



Town Council Meeting
May 3, 2018



A quorum being duly present, Council President Eric Steinhilber called the May 3, 2018, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Steinhilber regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: James Crocker, Jr., Jennifer Cullum, Debra Dagwan, John Flores, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Eric Steinhilber, James Tinsley, Jr., Philip Wallace. **Absent:** Britt Beedenbender

The Pledge of Allegiance was led by President Steinhilber followed by a moment of silence.

PUBLIC COMMENT:

Open public comment seeing no one close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

None

TOWN MANAGER COMMUNICATIONS: Update (Exhibit A)

Budget Action Schedule

Mass Department of Fish and Wildlife Potential Water Supply Wells

Hiring process for the Chief of Police continues

Vineyard Wind proposal

Customer Service video

Little Leaf Linden Tree is diseased and will be removed

Update regarding sales of Tax Title Properties

- Discussion of Vineyard Wind, can you tell us more on the current proposal [big picture wind farm proposed to be installed to the southeast of Martha's Vineyard, Barnstable and Yarmouth are the only Cape Cod landing for the cable, currently three points of landing in Yarmouth (primary landing), at some point they will be looking at the other landings]
- Elizabeth Jenkins, Director of Planning and Development gave an overview of our housing development incentive program.

Councilor questions and comments:

In the case that we would grant tax relief, does that affect the Fire district, [the tax relief is an incremental relief, on the additional property; only that piece; revenue that we are not collecting as yet; we only offer relief on town assessed taxes, not the fire districts.] Several proposals laid out in the application are any of those coming forward [no current applications, have had some interest expressed.] Set percentage on the tax increment or a sliding scale [will go before the Council for a decision, if offered, it will be a very small amount]; congratulations on your “40 under 40 Award.”

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the April 26, 2018

VOTE: PASSES UNANIMOUS

COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements:

Update from Brigadier General Frank Magurn, Joint Base Cape Cod Executive Director; Colonel David McNulty, Air National Guard, 102d Intelligence Wing; Captain Michael Hudson, Coast Guard Base Cape Cod; LTC Shawn Cody, ARNG, Camp Edwards; LTC Nathan Hippe , Air Force, 6th Space Warning Squadron Joint Base Cape Cod on their initiatives, projects and issues.

Councilor questions and comments: Thank you for doing the job and the presentation; Regarding the ground water where are you; [made great strides, but there are emerging contaminants; PFOS; [we clean about 15 million gallons per day, identified all the sources of contamination; we are ahead of the game] divesting property how much, any new roads; [looking at ways we can divest; one road to be offered to the DOT; we are making swaps no sales.]

Announcements:

Tax Incentive Committee meeting formerly known as the TIF committee
YMCA Achievers benefit
Hyannis Open Street on May 20th-need volunteers
Working at getting the “nips” off the street, please skip the straws

2018-142 APPROVAL OF A CONTRACT FOR MARK S. ELLS AS THE BARNSTABLE TOWN MANAGER, AND IT’S EXECUTION INTRO: 05/03/18

Rationale given by President Steinhilber
Upon a motion duly made and seconded it was
RESOLVED: That the Town Council approves a contract for Mark S. Ells to serve as Town Manager and authorizes the Council President to sign on behalf of the Council and the Town of Barnstable.
VOTE: PASSES UNANIMOUS

2018-074 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF FUNDING THE COTUIT BAY ENTRANCE CHANNEL DREDGING PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18, 4/26/18, 5/3/18

Open to public hearing and continue to May 17th

ORDERED: That the sum of **\$1,000,000** be appropriated for the purpose of funding the Cotuit Bay Entrance Channel Dredging Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,000,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Continue to May 17th-Unanimous

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|---|
| 2018-108 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND HOUSING ASSISTANCE CORPORATION INTRO: 04/05/18, 05/03/18 |
|---|

Rationale given by Peter Freeman of Freeman Law Group representing the applicant; introduced the team of the Housing Assistance Corporation
Open public hearing

We have a housing shortage and we need some rental units; hope you will support this project.

1. Ridgewood Avenue location is near transportation and downtown Hyannis.
2. Plan is to create a pocket neighborhood.
3. Six one bedroom units and two, two bedroom units.
4. walk able and pedestrian friendly
5. three buildings

Public Comment:

Josh Memoi with the businesses and the residents, the additional traffic is a major concern, road is a cut through, worried about the additional traffic on the street.

Cliff Carroll this project is a good investment for the Town of Barnstable, long time planning first class piece of property; workforce rental units are needed; supports the project.

Steven Merlesena is concerned about the amount of cars this many units will bring into the neighborhood, safety issue for the residents of Ridgewood Avenue. Looking for no votes

Susan Rohrbach this project has been worked on a very long time; hope that you will support this project.

Steve Barbo immediately north of the lot; would like to see the scale smaller, fewer units, the amount of people is going to be a problem. Some road improvements would be nice.

Tara Wallace agrees with traffic being a safety issue, reality is our community needs more housing. We have homeless neighbors, we need more housing.

Cathy Gibson works in Barnstable, well versed on the needs of the community, housing is one of the biggest issues on the Cape. Hope you will vote this in today.

Kristin Boyd having the housing being close to a transportation center can take our buses to the grocery store or bus to Boston. This is a good opportunity.

Ryan Johnson because of HAC I am now the proud owner of a home in Centerville. Please support the HAC.

