



Town of Barnstable Town Council

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

MEETING AGENDA TOWN HALL HEARING ROOM September 5, 2019 7:00 PM

Councilors:

James H. Crocker Jr.
President
Precinct 5

John G. Flores
Vice President
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Britt Beedenbender
Precinct 4

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Matthew Levesque
Precinct 10

Philip N. Wallace
Precinct 11

Paula Schnepf
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator:

Cynthia A. Lovell

Administrative

Assistant:

Kelly Crahan

Original posted September 3, 2019@2:09pm. Updated on September 4, 2019 @ 10:02am to correct under Executive Language M.G.L. 30A, section 21 (3) to read **Executive Language M.G.L., 30A section 21 (6)**

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
 - **Barnstable Economic Development Task Force: Overview and Recommendations by Elizabeth Jenkins, Director Planning and Development**
- 6. TOWN MANAGER COMMUNICATIONS**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements**
- 9. ORDERS OF THE DAY**
 - A. Old Business**
 - B. New Business**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: September 19, 2019

EXECUTIVE SESSION:

"The Town Council may go into Executive Session under M.G.L. c. 30A, section 21 (6) to discuss the purchase, exchange, lease, or value, or the possible taking by eminent domain, of certain roadways in the Village of Hyannis, MA. upon the Chair's declaration that an open meeting may have a detrimental effect on the negotiating position of the Town."

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Approve Minutes –August 15, 2019

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than 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, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2020-012
INTRO: 08/15/2019, 09/05/19

**2020-012 APPROPRIATION AND TRANSFER ORDER FOR \$30,000.00 FOR THE
OUTBOARD ENGINE REPLACEMENT ON THE HARBORMASTER PATROL
BOAT**

ORDERED: That the sum of **\$30,000** be appropriated for the replacement of an outboard engine for the Harbormaster's south side patrol boat and that to meet this appropriation that **\$30,000** be transferred from the waterways improvement fund.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>08/15/19</u>	<u>Refer to Public Hearing 09/05/19</u>

-
- Read Item
 - Motion to Open Public Hearing
 - Rationale
 - Public Hearing
 - Close public Hearing
 - Council Discussion
 - Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2020-012

INTRO: 08/15/2019, 09/05/19

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel Horn, Harbor Master/ Director, Marine and Environmental
DATE: August 15, 2019
SUBJECT: Appropriation and Transfer Order in the amount of **\$30,000.00** for the Outboard Engine Replacement on the Harbormaster's South Side Patrol Boat

BACKGROUND: The Harbormaster's primary south side patrol boat (a 25 foot Parker, Ocean 26) needs an outboard engine replacement. The 2006 two hundred and fifty horse power engine has come to the end of its useful life. Issues with the exhaust housing, power head base, and damage to the cylinder have taken the engine/boat out of commission. The Harbormaster Division respectfully requests \$30,000.00 to repower the Parker with a new three hundred horse power engine with digital command.

ANALYSIS: When in service, the Parker patrols the entire south side of the Town of Barnstable waters, from Hyannis Harbor to Popponesset Bay. This boat is used to ensure the safety of the people and vessels that use our waterways. Come the fall, this boat will also be used to remove the Town's approximately 200 Aids to Navigation. The request for a slightly larger three hundred horse power engine is due to the Parker being underpowered. The Parker has a lot of freeboard and an enclosed cabin which makes it vulnerable to the wind. The larger engine with digital command will make the boat handle the wind, more maneuverable when hauling aids to navigation, and when operating the vessel in tight quarters.

FISCAL IMPACT: Funding for this appropriation will be provided from the Waterways Improvement Fund which has a current available balance of \$118,647.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends this appropriation and transfer order.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2020-013

INTRO: 08/15/19, 09/05/19

2020-013 APPROPRIATION ORDER IN THE AMOUNT OF \$136,055 COMMUNITY PRESERVATION FUNDS FOR HISTORIC PRESERVATION AND RESTORATION OF ANNUAL TOWN REPORT VOLUMES YEARS 1868 TO 1994

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Thirty-six Thousand and fifty-five dollars and NO/100 (**\$136,055.00**) be appropriated and transferred from the amount set aside for historic preservation in the Community Preservation Fund to be expended for the preservation of historic assets consisting of Annual Town Reports for years 1868 to 2016 including without limitation scanning, de-acidification and encapsulation in mylar; and that the Town Manager is authorized to expend the amounts appropriated for the stated purposes subject to oversight by the Community Preservation Committee.

