete the transaction.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

## BARNSTABLE TOWN COUNCIL

ITEM# 2025-199  
INTRO: 06/26/2025

### SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** James Kupfer, Director, Planning & Development  
**DATE:** June 26, 2025  
**SUBJECT:** Acquisition of an Affordable Housing Restriction on land located at 78 North Street in Hyannis

**BACKGROUND:** Chapter 9, Article I, of the Town Code, requires that Bayridge Realty, LLC create one (1) permanently deed restricted Affordable Housing Unit in connection with its development of the property located at 78 North Street in Hyannis, with the unit's rental to a qualified household with an income of not more than 65% of the area median income. Bayridge Realty, LLC plans to meet its obligation under Chapter 9 by conveying to the Town a perpetual Affordable Housing Restriction under M.G.L. c. 184, §§ 31-32 and for no monetary consideration. This Resolve would authorize the Town Manager, on behalf of the Town, to negotiate, finalize, accept and record the Affordable Housing Restriction.

State law generally does not allow for a perpetual deed restriction unless it meets certain requirements, including approval by the Commonwealth. Because this will be a perpetual Affordable Housing Restriction, M.G.L. c. 184, § 32, requires the written approval of the Secretary of the state Executive Office of Housing and Livable Communities (EOHLC). Without that approval, state law would limit the restriction's enforceability to 30 years. EOHLC staff have indicated that the Secretary will approve the Affordable Housing Restriction when submitted to them.

EOHLC also recommended that this unit be approved and protected under the Affordable Housing Restriction without preparing an Affirmative Fair Marketing Plan (AFMP). Each inclusionary unit created under Chapter 9 of the Town Code is supposed to have an AFMP, which is intended to ensure equal access to the affordable rental unit by all qualified applicants. The AFMP is also expected by EOHLC for the unit to be eligible for inclusion on the Town's subsidized housing inventory (SHI). However, the project sponsor, Bayridge Realty, LLC, plans to lease all 11 units in the development to the state Department of Mental Health (DMH). Because all 11 units, including this 1 affordable unit, will be rented to tenants selected by DMH, rather than being generally available to any qualified applicant, the Town would seek EOHLC's approval under M.G.L. c. 184, § 32, as recommended, to maintain the permanent affordability of the unit without preparing an AFMP. EOHLC represented that after the Affordable Housing Restriction is finalized and recorded, the Town could separately apply for EOHLC approval of the unit for inclusion on the Town's SHI without needing to prepare an AFMP. Town staff would make that application after the Affordable Housing Restriction is recorded.

**FISCAL IMPACT:** There is no fiscal impact from the Town's acceptance of the Affordable Housing Restriction.

**STAFF ASSISTANCE:** James S. Kupfer, Director of Planning and Development; Corey Pacheco, Senior Planner, Planning and Development; Thomas J. LaRosa, First Assistant Town Attorney

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-200**  
**INTRO: 06/26/2025**

**2025-200 RESOLVE AUTHORIZING MEACHAM-CRAWFORD SCHOLARSHIP AWARDS TO TOWN OF BARNSTABLE SENIORS FROM THE MEACHEM-CRAWFORD SCHOLARSHIP FUND FOR THE PURPOSE OF THEIR POST-SECONDARY EDUCATION**

**RESOLVED:** That the Town Council does hereby authorize, in accordance with the last will and testament of Edward C. Crawford, four separate \$10,000 scholarship awards from the Meacham-Crawford Fund on behalf of four Town of Barnstable High School students, living in the Town at the time of their graduation, to help defray part of the cost of the tuition for their attendance at an accredited post-secondary educational institution, with each award being paid to such institution by the Town, on behalf of the recipient, as follows:

Paloma Savinon - \$10,000  
Jack Bertling - \$10,000  
Cole Raposo - \$10,000  
Harry Clark - \$10,000

**SPONSOR:** Seth Burdick, Councilor, Precinct7

DATE	ACTION TAKEN
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\_\_\_\_ Read Item  
\_\_\_\_ Rationale  
\_\_\_\_ Council Discussion  
\_\_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2025-200  
INTRO: 06/26/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Trust Fund Advisory Committee  
**DATE:** June 26, 2025  
**SUBJECT:** Resolve authorizing Meacham-Crawford Scholarship Awards to Town of Barnstable Seniors from the Meachem-Crawford Scholarship Fund for the purpose of their post-secondary education.