Betsy Roma we now have a new issue, houses are selling that previously were rentals. Really have a need for this project, for good working people with families.
Close public hearing

Councilor questions and comments:

How does HAC finance [through a local bank, traditional financing]; Average monthly rent [single bedroom unit about 1,400 two bedroom 1,800] [2 affordable rents, through an open lottery] good project will support. Happy we are not putting only low income housing in Hyannis; thankful for the investment in Hyannis. Just speak to the traffic [no on street parking; adequate parking] this will act like an anchor for the neighborhood, attainable option. We need real affordable housing to keep our young people here. Parking issues, two large businesses, most families have two cars; where do your guest's park; thank you this is very innovative [parking spaces near by, with management and leases we will control that] Don't you assign parking to the tenants [yes, that is our plan] This project will add to the neighborhood, strongly support this project; will be supporting this item. Don't think anyone should take a left off Ridgewood onto Route 28. My concern is in regards to safety, is there a sidewalk [sidewalk in front of this property] Are you planning to sublease the units [only renting to year round tenants, no subleasing.] Who is overseeing the builder [not decided as yet, yes, there are sidewalks on both sides of the street] Density is always an issue; developers with a history of excellent work; ripple effect; support this project. New day for HAC, you may be facing some subleasing, just to the nature of people marrying, having a family, etc. How do you assign the parking spaces [we haven't gone in depth regarding the parking; we will look into this; 2 single bedrooms are affordable; all the 2 bedrooms, get 2 parking spots, all the one bedrooms get one spot]

Upon a motion duly made and seconded it was

ORDERED: That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable (the "Code"), to enter into and execute a Regulatory Agreement between the Town of Barnstable and Housing Assistance Corporation, for the property 57 Ridgewood Avenue, Hyannis, 0.72± acres, shown on Town of Barnstable Assessor's Map 328 as Parcel 091, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 31049, Page 245("the Property"); and permitting the redevelopment of the Property and granting the requested zoning relief and approval under Chapter 112, Article I of the Code pursuant to and as described in this Regulatory Agreement.

REGULATORY AGREEMENT

Housing Assistance Corporation
57 Ridgewood Avenue, Hyannis

This regulatory agreement ("Agreement") is entered into by and between the developer, Housing Assistance Corp. ("Developer") with a usual address of 460 West Main Street, Hyannis, MA 02601 and the Town of Barnstable ("Town"), a municipal corporation with a usual address of 367 Main Street, Hyannis, MA 02601, on this ___ day of _____, 2018 pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code.

WITNESS:

WHEREAS, this Agreement shall establish the permitted uses, densities, and parking within the Development (as hereinafter defined), the duration of the agreement, and any other terms or conditions mutually agreed upon between Developer and the Town;

WHEREAS, this Agreement shall vest land use development rights in the Property for the duration of the agreement, and such rights shall not be subject to subsequent changes in local development ordinances, with the exception of changes necessary to protect the public health, safety or welfare

WHEREAS, the Town is authorized to enter into this Agreement pursuant to Chapters 168 and 240 of the Barnstable Code;

WHEREAS, Developer is the owner of the property at 57 Ridgewood Ave., Hyannis, Massachusetts consisting of 31,363± square feet (0.72± acres), shown on Town of Barnstable Assessor's Map 328 as Parcel 091, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 31049, Page 245("the Property");

WHEREAS, Developer is willing to commit itself to the development of the project substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the Development and therefore considers this Agreement to be in its best interests;

WHEREAS, the Town and Developer desire to set forth in this Agreement their respective understandings and agreements with regard to development of the Property;

WHEREAS, the Development will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA) or the Cape Cod Commission Act;

WHEREAS, Developer has made application to the Planning Board pursuant to Chapter 168 of the Barnstable Code;

WHEREAS, the Development is located in the Hyannis Growth Incentive Zone (GIZ) as approved by the Cape Cod Commission by decision dated April 6, 2006, as authorized by Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19 and 14-05, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application as extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2017 between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015, and further extended by a second Agreement to Extend to April 4, 2018 between the Cape Cod Commission and the Town of Barnstable executed on October 6, 2017.;

WHEREAS, the Development is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ as extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2017 between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015, and further extended by a second Agreement to Extend to April 4, 2018 between the Cape Cod Commission and the Town of Barnstable executed on October 6, 2017, under which this development may proceed and Developer has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same;

WHEREAS, prior to applying for approval of this Agreement, the Development was reviewed by the Town of Barnstable Site Plan Review Committee on December 21, 2017 (SPR 076-17) and the Site Plan Review Committee voted to find the development proposal approvable subject to the grant of a Regulatory Agreement and other conditions as stated in its letter dated December 27, 2017 (the "Site Plan Approval Letter");

WHEREAS, the Property currently contains an abandoned foundation but is otherwise a vacant lot;

WHEREAS, Developer proposes to redevelop the Property with three (3) new multi-family residential structures that will contain a total of eight (8) units with a combined total floor area of 6,564 square feet (plus basement area totaling 4,240 sq. ft. which will provide storage for all units); and the Developer proposes to construct one (1) two-family structure and two (2) three-unit townhouses; and there will be two (2) two-bedroom units and six (6) one-bedroom units; and two (2) of the one-bedroom units will be affordable units for households with income at or below 80% of AMI and the remaining six (6) units will be market rate units; and the existing dilapidated foundation will be demolished and paved parking areas with new stormwater management systems, lighting and landscaping will be installed;

WHEREAS, the project will provide thirteen (13) on-site surface parking spaces;

WHEREAS, after consultation by the Developer with the Department of Public Works and Hyannis Water Division, it has been determined that there is sufficient capacity for the project to be connected to and served by the municipal sewer system and the municipal water system and that doing so will be to the mutual benefit of the Developer and the Town;

WHEREAS, the Developer has voluntarily agreed that two (2) of the one-bedroom units will be affordable units for households with income at or below 80% of the Area Median Income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development;

WHEREAS, the project provides, without limitation, the following site design, traffic safety, and community benefits:

- a. Revitalization of long standing vacant property with a dilapidated foundation; revitalization is anticipated to eliminate or substantially

reduce issues associated with blighted property including but not limited to an unkempt and unsightly appearance, eliminating a potential hazard and nuisance in the area;

- b. The new buildings will significantly improve aesthetics along Ridgewood Ave.;
- c. The project will provide market rate housing (the need for which was identified in the 2014 Housing Needs Assessment) in an area of Hyannis in need of redevelopment;
- d. Sufficient on-site parking for the residents and guests;
- e. Exterior site lighting improvements;
- f. Improved storm-water drainage management on-site;
- g. Addition of two affordable housing rental units; and
- h. Adhering to smart growth standards and goals by providing attractive new housing opportunities in an area with close accessibility to public transit facilities, shopping, and other amenities.