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

DATE	ACTION TAKEN
<u>08/15/19</u>	<u>Refer to Public Hearing 09/05/19</u>

-
- Read Item
 - Motion to Open Public Hearing
 - Rationale
 - Public Hearing
 - Close public Hearing
 - Council Discussion
 - Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2020-013
INTRO: 08/15/19, 09/05/19

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair of Community Preservation Committee
DATE: August 15, 2019
SUBJECT: Appropriation Order in the amount of **\$136,055** Community Preservation Funds for historic preservation and restoration of Annual Town Report Volumes Years 1868 to 1994

BACKGROUND AND ANALYSIS: At the July 15, 2019 Community Preservation Committee meeting, the members present voted unanimously for recommendation to the Town Council through the Town Manager, the Property and Risk Management Department's request for \$136,055.00 in Historic Preservation funds for the deacidification, preservation via encapsulation in Mylar, and binding of Annual Report volumes beginning with the year 1868 through 1994. Incidental to preservation of the original documents, Annual Report volumes for years 1868 through 2016 will be scanned and digitized with Optical Character Recognition software while the books are unbound. Missing volumes for the years 1870, 1874 and 1880 will be provided from the Massachusetts State Library electronically.

Town Reports are specifically listed in the Municipal Records Retention Schedule for permanent retention by state law. Digitization of these records will allow wider access and searching capabilities for the public through the website and Town of Barnstable staff using keywords, saving measurable research time, while allowing the preserved original permanent records to be stored in the climate controlled vault in the Town Clerk's Office. This project received a unanimous vote of support from the Barnstable Historical Commission as well as letters of support from multiple Town Departments and Libraries.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends this appropriation and transfer.

STAFF ASSISTANCE: Ann Quirk, Town Clerk, Property and Risk Management

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

BARNSTABLE TOWN COUNCIL

ITEM# 2020-015
INTRO: 08/15/19, 09/05/19

2020-015 APPROPRIATION ORDER OF \$242,822.00 FOR THE REHABILITATION AND RESTORATION WORK TO THE PAINE BLACK HOUSE, 2135 MEETINGHOUSE WAY, WEST BARNSTABLE, MA

ORDERED: That the sum of **\$242,822.00** be appropriated for the purpose of rehabilitation and restoration work at the Paine Black House, 2135 Meetinghouse Way, West Barnstable, MA, and that to fund this appropriation, that pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Seventy-seven Thousand and seventy-eight dollars and NO/100 (**\$177,078.00**) be transferred from the amount set aside for historic preservation in the Community Preservation Fund, including without limitation the interior door and fireplace rehabilitation and restoration, ADA bathroom and access ramp, subject to oversight by the Community Preservation Committee, and that Sixty Five Thousand Seven Hundred and Forty Four and no/100 (**\$65,744.00**) be transferred from the Capital Trust Fund, and that the Department of Public Works is authorized to contract for and expend the appropriation made available for these purposes.

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

DATE	ACTION TAKEN
<u>08/15/19</u>	<u>Refer to Public Hearing 09/05/19</u>

-
- Read Item
 - Motion to Open Public Hearing
 - Rationale
 - Public Hearing
 - Close public Hearing
 - Council Discussion
 - Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2020-015
INTRO: 08/15/19, 09/05/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: August 15, 2019
SUBJECT: Appropriation Order in the amount of **\$242,822.00** for the rehabilitation and restoration work to the Paine Black House, 2135 Meetinghouse Way, West Barnstable, MA

BACKGROUND: At the June 17, 2019 Community Preservation Committee meeting, the members present voted 5 yes and 2 no for recommendation to the Town Council through the Town Manager, the Department of Public Work's request for \$177,078.00 in Community Preservation Historic funds for needed structural repairs; interior door restoration; ADA bathroom; flooring; interior finishes and fireplace and chimney work; exterior site work including grading, seeding and access ramp for the Paine Black House. This funding request represents a total project cost of \$242,822.00 with the balance to be funded through Capital Improvement Plan (\$65,744.00).

ANALYSIS: The Paine Black House is listed as a contributing building on the State and National Historic Registers and has previously received Community Preservation Historic funds for its restoration. This final phase work is required to use the property as a community building for smaller group meetings of the public and residents of the town and village. Management of this community asset will be through the Town Manager's office, under the Property Management Program. This Application received support from the public, civic groups, and the Town Councilor for the District at the Community Preservation Committee public hearings.

FISCAL IMPACT: The balance in the set-aside for historic preservation within the Community Preservation Fund is currently \$669,929 and the Capital Trust Fund balance is \$18,165,971. There is no impact on the General Fund.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends appropriation and transfer in the stated amount.