**BACKGROUND:** The Town was devised the Estate of Edward C. Crawford, amounting to \$1.9 million, for the purpose of making scholarship awards to Barnstable High School students living in the Town at the time of their graduation. Mr. Crawford's Will outlines a scholarship process through which these Barnstable High School students are eligible to be nominated for significant awards to help defray part of the cost of their tuition for attendance at an accredited post-secondary educational institution. Under the Will, preference is given to those students who, while attending Barnstable High School, exhibited behavior of good and moral character, artistic or athletic competence and were involved in their community. As required by Mr. Crawford's Will, a scholarship award will not be paid directly to the student and instead will be paid to such educational institution by the Town, on behalf of the award recipient. The Trust Fund Advisory Committee and Treasurer Collector worked with the School Department to provide recommendations for the Town Council award process. The School Guidance Department nominated, and the Trust Fund Advisory Committee voted to recommend, four awards of \$10,000 per student to the following four candidates:

Paloma Savinon - \$10,000  
Jack Bertling - \$10,000  
Cole Raposo - \$10,000  
Harry Clark - \$10,000

**ANALYSIS:** The Chair of the Trust Fund Advisory Committee and School Guidance Officials met to discuss the timeline and scholarship process. In keeping with the Will, the scholarship was made available to all Barnstable High School seniors, who live in the Town, and we are appreciative of the guidance office for helping to vet candidates for Town Council approval.

**FINANCIAL IMPACT:** Since the funds were first invested in April of 2023, the funds have grown from \$1.9 million to \$2.17 million, as of May 31, 2025. The fund is a perpetual trust fund that can make distributions of capital gains and investment income (dividends and interest), provided distributions in any year do not exceed the Fund's net income in the previous calendar year. Year-to-date interest earnings have been \$59,938 and are able to provide for the \$40,000 recommended distributions.

**TOWN MANAGER RECOMMEDNATION:** The Town Manager recommends approval of the scholarship awards.

**STAFF ASSISTANCE:** Sean O'Brien, Treasurer Collector; Mark Milne, Director of Finance





**B. NEW BUSINESS (Refer to Public Hearing 07/ 17/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-201  
INTRO: 06/26/2025**

**2025-201 ORDER WAIVING FEES FOR CONSTRUCTION WORK BY THE  
BARNSTABLE FIRE DISTRICT FOR A NEW FIRE STATION AT 1841  
PHINNEY'S LANE**

**ORDERED:** Notwithstanding the provisions of any ordinance of the Town regarding schedules of fees, the construction project for the construction of a new Fire Station at 1841 Phinney's Lane in Barnstable by the Barnstable Fire District (the "Project") shall hereby be exempt from payment of such fees; provided that if the Town is required to hire outside inspectors with special expertise to inspect any aspect of the Project, the Barnstable Fire District will pay those costs; and provided further, that this Order shall not become effective until a Memorandum of Agreement between the Town of Barnstable and the Barnstable Fire District substantially in the form attached hereto is executed and filed with the Barnstable Town Clerk in which the Barnstable Fire District agrees to pay any such costs for outside inspectors.

**SPONSOR:** Councilor Gordon Starr, Precinct 1

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

## MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (“Agreement”) is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2025, by and between the Town of Barnstable (“Town”) and the Barnstable Fire District (“District”). This Agreement relates to Town Council Item 2025-XXX, a copy of which is attached hereto and incorporated by reference herein.

WHEREAS, the Town Council, in approving Town Council Item 2025-XXX, voted to waive, *inter alia*, any building inspectional services fees for inspections conducted in-house and which did not require any special expertise not available within the Town’s Inspectional Services Department; and

WHEREAS, the Town Council, in approving Item 2025-XXX, required the execution of a Memorandum of Agreement between the Town and the District in which the District agrees to pay any costs incurred by the Town for the hiring of outside inspectors with special expertise;

NOW, THEREFORE, in consideration of the mutual agreements herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and the District agree as follows:

1. Upon the determination of the Building Commissioner that an outside inspector with special expertise is required to be hired for the Project at the District’s expense, s/he shall serve a notice upon the District by hand delivery or by certified mail, return receipt requested, stating that s/he intends to hire an outside inspector with special expertise at the District’s expense, the reason that said outside inspector needs to be hired and the estimated fee for the services of that outside inspector. The notice shall state that the District has seven (7) business days of receipt to file any objection to the hiring of the outside inspector at its expense. A copy of said notice shall be sent to the Town Manager by the Building Commissioner.
2. In the event that the District objects to the hiring of an outside inspector and/or the estimated costs, the District shall file its objection with the Director of Inspectional Services within the time specified in paragraph 1 above. A representative from the District and the Director of Inspectional Services or his or her designee shall meet to try to resolve the objections. A written determination of the results of that meeting shall be served in hand to the District or sent by the Director of Inspectional Services to the District by certified mail, return receipt requested, with a copy to the Town Manager.
3. The District may appeal in writing the determination by the Director of Inspectional Services to the Barnstable Town Manager within seven (7) business days of its receipt of the determination. Said appeal may be delivered in hand or sent by certified mail, return receipt requested. The decision of the Town Manager regarding the District’s appeal shall be final with no further rights of appeal.
4. If no objection is filed by the District within seven business days after receiving notice of the Town’s intention to hire an outside inspector at its expense, or if an objection is withdrawn and/or resolved, or if the Town Manager approves the hiring of an outside inspector following an appeal filed by the District, the Building Commissioner shall be authorized to hire the outside inspector at the District’s expense and the District shall be invoiced for the services of said outside inspector and shall pay for the services of said outside inspector within thirty (30) days of receipt of said invoice.
5. All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when either hand delivered or delivered by certified mail, return receipt to the parties hereto to the addresses set forth below:

Barnstable Fire District  
[address]  
Barnstable, MA 02630

Town Manager  
Town of Barnstable  
367 Main Street  
Hyannis, MA 02601

Director of Inspectional Services  
200 Main Street  
Hyannis, MA 02601

This Memorandum of Agreement is entered into by the duly authorized signatories set forth below of the District and the Town, respectively, as of the date first set forth above:

**BARNSTABLE FIRE DISTRICTTOWN OF BARNSTABLE**

By its Board of Fire Commissioners:                      By its Town Manager:

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
[name], Chair                      Mark S. Ells, Town Manager

BY: \_\_\_\_\_  
[name], Vice Chair

BY: \_\_\_\_\_  
[name], Commissioner

BY: \_\_\_\_\_  
[name], Commissioner

BY: \_\_\_\_\_  
[name], Commissioner

## **BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-201**  
**INTRO: 06/26/2025**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Councilor Gordon Starr  
**DATE:** June 26, 2025  
**SUBJECT:** Order waiving fees for construction work by the Barnstable Fire District for a new Fire Station located at 1841 Phinney's Lane, Barnstable

**BACKGROUND:** The Barnstable Fire District has requested that the Town of Barnstable waive any fees associated with the construction of a new Fire Station located at 1841 Phinney's Lane in Barnstable, which the Fire District estimates will be \$275,400, based on the current construction cost estimate of \$30,000,000. According to the Fire District, this project is vital to maintaining and enhancing the Fire District's emergency response capabilities as the town continues to grow.

The Town Council has previously voted to waive such fees. In October 2016, the Town Council voted to approve Item # 2017-014 for a waiver of fees for construction work on the new Hyannis Fire District Fire Station located at 95 High School Road in Hyannis, and in December 2022, the Town Council voted to approve Item # 2023-066 for a waiver of fees for construction work on the Barnstable Fire District's new Water Treatment Plant off Breeds Hill Road.

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

**STAFF ASSISTANCE:** Karen L. Nober, Town Attorney

**B. NEW BUSINESS (Refer to Public Hearing 07/17/ 2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-202  
INTRO: 06/26/2025**

**2025-202 RESOLVE APPROVING AND ADOPTING THE TOWN OF BARNSTABLE  
2025 LOCAL COMPREHENSIVE PLAN DATED JUNE 9, 2025**

**WHEREAS**, in accordance with the Cape Cod Commission Act (Chapter 716 of the Acts of 1989, as amended) and the Local Comprehensive Plan Regulations promulgated thereunder, the Town of Barnstable 2025 Local Comprehensive Plan contains a comprehensive existing conditions report, community vision statement, topic and location specific goals and actions and implementation strategies to achieve the Plan's goals over the next 10 or so years in the Town of Barnstable; and

**WHEREAS**, the Town of Barnstable 2025 Local Comprehensive Plan was presented in draft form to the Town Planning Board at a duly noticed public meeting held on June 9, 2025; and