WHEREAS, the project is consistent with the Downtown Hyannis Design & Infrastructure Plan in that it contributes to the plan's goals of creating livable neighborhoods for year-round residents; creates housing opportunities for persons and households of all income levels; and creates consistency with the historic and maritime character of the area. The proposed building design relates to the surrounding neighborhood context in placement and scale, buildings on the local architectural context, and is oriented to the street; the façade materials are high-quality; and the site design features shared open space and parking located at the rear of the lot;

WHEREAS, Developer would require zoning relief to allow for multi-family residential development in the Single Family Residential District and certain other dimensional and parking-lot related relief, all as further defined in paragraph number 21 below;

WHEREAS, Developer has undergone a public hearing on the Regulatory Agreement application with the Planning Board and received a majority vote from the Planning Board approving the application on _____, 2018;

WHEREAS, Developer has undergone a public hearing on the Regulatory Agreement application before the Town Council and received a 2/3rds vote approving the application on _____, 2018;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, Developer and the Town do enter into this Agreement, and hereby agree and covenant as follows:

1. The Developer shall redevelop the property as follows:
 - a. The Developer shall redevelop the Property with three (3) new multi-family residential structures that will contain a total of eight (8) units with a combined total floor area of 6,564 square feet (plus basement area totaling 4,240 sq. ft. which will provide storage for all units); and there will be one (1) two-family structure and two (2) three-unit townhouses; and there will be two (2) two-bedroom units and six (6) one-bedroom units; and two (2) of the one-bedroom units will be affordable units for households with income at or below 80% of AMI and the remaining six (6) units will be market rate units;
 - b. The existing dilapidated foundation will be demolished and removed;
 - c. Paved parking areas with new stormwater management systems, lighting and landscaping will be installed;
 - d. The Developer agrees to construct the project in accordance with the plans and specifications submitted to and approved by the Town (hereinafter Redevelopment Plans), listed as follows and made a part of this Regulatory Agreement by reference:
 1. Existing Conditions Plan dated 11-3-2017 prepared by Horsley Witten Group, Inc. (Sheet C-2);
 2. Civil Engineering plans (including landscaping) entitled "57 Ridgewood Avenue Housing Development Permitting Set Hyannis, Massachusetts" dated stamped by P.E. on 12/22/17 prepared by Horsley Witten Group, Inc. (Sheets C-1 through C-11 and LA-1 and LA-2; and
 3. Building floor plans and elevations prepared by Union Studio Architects dated January 2, 2018; and
 - e. The Developer agrees to comply with the conditions in the aforesaid Site Plan Approval Letter dated December 27, 2017 (SPR 076-17).
2. The development rights granted hereunder shall be exercised and development permits may be obtained hereunder for a period of 10 years from the effective date of the Agreement, provided, however, that prior to the expiration of said 10-year period Developer may request a twelve-month extension to obtain development permits. Upon receipt of necessary development permits, construction shall proceed continuously and expeditiously, but in no case shall construction exceed 2 years from receipt of necessary development permits. Other than a transfer to a single-purpose entity controlled by the Applicant and created specifically for development of the project, the development rights granted under this agreement shall not transfer to another owner without the prior written permission of the Town Manager under Section 168-5 of the Barnstable Town Code.
3. Two (2) of the one-bedroom housing units located in the proposed new development shall be dedicated as affordable housing units in perpetuity and shall be eligible for inclusion on the State's Subsidized Housing Inventory 760 CMR 56, as follows:

- a. The two units shall only be rented to qualified households with an income of not more than eighty (80%) percent of Area Median Income for the Town of Barnstable (as determined by HUD) and priced so as to be affordable and not exceed a monthly housing cost of 30% such households' annual income, including rent and utilities;
 - b. In order to protect the perpetuity of the affordable units, an Affordable Housing Restriction such as the one for the Commonwealth of Massachusetts Department of Housing and Community Development Local Initiative Program shall be prepared by the Applicant and reviewed and approved by the Town Attorney's office and recorded as the senior encumbrance at time of recording of this Agreement;
 - c. The owner shall enter into a Monitoring Services Agreement with an entity experienced in performing monitoring and enforcement services to ensure compliance with permit conditions regarding affordability (such as the Barnstable Housing Authority) to annually verify compliance with the affordability terms of this Agreement, as approved by the Town Attorney;
 - d. The owner shall prepare an Affirmative Fair Housing Marketing and Tenant Selection plan which shall be approved by the Dept. of Housing and Community Development and the Town Affordable Housing Coordinator.
4. Lighting for the Development shall be contained on-site, shall be down cast, shall not contribute to light pollution of the area, and shall be constructed consistent with the lighting plans identified in paragraph 1, above.
5. The site shall be landscaped consistent with the landscaping plan identified in paragraph 1, above. All landscaping within the development shall be low-water use and shall minimize the use of fertilizers and pesticides.
6. The developer shall provide bike racks and or bike storage on the Property.
7. Rental restrictions: the units developed hereunder are intended for use and occupancy by individuals and/or families claiming legal residence in the Town of Barnstable (to the extent that the same is legally permissible under the fair housing and other laws and regulations of the Commonwealth of Massachusetts and the United States). Developer's minimum lease term of rental units shall be twelve (12) months. Sublease of rental units, if permitted by the Developer, shall be for a minimum term of ninety (90) days. The units developed hereunder shall be rental only, and any change shall be construed as a modification to this Agreement.
8. All plumbing fixtures in the new units shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project.
9. Developer shall provide calculations demonstrating adequate water flow for fire suppression prepared by a fire protection engineer as required by the Hyannis Fire Department.