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

B. NEW BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM #2020-017
INTRO: 08/15/19, 09/05/19**

2020-017 APPROPRIATION ORDER IN THE AMOUNT OF \$203,117 FOR THE FISCAL YEAR 2020 BARNSTABLE PUBLIC SCHOOLS OPERATING BUDGET

ORDERED: That the sum of **\$203,117** be raised and appropriated for the purpose of funding the Fiscal Year 2020 Barnstable Public School Operating budget; and that this sum be added to the **\$69,599,861** appropriated under Town Council Order **2019-162** resulting in a total Fiscal Year 2020 Operating budget of **\$69,802,978**.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>08/15/19</u>	<u>Refer to Public Hearing 09/05/19</u>

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

BARNSTABLE TOWN COUNCIL

ITEM #2020-017
INTRO: 08/15/19, 09/05/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Meg Mayo-Brown, Superintendent of Schools
DATE: August 15, 2019
SUBJECT: Supplemental Appropriation Order for the Fiscal Year 2020 Barnstable Public School Operating Budget

BACKGROUND: The final passage of the State Budget included Chapter 70 funds that were higher than anticipated for many communities. Specifically, for Barnstable, Chapter 70 funds increased by \$1,659,259 to \$12,228,200. This is a 16% increase for the town of Barnstable. The Fiscal Year 2020 budget development process used the CH70 estimate provided in the Governor's proposed budget of \$11,627,404 or \$600,796 less. It is also important to know that the funding is not "one-time" but rather built into the formula. The State is continuing its investment and commitment to education, particularly for special student populations and the cost of health insurance.

ANALYSIS: With this request the School Department seeks increase support to students and teachers, particularly around areas of mental health and behavior. This request includes 2 full-time School Councilors to support a systemic proactive and preventative approach in addressing student behavior. The estimated salary for each Councilor is \$74,739.

The behavioral and mental health needs of many of our students are significant. We know that the numbers of students with anxiety and depression are increasing. Teachers share stories of students engaging in self-harm such as cutting, or coming to school with significant trauma as a result of issues at home, including opioid and other substance abuse related matters. Expertise is needed in these situations, and school counselors have the professional knowledge base and skill set to provide prevention and intervention services to students. Currently, the school counselor ratio at BIS is 1:387 and at BUE the ratio is 1:406. Based on our recent UMass program evaluation of school counseling, the best practice ratio is 1:250.

Additionally, this request includes the recommendation to fund 1 full-time Technology Facilitator with a salary of \$56,239 to support the technology infrastructure that Barnstable Public Schools are in the process of implementing.

FISCAL IMPACT: The additional \$600,796 may be appropriated; estimated General Fund revenue could be reduced by a corresponding amount, or some combination of both. This request seeks to appropriate a portion of the additional funding. Traditionally, any additional state aid that is received in excess of what the town has used to balance the proposed budget has been offset by reductions in revenue estimates elsewhere to keep a balanced budget. Due to the significant additional aid to be received in FY 2020 and the needs within the School Department this request is being brought forward. The town has until the time it sets its tax rate to bring forward additional funding requests to use these excess funds if necessary; otherwise, General Fund revenue estimates elsewhere will be reduced when the Fiscal Year 2020 tax rate is set. We anticipate this to be in November 2019.

STAFF ASSISTANCE: Mark A. Milne, Director of Finance; Gareth Markwell, Deputy Finance Director

B. NEW BUSINESS (Refer to Public Hearing 9/19/19)

BARNSTABLE TOWN COUNCIL

**ITEM #2020-018
INTRO: 09/05/2019**

2020-018 APPROPRIATION AND TRANSFER ORDER OF \$330,400 FOR THE TOWN-WIDE REAL ESTATE REVALUATION UPDATE

ORDERED: That the sum of **\$330,400** be appropriated and transferred from the Town’s Stabilization Fund for the purpose of funding the town’s real estate revaluation project

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ____ Read Item
- ____ Motion to Open Public Hearing
- ____ Rationale
- ____ Public Hearing
- ____ Close public Hearing
- ____ Council Discussion
- ____ Move/Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM #2020-018
INTRO: 09/05/2019

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Ed O'Neil, Director of Assessing
DATE: September 5, 2019
SUBJECT: Appropriation and Transfer Order in the amount of **\$330,400** for the Fiscal Year 2021 Real Property Revaluation

BACKGROUND: The Town of Barnstable is required by State law to update the valuation of all real and personal property every five years. The town's next required 5 year revaluation is due for the Fiscal Year 2021 tax year and the work necessary to perform the revaluation will begin in Fiscal Year 2020. The prior requirement was every three years but the Bureau of Local Assessment of the DOR (Department of Revenue) has changed the cycle to every 5 years as part of the Municipal Modernization Act. The revaluation work will be conducted by contracting with an outside vendor. The town issued an RFP (Request for Proposal) for this work in accordance with Chapter 30B procurement laws and one proposal was received from Vison Government Solutions. Several other potential contractors were contacted directly via email after the limited response but no other company submitted a response. This was not a surprise to the Town as it uses Vision Appraisal Systems for its mass appraisal database and this type of work is commonly performed by the same company whose database the municipality is utilizing.

ANALYSIS: Over the past couple of years, the Assessing Division has undergone reorganization in anticipation that this work would need to be conducted by an outside contractor. The change in law requiring it to be performed once every five years offered an opportunity to re-examine how the Town would conduct the periodically required town-wide revaluation. Previously, all work was performed in-house and the Assessing office had 11 full-time equivalents (FTE). The office now has 8 FTEs resulting in an annual reduction in salaries and associated benefits of approximately \$170,000. The cost of having an outside contractor perform the work will be required once every five years and is not an annual expense. Over a 5 year period the estimated savings to the Town by conducting this work with an outside contractor is estimated to exceed \$500,000.