**WHEREAS**, at its June 9, 2025 meeting, the Planning Board unanimously voted to recommend approval of the Local Comprehensive Plan to the Town Council;

**NOW, THEREFORE, BE IT RESOLVED:** That the Town Council hereby approves and adopts the Town of Barnstable 2025 Local Comprehensive Plan dated June 9, 2025, in the form as provided to the Town Council and presented at this meeting, and directs and authorizes the Town Clerk to submit the Local Comprehensive Plan to the Cape Cod Commission for certification that it is in compliance with the regional policy plan prepared by the Cape Cod Commission.

**SPONSOR:** Mark S. Ells, Town Manager, upon recommendation of the Local Comprehensive Planning Committee

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2025-202**  
**INTRO: 06/26/2025**

## SUMMARY

**TO:** Town Council  
**FROM:** Jim Kupfer, Director of Planning and Development  
**THROUGH:** Mark S. Ells, Town Manager  
**DATE:** June 26, 2025  
**SUBJECT:** Resolve approving and adopting the Town of Barnstable 2025 Local Comprehensive Plan dated June 9, 2025

**BACKGROUND:** A Local Comprehensive Plan (LCP) defines a long-term vision and growth policy that guides the future of a Town, for an established duration, generally over the course of 10 to 20 years, that anticipates and guides development, land use, infrastructure, and resource protection ultimately defining a targeted action plan for future work and resource allocation with respect to the community's vision, values and expectations. The 2025 Barnstable Local Comprehensive Plan (LCP) serves as a guide and resource for elected officials, board members, and residents when considering future decisions including policies related to development, infrastructure, the economy, and resource protection.

The Local Comprehensive Plan process was steered by the Local Comprehensive Planning Committee (LCPC). The LCPC was made up of volunteer residents of the community that were appointed by the Town Manager and ratified by Town Council to better facilitate and communicate the planning process, to assure the long-term land use plan reflected the community's needs and to support a robust inclusive engagement of the greater community for this important planning effort. This three-year effort involved a collaborative public process to identify a vision, define key issues, and develop actionable steps to guide decision making over the next 10 years.

The Local Comprehensive Plan was completed in two phases. Phase I commenced with coordination and amassing Existing Conditions with narrative and data for the current status of the Town through detailed data analysis and interviews with stakeholders and town departments. The community Vision Statement was developed through community engagement and in reflection of existing conditions. Phase II built upon the foundation of information coordinated under the initial phase to focus on specific topic issues and needs for Land Use, Housing, Natural Resources, Infrastructure, Facilities, Economic Development and Culture, Heritage and Design. Building upon the Town's Current Land Use Map, Future Land Use Maps were developed. The Regulatory Areas Map identifies future land use types geographically across Town and the Study Areas Map identifies four areas for further land use study. Ultimately, the Targeted Action Plan was developed with topic and location specific land use goal and actions to be achieved over the next 10 years. The Plan Implementation defines a process for which the goals and actions defined within the Plan can be coordinated by the Town Council in collaboration with Town Boards, Committees, Commissions, Town Departments, and other Town organizations.

The Local Comprehensive Plan was presented to the Town of Barnstable Planning Board at a duly noticed public meeting held on June 9, 2025, at which the Planning Board unanimously voted to recommend approval of the Local Comprehensive Plan to the Barnstable Town Council.

Although this item is a resolve that could be approved with one reading, we are providing more process than what is required by adding a second reading and a public hearing to provide additional notice to the public as well as to give the public an opportunity to provide comments to the Council.

If approved by the Barnstable Town Council, the plan will be forwarded to the Cape Cod Commission by the Town Clerk for review and certification that it is consistent with the Commission's regional policy plan. The Cape Cod Commission will review the Town's plan for approval to confirm that it satisfies the requirements detailed in the Cape Cod Commission's Local Comprehensive Plan Regulations as authorized under Sections 4 and 9 of the Cape Cod Commission Act (Act), Chapter 716 of the Acts of 1989, as amended.

**FINANCIAL IMPACT:** There is no fiscal impact of this resolution.

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

**STAFF SUPPORT:** Jim Kupfer, Director of Planning and Development; Kyle Pedicini, Assistant Director of Planning & Development; Kate Maldonado, Senior Planner of Planning & Development