10. Developer is responsible for obtaining all applicable permits and licenses, including but not limited to the following: foundation permit, building permit, street excavation permit (necessary for work in all public spaces), sewer permits and water permits. Only Town of Barnstable approved contractors are allowed to work on Town owned property. Contractors are required to have the insurance stipulated in the Street Excavation Rules and Regulations (SERR) and all work on town property must comply with all provisions of SERR. All work within the public way and public utility services shall be to Town Standards. All plans shall be reviewed and approved by the Department of Public Works prior to initiating any work within the public way.
11. Developer will make best efforts to complete construction work in accordance with a construction schedule submitted and approved in writing by the Town of Barnstable Building Commissioner and Hyannis Fire Department prior to the issuance of any foundation or building permits. Developer shall have two (2) years from the date of commencement of work to complete construction. To the extent construction impacts public property or public rites of passage, changes in the schedule, if needed as work progresses, are subject to the written approval of the Barnstable Planning & Development Department. The construction schedule shall, to the maximum extent feasible, avoid interference with traffic on Ridgewood Ave. The developer shall notify in writing and receive the written approval from the Town of Barnstable Planning & Development Department and the Department of Public Works at least 48 hours in advance of working on Town property. The Developer will be responsible for all construction signage, directional signs, and police officers necessary for the performance of the work as determined by Town.
12. Exterior construction impacts shall be minimized and construction shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays, and 8:30 a.m. to 2:00 p.m. Saturdays. No construction shall occur on Sundays. The Building Commissioner shall establish protocols to minimize the location of staging, noise, dust, and vibration. Failure to comply with these protocols following written notice from the Building Commissioner shall be grounds for the issuance of a stop work order until agreement as to compliance with the protocols is achieved.
13. During all stages in the demolition of the existing foundation and new construction, all vehicles, equipment and materials associated with the development shall be required to be located off the right of ways of Ridgewood Ave. except as may be required to install utilities, and work authorized by this Agreement and as approved by Public Works and then only on a temporary basis.
14. To the extent that the referenced plans do not depict all of the findings and conditions as set forth in this Agreement, revised plans and/or notations shall be provided. In addition to permits, plans and approvals listed above, any and all permits and licenses required shall be obtained.
15. The total number of parking spaces proposed for the Development is thirteen (13) on the Property.
16. Changes to the approved Plans referenced in Paragraph No. 1 shall require an amendment to this agreement under either §168-5 or §168-10 of the Barnstable Code, as determined by the Town.

17. Construction and demolition debris shall be removed from the Property and shall be reused or recycled to the maximum extent possible.
18. The construction of this project will result in the following benefits to the Town:
 - a. Revitalization of long standing vacant property with a dilapidated foundation; and revitalization is anticipated to eliminate or substantially reduce issues associated with blighted property including but not limited to an unkempt and unsightly appearance, eliminating a potential hazard and nuisance in the area;
 - b. The new buildings will significantly improve aesthetics along Ridgewood Ave.;
 - c. The project will provide market rate housing (the need for which was identified in the 2014 Housing Needs Assessment) in an area of Hyannis in need of redevelopment;
 - d. Sufficient on-site parking for the residents and guests;
 - e. Exterior site lighting improvements;
 - f. Improved storm-water drainage management on-site;
 - g. Addition of two affordable housing rental units; and
 - h. Adhering to smart growth standards and goals by providing attractive new housing opportunities in an area with close accessibility to public transit facilities, shopping, and other amenities which will contribute to the revitalization of Hyannis.
19. Housing Assistance Corporation shall make an annual payment in lieu of taxes to the Town of Barnstable in the amount of \$1,600, a proportionate share of which shall be paid to the Hyannis Fire District. The amount and manner of payment shall be reviewed and approved by the Town Attorney.
20. The Town hereby grants waivers from the following Zoning Ordinance sections:

See Exhibit A attached hereto and incorporated herein by reference.
21. Upon completion of all work, Developer shall cause a registered engineer or land surveyor to submit as-built plans accompanied by a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan. This document shall be submitted prior to the issuance of the final certificate of occupancy.
22. The development allowed in this permit shall be considered full build-out of the property. The structures authorized shall not be expanded nor other buildings and structures added without compliance with §168-10 of the Barnstable Code.
23. This Agreement shall be recorded with the Barnstable Registry of Deeds within sixty (60) days of its execution by the Town and a recorded copy shall be provided to the Barnstable Planning & Development Department, such recording to include the

aforesaid Exhibit A hereto and the legal Property description as provided in Exhibit B attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this _____ day of _____, 2018.

Town of Barnstable

Housing Assistance Corp.

