

Town of Barnstable Town Council

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Original posted on
12/15/2020@3:33pm.
Updated on 12/16/2020 to
include Item # 2021-057
and Item 2021-060

MEETING AGENDA December 17, 2020 7:00 PM

Councillors:

Paul Hebert
President
Precinct 3

Jessica Rapp Grassetto
Vice President
Precinct 7

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Debra S. Dagwan
Precinct 8

Tracy Shaughnessy
Precinct 9

Matthew Levesque
Precinct 10

Kristine Clark
Precinct 11

Paula Schnepf
Precinct 12

Jennifer L. Cullum
Precinct 13

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

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

The December 17, 2020 meeting of the Barnstable Town Council will be held remotely and shall be physically closed to the public to avoid group congregation

Remote Participation Instructions

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

Meeting ID: **913 6999 1954** Join Zoom Meeting <https://zoom.us/j/91369991954>

Public comment call 1-888 475 4499 US Toll-free

2. Written Comments may be submitted to:

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

3. The meeting will be televised live via Comcast Channel 18 access:

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

PUBLIC SESSION

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
4. PUBLIC COMMENT
5. COUNCIL RESPONSE TO PUBLIC COMMENT
6. TOWN MANAGER COMMUNICATIONS

- Proposed Process for Draft Sewer Assessment Ordinance

Staff intends to solicit public comment and input on an initial draft of the sewer assessment ordinance before bringing the ordinance to the Council for consideration. The initial draft of the ordinance is attached and will be posted on the Town website.

7. ACT ON MINUTES December 3, 2020: December 10, 2020
(Including Executive Session)

Councilors

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

9. ORDERS OF THE DAY

A. Old Business

B. New Business

- **Approval of 2021 Town Council Calendar of Meetings**
- **Town Council Election of 2021 Officers**
President
Vice President

10. ADJOURNMENT

NEXT REGULAR MEETING: January 7, 2021

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Approve Minutes; December 10, 2020

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 be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

DRAFT SEWER ASSESSMENT ORDINANCE – 12/17/20

2021-XXX ORDER AMENDING CHAPTER 184 SEWERS AND WATER OF THE GENERAL ORDINANCES

ORDERED: That Chapter 184 General Ordinances of the Code of the Town of Barnstable be amended by inserting the following new Article II, Sewer Assessments, and renumbering the current Articles II and III as Articles III and IV:

“ARTICLE II

SEWER ASSESSMENTS

Section 1: Purpose and Authorization

The purpose of this ordinance is to assess all properties receiving benefit or advantage from public sewerage construction within a limited and determinable area, as set forth in the Comprehensive Wastewater Management Plan approved by vote of the Town Council on November 7, 2019, and in accordance with Section 1 of Chapter 83 of the General Laws and any other applicable general or special law.

Section 2: Definitions

For the purpose of this Ordinance, the following words shall be considered to have the following meanings:

- (1) Commercial Use: Occupancy of premises for financial gain including profit such as business and industrial uses.
- (2) Commercial Sewer Unit: shall be equivalent to **X gallons** of actual or expected daily sewerage flow.
- (3) Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including room or rooms for living, sleeping, and eating.
- (4) Force Main: A line without access from individual properties providing access from pumping station to pumping station or to trunk and sewer main.
- (5) General Benefit Facilities: Improvements, such as pumping stations, trunk and force mains, acquisition of land or interests in land, which will provide benefit or advantage to an area exceeding that served by the Special Benefit Facilities. Ordinarily, General Benefit Facilities will serve a major part of a Pumping District.
- (6) Lateral Line: Sewer conduit from a house to a street.
- (7) Multifamily Use: Occupancy of premises with two or more dwelling units.
- (8) Pumping District: An area, as identified by the Department of Public Works, which consists of a collection of sewer mains that connect to generally used infrastructure, such as pump stations, trunk mains and force mains, that moves sewage from said collection of sewer mains to a treatment facility.
- (9) Residential Sewer Unit: Shall be equivalent to a single family residential lot, as permitted under the Zoning Ordinances of the Town of Barnstable for the district in which the property is located.