FISCAL IMPACT: It is proposed that the funding for this project be provided with a transfer from the Capital Trust Fund which has a balance of \$18 million. It is anticipated that by the end of Fiscal Year 2020 this amount can be replenished with a transfer from the Town's excess overlay account. Every year when the town sets the tax rate an amount must be set aside in the overlay account to provide for abatements and exemptions on property taxes. The balance in this account at the close of fiscal year 2019 was \$2,332,023 which is more than sufficient to cover any remaining abatements that may be awarded for the fiscal year 2019 tax levy. The town must first lien any prior year unpaid real estate taxes before releasing the excess overlay which will take place over the next several months.

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

STAFF ASSISTANCE: Ed O'Neil, Director of Assessing, Mark Milne, Director of Finance

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-019
INTRO: 09/05/19**

**2020-019 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE II SECTION 9
TO REMOVE SEASONAL RESTRICTIONS ON THE ERECTION OF TENTS
AS TEMPORARY ACCESSORY STRUCTURES TO EXISTING PERMANENT
BUSINESSES**

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1: That Chapter 240, Article II, §9 “Temporary uses” of the Zoning Ordinance is hereby amended as follows:

1. Amend §240-9D(4) as follows:
 - a. Strike the phrase “only during the period beginning May 1 until October 31” so that it reads as follows:

(4) Subject to annual approval by the Building Commissioner, a tent may be erected and used as a temporary accessory structure to an existing permanent business. The tent shall conform to all parking requirements and bulk or dimensional requirements of this chapter.

SPONSOR: Barnstable Economic Development Task Force

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-019
INTRO: 09/05/19

SUMMARY

TO: Town Council
FROM: Town Manager Mark Ells
THROUGH: Economic Development Task Force via Elizabeth Jenkins, Director of Planning & Development
DATE: September 05, 2019
SUBJECT: Zoning Amendment to remove seasonal restrictions for tents

SUMMARY: This proposal is brought forward as part of an ongoing review of ordinances that place unnecessary restrictions on business operation in Barnstable. This proposal removes the requirement that a tent may only be erected and used during the period from May 1 through October 31 and retains all other applicable regulations such as permit requirements, conformance to parking requirements, and bulk or dimensional requirements within the Zoning Ordinance. Removing the restriction supports year-round businesses planning events outside of the seasonal window.

STAFF ASSISTANCE: Elizabeth S. Jenkins, Planning & Development Director; Brian Florence, Building Commissioner; Paul Wackrow, Planning & Development Senior Planner

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-020
INTRO: 09/05/19**

**2020-020 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE VII SIGN
REGULATIONS TO ELIMINATE THE LOCATION HARDSHIP
REQUIREMENT FOR A-FRAME SIGNS IN HYANNIS VILLAGE BUSINESS
DISTRICT**

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

That Chapter 240, Article VII, Section 60 “Definitions” of the Zoning Ordinance is hereby amended to strike the definition for “LOCATION HARDSHIP SIGN”

SECTION 2

That Chapter 240, Article VII, Section 61 “Prohibited Signs” of the Zoning Ordinance is hereby amended as follows:

2. Amend §240-61(H) as follows:

- a. Strike the phrase “with the exception of a location hardship sign in the HVB” and replace it with “with the exception of A-Frame Signs expressly permitted herein” so that it reads as follows:

(H) Any portable sign, with the exception of A-Frame Signs expressly permitted herein, including any sign displayed on a stored vehicle, except for temporary political signs.

SECTION 3

That Chapter 240, Article VII, Section 71 “Signs HVB District” of the Zoning Ordinance is hereby amended as follows:

1. Amend §240-71(E) as follows:

- a. Strike the phrase “location hardship sign” and replace it with “A-Frame Sign” so that it reads as follows:

(E) Open/closed sign, business trade figure or symbol, or A-Frame Sign: Subject to § 240-85, Permit required; identification stickers.

2. Amend §240-71(E)(3) as follows:

- a. Strike the phrase “location hardship sign” and replace it with “A-Frame Sign”; and
- b. Strike the phrase “provided that a special permit is obtained from the Planning Board subject to the provisions of § 240-125C herein and”; so that it reads as follows:

(E)(3) A-Frame Sign. These signs are allowed in the HVB District, subject to the following criteria and performance standards.