By: _____
Mark S. Ells, Town Manager

By: _____
Alisa Galazzi, Executive Director

Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ___ day of _____, 2018, before me, the undersigned notary public, personally appeared Mark Ells, Town Manager of the Town of Barnstable, and proved to me through satisfactory evidence of identification, being (check whichever applies):

Driver's license or other state or federal governmental document bearing a photograph image; Oath or affirmation of a credible witness known to me who knows the above signatory, or My own personal knowledge of the identity of the signatory, to be the person whose name is listed above, and acknowledged to me that he signed the foregoing instrument as his free act and deed as Town Manager of Barnstable and voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ___ day of _____, 2018, before me, the undersigned notary public, personally appeared Alisa Galazzi, Executive Director of Housing Assistance Corp., and proved to me through satisfactory evidence of identification, being (check whichever applies):

Driver's license or other state or federal governmental document bearing a photograph image; Oath or affirmation of a credible witness known to me who knows the above signatory, or My own personal knowledge of the identity of the signatory, to be the person whose name is listed above, and acknowledged to me that she signed the foregoing instrument as her free act and deed as Executive Director of Housing Assistance Corp. and voluntarily for its stated purpose.

Notary Public
My Commission Expires

**EXHIBIT A
ZONING WAIVERS**

| REQUESTED ZONING WAIVERS | | | |
|---|---|---|---|
| Zoning Bylaw (date) | Required | Provided | Comments |
| CODE 240-53 A (2) Landscape requirements for parking lots (Setback/Buffer) | A landscaped setback shall be provided from the surfaced area of a parking lot and all entrance and exit drives to the road lot line, a distance equal to the required front yard building setback requirement, or a maximum of 50 feet, whichever is lesser. | Required 20' Provided 11.8' | Plan complies with §240-24.1.5.B(1), 10 ft landscape buffer in a Single Family Residential District |
| CODE 240-53 A (2) Landscape requirements for parking lots (Street Trees) | Existing trees and shrubs shall be retained within the road right-of-way and within the required front yard landscaped setback and supplemented with other landscape materials, in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the required front yard landscaped setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three inches shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives and road intersections. All landscaped areas shall be continuously maintained, substantially in accordance with any site plan approved pursuant to Article IX herein. | Required : 6 trees Provided: 4 Trees | 18 Trees on site, but only 4 within front yard setback. |
| CODE 240-52 Design and screening standards | Each off-street parking space shall have minimum dimensions of nine feet by 20 feet excluding the driveway to such space. | 9' x 18' | |
| CODE 240-24.1.5 SF Single Family Residential District | Permitted uses: a. Single family b. Bed and breakfast c. Artists lofts d. For those lots with frontage on South Street and/or High School Road professional offices Multifamily e. Renting rooms for not more than three members by the family residing in a single family dwelling | Multi-family | Applicant seeks to construct 8 multifamily residential units on 31,097 sf lot |
| 240-35 G, (4) - WP Well Protection Overlay District - Site Clearing | Site clearing. A minimum of 30% of the total upland area of any lot shall be retained in its natural state. This shall not prevent the removal of dead, diseased or damaged trees. | 2.50% | 2.50% of lot to be retained in natural state on a previously disturbed site. |

VOTE: PASSES 12 YES

**2018-138 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
04/26/18, 05/03/18**

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Licensing Authority:** Nancy Karlson-Lidman, 23 Tupelo Road, Marstons Mills, as an associate member to a term expiring 06/30/2020

VOTE: PASSES UNANIMOUS

Operating Budget:

Town Manager, Mark Ells and Finance Director, Mark Milne presented the proposed Operating Budget as we continue to maintain a strong financial foundation and our triple A bond rating. (Exhibit B)

Councilor questions and comments:

With the reorganization did anyone lose a position [No, but there are changes in positions] what is the forecast for new growth dollars [we are using 950,000 think it is going to be better than that]

Vice President Crocker made a motion that was duly seconded that the FY19 Operating Budget consisting of Town Council Orders 2018-109 through 2018-137 as written to be moved to individual public hearings on each order number to be held on May 17, 2018

VOTE: MOVE TO MAY 17TH PASSES UNANIMOUS

2018-109 APPROPRIATION ORDER IN THE AMOUNT \$6,134,859 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 AIRPORT ENTERPRISE FUND BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum **\$6,134,859** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Airport Enterprise Fund budget, and to meet such appropriation that **\$5,834,596** be raised from current year revenues by the Airport Enterprise Fund, and that **\$300,263** be transferred from the Airport Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: continue to MAY 17TH

2018-110 APPROPRIATION ORDER IN THE AMOUNT \$67,860,308 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 BARNSTABLE PUBLIC SCHOOLS BUDGET INTRO: 05/03/2018

Upon a motion duly made and seconded it was

ORDERED: That the sum **\$67,860,308** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Barnstable Public Schools budget, and that to meet this appropriation that **\$67,059,622** be raised from current year revenues, and that **\$800,686** be transferred from the General Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: continue to MAY 17TH

2018-111 APPROPRIATION ORDER IN THE AMOUNT \$14,532,512 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 BARNSTABLE POLICE DEPARTMENT BUDGET INTRO: 05/03/2018

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$14,532,512** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Barnstable Police Department budget; and to meet such appropriation that **\$14,482,512** be raised from current year revenues and that **\$50,000** be transferred from the Embarkation Fee Special Revenue Fund as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-112 APPROPRIATION ORDER IN THE AMOUNT \$1,967,993 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 PLANNING AND DEVELOPMENT DEPARTMENT BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,967,993** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Planning and Development Department budget, and that to meet this appropriation that **\$1,684,227** be raised from current year revenues and that **\$45,000** be transferred from the Wetlands Protection Special Revenue Fund, and that **\$166,100** be transferred from the Bismore Park Special Revenue Fund, and that **\$72,666** be transferred from the general fund reserves, as presented to the Town Council by the Town Manager.