DRAFT SEWER ASSESSMENT ORDINANCE – 12/17/20

- (10) Semi-public Use: Occupancy of premises by private non-profit organizations, including without limitation private schools, hospitals, and religious institutions.
- (11) Sewer Main: The line serving as a conduit for sanitary sewerage from the lateral lines from each individual property.
- (12) Special Benefit Facilities: The sewer main to which a lateral line from an individual abutting property can be connected, acquisition of land or interests in land, pumping stations that are required to service a specific project area and any other costs of improvements required to service a specific project area.
- (13) System Development Charge: A one-time fee that will be charged to new customers of the Town’s sewer system to pay for the investments made into the “backbone” of the system for the capacity consumed by the new user.
- (14) Trunk Main: The line serving as a conduit for sanitary sewerage from a number of sewer mains and lateral lines. Trunk mains shall be considered as those lines ten (10) inches and over in diameter.
- (15) Unit Method: A means by which sewerage construction costs shall be equally divided between the total number of existing and potential Sewer Units to be served after having proportioned the costs resulting from the construction of Special and General Benefit Facilities.
- (16) Zoning Ordinance: The Zoning Ordinance in effect in the Town of Barnstable at the time the sewerage assessment is levied.

Section 3: Basic Requirements

The Town Manager shall assess sewerage construction costs to all properties receiving benefit or advantage on the basis of the Unit Method. He shall separate the costs of the General Benefit Facilities from those of the Special Benefit Facilities. The proportional cost of the Special and General Benefit Facilities shall be assessed against all properties abutting a sewer street upon such sewer becoming operational. The cost of the General Benefit Facilities attributable to properties not abutting a sewer street shall not be assessed until such properties are serviced by public sewerage.

Section 4: Determination of Sewer Units

Section 4A: Each parcel of land in a Pumping District shall be converted into permanent Residential or Commercial Sewer Units by the DPW for the purpose of proportionally dividing the construction costs equitably among such parcels of land.

Section 4B: Residential Lots

A residential lot that contains one Dwelling Unit and is smaller than that required by the Zoning Ordinance shall be assessed as one Sewer Unit. If such residential lot contains more than one Dwelling Unit, the number of assessed Residential Sewer Units shall equal the number of Dwelling Units. A Dwelling Unit that occupies two residential lots in such a way that only one Dwelling Unit is allowed shall be assessed as one Residential Sewer Unit.

Section 4C: Residential Lots Capable of Division or Sub-Division

Residentially zoned land which is capable of being divided or sub-divided according to the Zoning Ordinance shall be assessed as currently used plus one additional Sewer Unit for each lot which could be created in

DRAFT SEWER ASSESSMENT ORDINANCE – 12/17/20

accordance with the Zoning Ordinance, provided that such additional assessment shall not be made until two (2) years have passed from the date of the Planning Board endorsement of an Approval Not Required Plan dividing the land or from the date of final approval by the Planning Board of a Definitive Subdivision Plan of the subject land, whichever is applicable.

Section 4D: Improved Commercial, Industrial, Business, and Semi-public Lots and Uses

Improved commercial, industrial, business, and semi-public lots and uses shall be assessed according to the reasonably expected sewerage flow to be generated from the use. **X gallons** of actual or expected daily sewerage flow shall equal one Commercial Sewer Unit.

Section 4E: Commercial, Industrial, Business, and Semi-public Lots Capable of Division or Sub-Division

Commercial, industrial, business, and semi-public lots which could be divided or sub-divided according to the Zoning Ordinance shall be assessed as currently used plus one additional Commercial Sewer Unit for each lot which could be created in accordance with the Zoning Ordinance, provided that such assessment shall not be applied until two (2) years have passed from the date of the Planning Board endorsement of an Approval Not Required Plan dividing the land or from the date of final approval by the Planning Board of a Definitive Subdivision Plan of the subject land, whichever is applicable.