3. Amend §240-71(E)(3)(a) as follows:

- a. Strike subsection [1] in its entirety, which reads “Applications for location hardship signs shall demonstrate through visual evidence substantial obstruction or other substantial location hardship as defined herein.”; and
- b. In subsection [2], strike the phrase “location hardship sign” and replace it with A-Frame sign and strike the word “frontage”
- c. In subsection [3], strike the phrases “the Planning Board and” and “that is the subject of the special permit application”
- d. Strike subsection [4] in its entirety, which reads “Where the location hardship sign is within the Hyannis Main Street and Waterfront Historic District a certificate of appropriateness shall be obtained prior to and submitted with the application for special permit.”
- e. In subsection [5], strike the phrase “location hardship sign” and replace it with “A-Frame Sign”
- f. In subsection [5][b], strike the phrase “the Planning Board and”
- g. Renumber the remaining subsections [1] through [3];

So that §240-71(E) (3) (a) reads as follows:

(a) Criteria.

- [1] One A-Frame Sign is permitted per each business.
- [2] Evidence demonstrating to the satisfaction of the Building Commissioner that explicit written permission has been given by the owner(s) of the property proposed for placing the sign.
- [3] Where the A-Frame Sign is proposed on Town property, the following additional criteria shall be met:
 - [a] Proof of receipt of a license from the Town Manager or designee for the sign at the proposed location.
 - [b] Proof of insurance consistent with this license from the Town Manager or designee shall be provided to the Building Commissioner prior to placing any approved sign.

4. Amend §240-71(E)(3)(b) as follows:

- a. Strike the phrase “location hardship signs” in subsection [1] and replace it with the phrase “A-Frame Signs”.

5. Amend §240-71(E)(3)(b)[1] as follows:

- a. Strike the phrase “two feet by four feet” in subsection [1] and replace it with “eight square feet per side and four feet in height”, so that it reads as follows:

Shall not exceed eight square feet per side and four feet in height.

SPONSOR: Barnstable Economic Development Task Force

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-020
INTRO: 09/05/19

SUMMARY

TO: Town Council
FROM: Town Manager Mark Ells
THROUGH: Economic Development Task Force via Elizabeth Jenkins, Director of Planning & Development
DATE: September 5, 2019
SUBJECT: Zoning Amendment to remove “location hardship” requirements for portable “A-Frame Signs

SUMMARY: This proposal is brought forward as part of a review of ordinances that place unnecessary restrictions on business operation in Barnstable. This proposal removes the requirement for businesses in the Hyannis Main Street Village Business District to demonstrate a “location hardship” to display a portable “A-Frame” style sign. The process to demonstrate a “hardship” included a lengthy discretionary review by the Planning Board, burdensome to businesses and difficult from administrative and enforcement perspectives. The ordinance maintains criteria for signs to be in safe location and have a quality appearance.

STAFF ASSISTANCE: Elizabeth S. Jenkins, Director Planning & Development

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-021
INTRO: 09/05/19**

**2020-021 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING, TO UPDATE AND
STANDARDIZE REQUIREMENTS FOR EXTERIOR LIGHTING**

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

That Chapter 240, Article III District Regulations, Section 24.1.3 “Hyannis Village Business District” subsection (D) “Site Development Standards” of the Zoning Ordinance is hereby amended as follows:

3. Amend §240-24.1.3D(6) as follows:
 - a. Strike the subsection in its entirety and replace it with “Exterior Lighting shall comply with the requirements in Section 240-24.1.11.”

SECTION 2

That Chapter 240, Article III District Regulations, Section 24.1.11 “Site Development Standards” subsection (A) (7) “Lighting” of the Zoning Ordinance is hereby amended as follows:

1. Amend §240-24.1.11(A)(7) as follows:
 - a. Strike the subsection in its entirety and replace it with the following:
 - (7) Exterior Lighting.
 - (a) Any outdoor lighting shall be directed onsite only.
 - (b) Light fixtures shall have a total cutoff of all light at less than 90 degrees and a beam cutoff of less than 75 degrees. Attached building or wall pack lighting should be screened by the building's architectural features or contain a 45 -degree cutoff shield.
 - (c) For commercial or mixed use developments, trespass of light at the property boundary shall not exceed 0.1 foot candles. Where commercial or mixed use developments abut a residential district, trespass of light at that boundary shall not exceed 0.05 foot candles. For developments that are exclusively residential, trespass of light at property boundaries shall not exceed 0.05 foot candles. At driveways, lighting may be up to 0.5 foot candles at the property line adjacent to a roadway. Electric service for lighting on posts or poles shall be placed underground.

- (d) In no case shall exterior or outdoor lighting cause glare that impacts motorists, pedestrians or neighboring premises.