VOTE: continue to MAY 17TH

2018-113 APPROPRIATION ORDER IN THE AMOUNT \$2,523,347 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET INTRO:05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,523,347** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Community Services Department General Fund budget as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-114 APPROPRIATION ORDER IN THE AMOUNT \$871,059 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 CABLE TELEVISION PUBLIC EDUCATION & GOVERNMENT ACCESS ENTERPRISE FUND BUDGET INTRO:05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$871,059** be appropriated for the purpose of funding the Town's FY 2019 Cable Television Public Education & Government Access Enterprise Fund budget; and to meet such appropriation that **\$871,059** be raised from enterprise fund revenues as presented to the Town Council by the Town Manager.

VOTE: continue to MAY 17TH

2018-115 APPROPRIATION ORDER IN THE AMOUNT OF \$3,679,238 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 GOLF COURSE ENTERPRISE FUND BUDGET INTRO:05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,679,238** be appropriated for the purpose of funding the

Town's Fiscal Year 2019 Golf Course Enterprise Fund budget; and to meet such appropriation that **\$3,339,570** be raised from enterprise fund revenues, and that **\$190,012** be raised from the General Fund, and that **\$149,656** be transferred from the Golf Course Enterprise Fund reserves, as presented to the Town Council by the Town Manager
VOTE: continue to MAY 17TH

2018-116 APPROPRIATION ORDER IN THE AMOUNT OF \$3,298,434 FOR THE PURPOSE OF FUNDING THE TOWNS FISCAL YEAR 2019 HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND BUDGET INTRO:05/03/18

Upon a motion duly made and seconded it was
ORDERED: That the sum of **\$3,298,434** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that **\$1,186,602** be raised from enterprise fund revenues, and that **\$976,532** be raised from the General Fund, and that **\$1,135,300** be transferred from the Capital Trust Fund, as presented to the Town Council by the Town Manager.
VOTE: continue to MAY 17TH

2018-117 APPROPRIATION ORDER IN THE AMOUNT OF \$1,121,341 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was
ORDERED: That the sum of **\$1,121,341** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Marine & Environmental Affairs Department General Fund budget, and to meet such appropriation, that **\$833,341** be raised from current year revenue and that **\$288,000** be transferred from the Waterways Special Revenue Fund as presented to the Town Council by the Town Manager.
VOTE: continue to MAY 17TH

2018-118 APPROPRIATION ORDER IN THE AMOUNT OF \$792,096 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 MARINA ENTERPRISE FUND BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was
ORDERED: That the sum of **\$792,096** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Marina Enterprise Fund budget; and to meet such appropriation that **\$704,865** be raised from enterprise fund revenues, and that **\$57,231** be transferred from the Capital Trust Fund, and that **\$30,000** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.
VOTE: continue to MAY 17TH

2018-119 APPROPRIATION ORDER IN THE AMOUNT OF \$1,240,989 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 SANDY NECK PARK ENTERPRISE FUND BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was
ORDERED: That the sum of **\$1,240,989** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Sandy Neck Park Enterprise Fund budget; and to meet such appropriation that **\$1,065,249** be raised from enterprise fund revenues, and that **\$175,740** be transferred from the Sandy Neck Enterprise Fund reserves, as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-120 APPROPRIATION ORDER IN THE AMOUNT OF \$155,716 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 LICENSING DEPARTMENT BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$155,716** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Licensing Department budget, and to meet such appropriation, that **\$155,716** be raised from current year revenue, as presented to the Town Council by the Town Manager.

VOTE: continue to MAY 17TH

2018-121 APPROPRIATION ORDER IN THE AMOUNT OF \$2,076,999 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 INSPECTIONAL SERVICES DEPARTMENT BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,076,999** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Inspectional Services Department budget, and to meet such appropriation, that **\$2,076,999** be raised from current year revenue as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-122 APPROPRIATION ORDER IN THE AMOUNT OF \$9,691,760 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 DEPARTMENT OF PUBLIC WORKS GENERAL FUND BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$9,691,760** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Department of Public Works General Fund budget, and to meet such appropriation, that **\$9,621,190** be raised from current year revenue, **\$45,570** be transferred from the Embarkation Fee Special Revenue Fund and **\$25,000** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-123 APPROPRIATION ORDER IN THE AMOUNT OF \$3,619,089 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,619,089** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Department of Public Works Solid Waste Enterprise Fund budget, and to meet such appropriation that **\$3,069,500** be raised from the enterprise fund revenues, and that **\$549,589** be transferred from the Solid Waste Enterprise Fund reserves, as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-124 APPROPRIATION ORDER IN THE AMOUNT OF \$4,744,584 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 DEPARTMENT OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$4,744,584** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Department of Public Works Water Pollution Control Enterprise Fund budget, and to meet such appropriation that **\$4,744,584** be raised from the enterprise fund revenues, as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-125 APPROPRIATION ORDER IN THE AMOUNT OF \$6,353, 929 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$6,353,929** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Department of Public Works Water Supply Enterprise Fund budget, and to meet such appropriation that **\$5,742,000** be raised from the enterprise fund revenues, and that **\$611,929** be transferred from the Water Enterprise Fund reserves, as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-126 APPROPRIATION ORDER IN THE AMOUNT OF \$275,682 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 TOWN COUNCIL BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$275,682** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Town Council budget as presented to the Town Council by the Town Manager.