SECTION 3

That Chapter 240, Article IX “Site Plan Review”, Section 103 “Site Development Standards” of the Zoning Ordinance is hereby amended as follows:

2. Amend §240-103(E) as follows:

- a. Strike the phrase “All illumination shall be directed and/or shielded so as not to shine beyond the perimeter of the site or interfere with traffic” and amend the subsection to include the following subsections:
 - (1) Any outdoor lighting shall be directed onsite only.
 - (2) Light fixtures shall have a total cutoff of all light at less than 90 degrees and a beam cutoff of less than 75 degrees. Attached building or wall pack lighting should be screened by the building's architectural features or contain a 45 -degree cutoff shield.
 - (3) For commercial or mixed use developments, trespass of light at the property boundary shall not exceed 0.1 foot candles. Where commercial or mixed use developments abut a residential district, trespass of light at that boundary shall not exceed 0.05 foot candles. For developments that are exclusively residential, trespass of light at property boundaries shall not exceed 0.05 foot candles. At driveways, lighting may be up to 0.5 foot candles at the property line adjacent to a roadway. Electric service for lighting on posts or poles shall be placed underground.
 - (4) In no case shall exterior or outdoor lighting cause glare that impacts motorists, pedestrians or neighboring premises.

SPONSOR: Barnstable Economic Development Task Force

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2020-021
INTRO: 09/05/19

SUMMARY

TO: Town Council
FROM: Town Manager Mark Ells
THROUGH: Economic Development Task Force via Elizabeth Jenkins, Director of Planning and Development
DATE: September 05, 2019
SUBJECT: Zoning Amendment to Update and Standardize Requirements for Exterior Lighting

SUMMARY: This proposal is brought forward as part of a review of ordinances that place unnecessary restrictions on business operation or permitting in Barnstable. These amendments update the requirements for exterior lighting applicable to the town's primary commercial areas. The updated standards were developed to be consistent with the standards published by the International Dark Sky Association and the updated Cape Cod Commission Regional Policy Plan, while allowing for customary lighting design intended to promote safety and security.

STAFF ASSISTANCE: Elizabeth S. Jenkins, Director Planning & Development

B. NEW BUSINESS (Refer to Second Reading 09/19/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-022
INTRO: 09/05/19**

**2020-022 ACCEPTANCE OF SEWER EASEMENT FOR 100 MERCHANTS WAY,
HYANNIS, MA**

RESOLVED: That the Town Manager is authorized to accept, execute, deliver and record on behalf of the Town an exclusive permanent right and easement from Cape Cod Aggregates Corp. to install, inspect, operate, maintain, change the size of, replace and repair a utility sewer and associated pipes, mains, manholes, equipment, other sewer infrastructure and appurtenances thereto, on, over and under Merchants Way and Business Lane in Hyannis to be held under the care, custody and control of the Department of Public Works,

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
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_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-022
INTRO: 09/05/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: September 05, 2019
SUBJECT: Acceptance of Sewer Easement for 100 Merchants Way, Hyannis, MA

BACKGROUND: As part of a project funded by a MassWorks grant, the Town of Barnstable plans to install sewer infrastructure within Merchant's Way and Business Lane within Independence Park, which are both private roads. Consequently, the Town has sought easements from the adjacent property owner, Cape Cod Aggregates, to allow the sewer infrastructure to be installed within the private roadway. The Town intends to start construction this fall.

FISCAL IMPACT: This easement will be acquired at no cost to the Town.

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

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

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-023

INTRO: 09/05/19

2020-023 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$155,538 FROM THE COASTAL POLLUTANT REMEDIATION GRANT PROGRAM TO DESIGN AND CONSTRUCT STORMWATER BEST MANAGEMENT PRACTICE (BMP) FOR THE THREE BAYS AREA

RESOLVED: That the Town of Barnstable hereby accepts a grant of **\$155,538** from the Massachusetts Office of Coastal Zone Management to support the continuation of the stormwater remediation Best Management Practice (BMP) program implementation in the Three Bays Area and does hereby authorizes the Town Manager to contract for and expend said funds for that purpose.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
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_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-023
INTRO: 09/05/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Department of Public Works Director
DATE: September 05, 2019
SUBJECT: Acceptance of a grant in the amount of **\$155,538** from the Coastal Pollutant Remediation Grant Program to design and construct Stormwater Best Management Practice's (BMPs) for the Three Bays Area

RATIONAL: In 2019, the Barnstable Department of Public Works applied for grant funding in the amount of \$155,538 from the Massachusetts Office of Coastal Zone Management from the Coastal Pollutant Remediation Program Fiscal Year 2020, in support of Barnstable stormwater Best Management Practice (BMP) programs. This funding will continue to assist Department of Public Works to assess, design, permit, and construct two or more top priority stormwater retrofit sites in the Three Bays watershed. This will help improve the water quality in the bays, restore habitat for shellfish, fish and wildlife; and restore the area for designated human uses including shellfishing, fishing and swimming.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. This is a reimbursement grant whereby the Town will have to expend the project costs up front and submit for reimbursement.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends acceptance of this grant

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

B. NEW BUSINESS (Refer to a Public Hearing on 9/19/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-024
INTRO: 09/05/2019**

**2020-024 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF
\$15,000 FOR THE FISCAL YEAR 2020 PLANNING & DEVELOPMENT
DEPARTMENT OPERATING BUDGET**

ORDERED: That the sum of **\$15,000** be appropriated for the purpose of funding the Fiscal Year 2020 Planning and Development Department Operating Budget; and that this sum be added to the **\$2,130,304** appropriated under Town Council Order **2019-164** resulting in a total Fiscal Year 2020 operating budget of **\$2,145,304**

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-024
INTRO: 09/05/2019

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Barnstable Economic Development Task Force
DATE: September 05, 2019
SUBJECT: Supplemental Appropriation Order in the amount of **\$15,000** for the Fiscal Year 2020 Planning and Development Department Operating Budget

BACKGROUND: The Regulatory Services Building at 200 Main Street was envisioned as a “one stop shop” for customers who need to obtain permits from various Town departments. This customer convenience continues to be the primary strength of the building’s physical and organizational structure. One of the most prominent challenges for the business community has been the lack of a primary point of contact within the building. Both established and new businesses are left to guess what department can answer their questions and too often have no guidance if they need further clarification or help with a permitting issue. The complexity of the permitting environment can be a tremendous challenge for businesses large and small and navigating requirements across various divisions and departments can be frustrating and time consuming, and, at worst, can dissuade investment in Barnstable. The Planning & Development Department has a part-time “Site Plan Review Coordinator” position in the budget, which is currently vacant.

ANALYSIS: The Permit Coordinator position is requested to enhance interdepartmental and external coordination of permitting activities in support of commercial and housing development. This position would serve as the primary staff liaison to properly guide applicants seeking permits, licenses, approvals or decisions from multiple regulatory divisions and boards/committees, providing an enhanced level of customer service for applicants of all scales. The Permit Coordinator would administer the Town’s Site Plan Review process, providing support to the Committee regarding applications and compliance with conditions of approval.

A Permit Coordinator should be the primary point of contact for all commercial permit activity. This person would act as a facilitator, bringing key people within various divisions and departments together to discuss regulatory challenges facing businesses when necessary. The Permit Coordinator may not know the nuances of every regulation administered at 200 Main Street, but can ensure customers receive informed and timely feedback from the appropriate person in the appropriate department.

FISCAL IMPACT: The vacant part-time Site-Plan Review Coordinator position will be converted to this new full-time Permit Coordinator position with an estimated annual salary of \$73,700. The fiscal year 2020 operating budget included \$34,952 of funding for the part-time position. Using this funding and an estimated start date of November 1st for the new Permit Coordinator position an additional \$15,000 of funding will be needed for the Fiscal Year 2020 Operating Budget. Funding will be provided by raising the estimated revenue the town will receive in State aid in Fiscal Year 2020.

STAFF ASSISTANCE: Elizabeth Jenkins, Director of Planning and Development; Mark Milne, Director of Finance

B. NEW BUSINESS (Refer to a Public Hearing on 9/19/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-025
INTRO: 09/05/19**

2020-025 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$549,000.00 FOR THE PURPOSE OF ACQUIRING REAL PROPERTY CONSISTING OF APPROXIMATELY .32 ACRES OF LAND (32/100), MORE OR LESS, IN BARNSTABLE SHOWN ON ASSESSORS MAP 208 AS PARCEL 048 TO BE ASSOCIATED WITH THE CONSTRUCTION OF A NEW SEWER INFRASTRUCTURE

ORDERED: The Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under chapter 79 of the General Laws of Massachusetts, or otherwise acquire for sewer, infrastructure, and related purposes a parcel of land located at 310 Main Street, Barnstable (Centerville) Massachusetts, described as Town of Barnstable Assessors' Map 208, Parcel 048 described in a deed recorded with Barnstable County Registry of Deeds in Book 27508, Page 175, that the sum of **\$549,000.00** be appropriated for the purpose of funding this acquisition, 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 **\$549,000.00**, under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and that the Town Manager is authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-025
INTRO: 09/05/19

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Dan Santos, Director, Department of Public Works
DATE: September 05, 2019
SUBJECT: Appropriation and Loan Order in the amount of **\$549,000.00** for the purpose of acquiring real property consisting of approximately .32 acres of land (32/100), more or less, in Barnstable shown on Assessors Map 208 as Parcel 048 to be associated with the construction of a new sewer infrastructure

BACKGROUND: The Town is proceeding with plans to install sewers and related infrastructure in Centerville. The owners of a parcel located at 310 Main Street, Centerville have listed it for sale and Town Engineers have identified its topography as the ideal low point in the area to support location of underground pumping facilities. Having this site available will significantly reduce the need for and cost of infrastructure improvements that would otherwise be required to support sewers in the village.

Direct negotiations with the property owners produced an Agreement for Damages in Eminent Domain Taking in the amount \$544,000.00. This comprehensive agreement has been executed by both the Owners and the Town, subject to Town Council Approval. It is anticipated that an Order of Taking will be recorded by November 8, 2019 whereupon title would transfer to the Town.

The total anticipated cost for this land acquisition, including associated expenses, is \$549,000.00.