VOTE: continue to MAY 17TH

2018-127 APPROPRIATION ORDER IN THE AMOUNT OF \$671,810 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 TOWN MANAGER BUDGET TOWN MANAGER DEPARTMENT INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$671,810** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Town Manager budget as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-128 APPROPRIATION ORDER IN THE AMOUNT OF \$6,008,108 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 ADMINISTRATIVE SERVICES DEPARTMENT BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$6,008,108** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Administrative Services Department budget as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-129 APPROPRIATION ORDER IN THE AMOUNT OF \$22,788,710 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 EMPLOYEE BENEFITS BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$22,788,710** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Employee Benefits budget, and to meet such appropriation, that **\$21,349,710** be raised from current year revenue, that **\$250,000** be transferred from the Pension Reserve Trust Fund, and that **\$1,189,000** be transferred from the General Fund reserves, as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-130 APPROPRIATION ORDER IN THE AMOUNT OF \$9,996,301 FOR THE PURPOSE OF FUNDING THE TOWN'S FY 2019 GENERAL FUND DEBT SERVICE BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$9,996,301** be appropriated for the purpose of funding the Town's FY 2019 General Fund Debt Service budget, and to meet such appropriation, that **\$4,206,789** be raised from current year revenue, and that **\$5,677,329** be transferred from the Capital Trust Fund, and that **\$59,283** be transferred from the Embarkation Fee Special Revenue Fund, and that **\$52,900** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-131 APPROPRIATION ORDER IN THE AMOUNT OF \$2,009,000 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 LIBRARY AND TOURISM GRANT BUDGETS INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,009,000** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Library and Tourism Grant budgets as presented to the Town Council by the Town Manager

VOTE: continue to MAY 17TH

2018-132 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2019 RESERVE FUND INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the Town's Fiscal Year 2019 Reserve Fund and that the sum of **\$250,000** be transferred from the General Fund reserves

VOTE: continue to MAY 17TH

2018-133 APPROPRIATION ORDER IN THE AMOUNT OF \$15,597,099 FOR THE PURPOSE OF FUNDING THE TOWN'S FY 2019 INSURANCE, ASSESSMENTS, TRANSFERS AND OTHER FIXED COSTS BUDGET INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$15,597,099** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2019 Insurance, Assessments, Transfers and Other Fixed Costs budget as presented to the Town Council by the Town Manager, and that the following sums be transferred from the Town's Enterprise Funds for the purpose of

reimbursing administrative, employee benefit and insurance costs budgeted within the General Fund:

| | |
|-------------------------|-----------|
| Water Pollution Control | \$510,970 |
| Solid Waste | \$344,416 |
| Water Supply | \$177,332 |
| Airport | \$734,716 |
| Golf Course | \$440,012 |
| Marinas | \$67,371 |
| Sandy Neck | \$94,826 |
| HYCC | \$317,446 |
| PEG | \$79,128 |

And further, that the sum of **\$1,275,000** be transferred from the General Fund reserves all for the purpose of funding the Town's FY 2019 General Fund budget as presented to the Town Council by the Town Manager.

VOTE: continue to MAY 17TH

2018-134 COMMUNITY PRESERVATION FUND ADMINISTRATION EXPENSES AND FISCAL YEAR 2019 PROGRAM SET-ASIDES INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year beginning July 1, 2018, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$393,988** for open space and recreation; **\$393,988** for historic resources; **\$393,988** for community housing; **\$593,486** for a budget reserve, and that the sum of **\$150,000** be appropriated from the annual revenues of the Community Preservation Fund for the administrative expenses the Community Preservation Committee, to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager

VOTE: continue to MAY 17TH

2018-135 APPROPRIATION ORDER IN THE AMOUNT OF \$2,107,952 FOR THE PURPOSE OF PAYING THE FISCAL YEAR 2019 COMMUNITY PRESERVATION FUND DEBT SERVICE REQUIREMENTS INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby appropriate **\$2,107,952** for the purpose of paying the Fiscal Year 2019 Community Preservation Fund debt service requirements, and to meet such appropriation, that **\$2,014,433** be provided from current year revenues of the Community Preservation Fund and that **\$93,519** be provided from the reserve for the historic preservation program within the Community Preservation Fund

VOTE: continue to MAY 17TH

2018-136 REVOLVING FUNDS RESERVED FOR CHANGE TO CHAPTER 86 ARTICLE III OF THE GENERAL ORDINANCES INTRO: 05/03/18

Upon a motion duly made and seconded it was

ORDERED: That the following changes be made to the Town's Revolving Fund ordinance under Chapter 86 Article III:

§ 86-7

A. Establishment.

The Town hereby establishes revolving funds, pursuant to Chapter 44, § 53 E 1/2 of the General Laws, within the special revenue accounts of the Town of Barnstable and for use by the designated town departments and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

B. Authorized Revolving Funds.

- (1) Classroom Education Fund, Senior Services Division operated by the Community Services Department.
- (2) Recreation Program Fund, Recreation Division operated by Community Services Department.
- (3) Shellfish Propagation Fund, Natural Resources Division operated by the Marine & Environmental Affairs Department.
- (4) Consumer Protection Fund operated by Licensing Department.
- (5) Geographical Information Technology Fund, Information Technology Department operated by Administrative Services Department.
- (6) Arts and Culture Program Fund operated by Planning and Development Department.
- (7) Asset Management Fund operated by Town Manager Department.

§ 86-8 Operation and Procedures

The Senior Services Division and the Recreation Division of the Community Services Department, the Licensing Department, the Information Technology Department of the Administrative Services Department, the Planning and Development Department, the Marine and Environmental Affairs Department and the Town Manager Department are hereby authorized to operate said funds in the following manner:

A. Revenues

The Finance Director shall account for all funds separately from all other monies of the Town and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Receipts credited to each of these revolving funds shall mean the following:

- (1) For the Classroom Education Fund and the Recreation Program Fund: program registration fees to participate in these programs.
- (2) For the Shellfish Propagation Fund: fees generated from the sale of commercial and recreational shellfish permits and the sale of shellfish related merchandise.
- (3) For Consumer Protection Fund: fees generated for services performed under the weights and measures program.
- (4) For the Geographical Information Systems Fund: fees generated for the production of GIS maps and reports.
- (5) For the Arts and Culture Program Fund: lease payments received from the rental of artist shanties, gifts or contributions received for the support or promotion of arts and culture programs and any revenue generated from Town-sponsored arts and culture programming.
- (6) For the Asset Management Fund: proceeds from the sale of tax foreclosed property

and other town owned property not specifically required to be accounted for subject to any other general law for the support and promotion of any expenditure related to the Town's comprehensive asset management program.