ANALYSIS: The acquisition of a parcel of land located at 310 Main Street, Barnstable (Centerville), Massachusetts, is essential to the anticipated Centerville sewer project. The acquisition of this parcel by eminent domain taking has been thoroughly discussed with the owners and their counsel and they have agreed to the comprehensive resolution of their prospective claim for eminent domain damages. Utilizing the eminent domain procedure will assure clear title to the property and allow engineering staff to include this parcel in definitive sewer construction planning at a cost consistent with current market conditions.

FISCAL IMPACT: Funding for the land acquisition will be provided from the issuance of a bond. There will be no fiscal impact to the fiscal year 2020 operating budget as a result of this action. The first loan payment on the bond will occur in the fiscal year 2021 operating budget. The annual loan payment will be provided from the revenue generated within the Sewer Construction and Private Way Maintenance and Improvement Fund and will be included in the fiscal year 2021 operating budget appropriations.

STAFF ASSISTANCE: Mark Milne, Finance Director; Dan Santos, P.E., Director, Department of Public Works; Attorney Charles McLaughlin, Legal; David Anthony, Director of Property Risk Management

B. NEW BUSINESS (Refer to a Public Hearing on 9/19/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-026
INTRO: 09/05/19**

2020-026 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$283,900.00 FOR THE PURPOSE OF ACQUIRING REAL PROPERTY CONSISTING OF APPROXIMATELY .65 ACRES OF LAND (65/100), MORE OR LESS, IN BARNSTABLE SHOWN ON ASSESSORS MAP 209 AS PARCEL 019 TO BE ASSOCIATED WITH THE CONSTRUCTION OF NEW SEWER INFRASTRUCTURE

ORDERED: The Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under chapter 79 of the General Laws of Massachusetts, or otherwise acquire for sewer, infrastructure, and related purposes a parcel of land located at 1456 Falmouth Road, Route 28, Barnstable (Centerville) Massachusetts, described as Town of Barnstable Assessors' Map 209, Parcel 019 described in a deed recorded with Barnstable County Registry of Deeds in Book 7120, Page 285, that the sum of \$283,900.00 be appropriated for the purpose of funding this acquisition, 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 **\$283,900.00**, under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and that the Town Manager is authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-026
INTRO: 09/05/19

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Dan Santos, Director Department of Public Works
DATE: September 05, 2019
SUBJECT: Purchase or eminent domain land taking: Sewer Construction

BACKGROUND: The Town is proceeding with plans to install sewers and related infrastructure in Centerville. The owners of a parcel located at 1456 Falmouth Road, Route 28, Centerville have listed it for sale and Town Engineers have identified its location on Route 28 as an ideal location in the area to support location of underground pumping facilities in the Route 28 corridor. Having this particular site available will significantly aid in the design process for the vital infrastructure that can now be placed on this lot.

Direct negotiations with the property owners produced an Agreement for Damages in Eminent Domain Taking in the amount **\$278,900.00**. This comprehensive agreement has been executed by both the Owners and the Town, subject to Town Council Approval. It is anticipated that an Order of Taking will be recorded by November 8, 2019 whereupon title would transfer to the Town.

The total anticipated cost for this land acquisition, including associated expenses, is \$283,900.00.

ANALYSIS: The acquisition of a parcel of land located at 310 Main Street, Barnstable (Centerville), Massachusetts, is essential to the anticipated Centerville sewer project. The acquisition of this parcel by eminent domain taking has been thoroughly discussed with the owners and their counsel and they have agreed to the comprehensive resolution of their prospective claim for eminent domain damages. Utilizing the eminent domain procedure will assure clear title to the property and allow engineering staff to include this parcel in definitive sewer construction planning at a cost consistent with current market conditions.

FISCAL IMPACT: Funding for the land acquisition will be provided from the issuance of a bond. There will be no fiscal impact to the fiscal year 2020 operating budget as a result of this action. The first loan payment on the bond will occur in the fiscal year 2021 operating budget. The annual loan payment will be provided from the revenue generated within the Sewer Construction and Private Way Maintenance and Improvement Fund and will be included in the fiscal year 2021 operating budget appropriations.

STAFF ASSISTANCE: Mark Milne, Finance Director; Dan Santos, Director Department of Public Works; Attorney Charles McLaughlin, Legal; David Anthony, Property Manager

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-027
INTRO: 09/05/19**

2020-027 AUTHORIZING THE TOWN MANAGER TO DRAFT AND BRING FORWARD TO THE TOWN COUNCIL SPECIAL LEGISLATION TO AUTHORIZE THE TOWN OF BARNSTABLE TO OWN, MANAGE, OR CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY, OR BOTH, FOR THE MANAGEMENT OF WATER/WASTEWATER UTILITIES

RESOLVED: That the Town Council hereby directs the Town Manager to draft and bring forward to the Town Council Special Legislation to authorize the Town of Barnstable to own, manage, or contract with any public or private entity, or both, for the management of water/wastewater utilities on Joint Base Cape Cod.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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