B. Expenditures

Expenditures may be made from the revolving funds established and authorized by this ordinance without further appropriation, subject to the following:

(1) Expenditures shall not be made or liabilities incurred from any of the revolving funds in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund. Expenditures from such revolving funds shall be at the approval of the Town Manager or their designee.

(2) Expenditures from said fund shall not be made for the purpose of paying any wages or salaries for full-time employees unless the fringe benefits associated with such wages or salaries are also charged to the fund. Subject to the foregoing, the funds may be expended for payment of teachers, recreational instructors, shellfish propagation officers, weights and measures inspectors, and other expenses of programs providing classroom education to participating senior citizens, programs providing recreational activities to participating residents of the Town, shellfish seed stock and related shellfish propagation equipment and shellfish merchandise purchased for resale, weights and measures enforcement, production of GIS reports and, expenses related to the promotion of arts and culture programs and expenses related to the support and promotion of the town's asset management program.

(3) The total amount spent during a fiscal year shall not exceed the amount authorized by the Town Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Town Council.

C. Interest earned on any revolving fund balance shall be treated as general fund revenue of the Town.

§ 86-9 Annual Spending Limitation.

Annually, at the time the Town budget is submitted to the Town Council, the Town Manager shall submit an order to the Town Council authorizing the spending limitation for each revolving funds set forth in § 86-7.

§ 86-10 Annual report.

At the end of each fiscal year, the Finance Director shall report to the Town Manager the total amount of receipts and expenditures of each revolving fund for the prior fiscal year. The program directors shall report to the Town Manager the programs, services and participants served by each of the programs. The Town Manager shall forthwith cause a report to be made to the Town Council, together with such other information, as the Town Council shall require.

§ 86-11 Revolving Fund closure.

In the event that a revolving fund is not continued in the following fiscal year, the balance

in the fund at the end of the fiscal year shall revert to the general fund surplus revenue unless the Town Council, upon the recommendation for a transfer from the Town Manager, votes to transfer such balance to another revolving fund.

RATIONALE: Due to the reorganization proposed as part of the fiscal year 2019 operating budget several changes are needed to the town's existing ordinance on revolving funds. Three revolving funds are no longer used (Adult Social Day, Building Permits and Police Training) and others are moved to new departments. In addition, a new revolving fund (Asset Management) has been created.

VOTE: continue to MAY 17TH

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| 2018-137 REVOLVING FUNDS FISCAL YEAR 2019 REVOLVING FUND SPENDING LIMITS INTRO: 05/03/18 |
|--|

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes the following spending limitations for Fiscal Year 2019 Revolving Funds:

Senior Services Classroom Education Fund - **\$75,000**

Recreation Program Fund - **\$525,000**

Shellfish Propagation Fund - **\$200,000**

Consumer Protection Fund - **\$400,000**

Geographical Information Technology Fund - **\$10,000**

Arts and Culture Program Fund - **\$50,000**

Asset Management Fund - **\$1,000,000**

VOTE: continue to MAY 17TH

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|---|
| 2018-141 APPROPRIATION AND TRANSFER ORDER OF \$150,000 TO FUND RECYCLABLES DISPOSAL AT THE SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS INTRO: 05/03/18 |
|---|

Rationale given by Dan Santos, Director of the DPW.

Next year 135,000 [prediction when we created the budget last November] the stickers are going up to \$250.00; we are subsidizing those who recycle for free [recycling is free to all residents in the town] how much are we paying for solid waste [less that 60 dollars] Would we get more consideration if we separate more [zero market for glass; but we do not pay for the cardboard]

Upon a motion duly made and seconded it was

ORDERED: The sum of **\$150,000.00** be Appropriated and Transferred from the Solid Waste Enterprise Fund Reserves for the purpose of disposal of recyclables at the Solid Waste Division

VOTE: PASSES UNANIMOUS

| |
|---|
| 2018-143 TRANSFER ORDER OF \$261,475 FOR THE FISCAL YEAR 2018 GENERAL FUND OPERATING BUDGET INTRO: 05/03/18 |
|---|

Rationale given by Dan Santos, Director of the DPW.

Councilor questions and comments:

Blish point does it include the gazebo [yes]

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$261,475 be transferred from the FY18 Department of Public Works personnel budget to the following areas:

| | |
|--|-----------------|
| Department of Public Works operating expenses budget | \$147,000 |
| Police Department capital outlay budget | \$18,000 |
| Community Services Department capital outlay budget | <u>\$96,475</u> |
| Total | \$261,475 |

VOTE: PASSES UNANIMOUS

2018-144

APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

A motion was made and duly seconded to suspend the rules to vote on this item tonight

VOTE: PASSES 11 YES to suspend rules (Cullum off dais)

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Planning Board:** Patrick Foran, 117 Dromoland Lane, Barnstable, as a regular member to a term expiring 06/30/2019

VOTE: PASSES UNANIMOUS

Upon a motion duly made and seconded it was to vote to go into Executive Session under G.L.c. 30A §21(A) (3), to discuss strategy with respect to potential litigation against manufacturers and distributors for prescription opioids, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town, not to reconvene in open session

VOTE: PASSES 12 YES

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 9:32 PM

Respectfully submitted,

Ann M Quirk, CMC/CMMC/MMC
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: MAY 17, 2018

EXHIBITS:

- A Town Manager Update
- B FY 19 Proposed Operating Budget