Section 4F: Changes in use or Intensity of Use

In the event that existing uses on a parcel of land are changed or intensified under any circumstance, including without limitation changes in zoning, new construction, changes in use or reconfiguration, resulting in greater actual or potential sewerage output than that established at the time of original or subsequent, then-existing assessment, the Town Manager or his or her designee shall proportionally assess the more intensive use and the re-assessed amount shall become the new, permanent assessment.

Section 5: Cost Determination and Apportionment Using the Unit Method

Section 5A: Sewer Cost Determination and Apportionment for Residential Land and Uses

Sewer assessments shall be based on one hundred percent (100%) of the cost of Special and General Benefit Facilities, as determined in accordance with the formulas set forth below. The actual assessment per Residential Sewer Unit for a residential lot or use shall be the allocated cost or Seventeen Thousand Dollars (\$17,000.00) (the “initial maximum amount”), whichever is lower. This initial maximum amount will remain in effect until June 30, 2022. Thereafter, the initial maximum amount shall be adjusted annually as of July 1 of each year by the percentage change in the construction cost index as calculated by Gordian for the immediately preceding year ending June 30. In the event that Gordian ceases to publish such index, the Department of Public Works (“DPW”) will select an Index which most closely resembles the Gordian index and the substitute index shall then be used for so long as the DPW in its judgment determines that the substitute index accurately reflects market conditions.

Section 5B: Cost and Assessment of General Benefit Facilities

1. The cost of General Benefit Facilities and of Special Benefit Facilities shall be determined separately from each other.
2. The cost of General Benefit Facilities for a Pumping District shall be divided by the number of Sewer Units in such Pumping District. The result of such calculation shall be the General Benefit Facility Unit Cost.

DRAFT SEWER ASSESSMENT ORDINANCE – 12/17/20

- a. The General Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets that will receive a direct benefit and advantage upon connection to the sewer system.
- b. The General Benefit Facility Unit Cost shall not be assessed to Sewer Units that do not currently abut existing streets to be sewerred but shall be assessed at such later time as such Sewer Units shall directly benefit from the General Benefit Facilities.

Section 5C: Cost and Assessment of Special Benefit Facilities

- 1. The cost of Special Benefit Facilities for a Sewer District shall be divided by the number of Sewer Units in such Sewer District. The result of such calculation shall be the Special Benefit Facility Unit Cost.
 - a. The Special Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets that will receive a direct benefit and advantage upon connection to the sewer system.
 - b. The Special Benefit Facility Unit Cost shall not be assessed to Sewer Units that do not currently abut existing streets to be sewerred but shall be assessed at such later time as such Sewer Units shall directly benefit from the Special Benefit Facilities.

Section 6: Estimated Assessments

The Town may assess and collect estimated sewer assessments in connection with the construction of water pollution collection, pumping, treatment and disposal facilities. The total amount of such estimated sewer assessments shall not exceed the lesser of (i) one-half of the Town's liability under all contracts it has entered into for the construction of such facilities or (ii) any cap on sewer assessments as determined under Section 5. The total of such estimated assessments shall be determined by the same method to be used for the determination of the actual assessments upon the completion of the work. When the final costs of construction of the facilities have been determined, the Town may assess and collect actual sewer assessments for the balance owed. The interest rate on estimated sewer assessments will be the rate as determined under Section 9.

Section 7: Sewer Connection

An abutter to a completed section of a sewer line may connect to the completed line before the entire sewer project is completed and assessed, provided that he makes an initial partial payment in such amount as determined by the Town and not less than One Hundred Dollars (\$100) and pays the balance of the assessment when levied. The cost of connecting the abutter to the completed section of sewer will be assessed back to the property abutter at one hundred percent (100%) of the cost. Property abutters may elect to pay the entire cost of connection upon completion or may choose to have it added to their sewer assessment.

Section 8: System Development Charge

A one-time System Development Charge of One Thousand Six Hundred Dollars (\$1,600) will be charged to a property abutter at the time of connection to the sewer system through June 30, 2022. Commencing on July 1, 2022, the Town Manager, or his or her designee, will annually conduct a System Development Charge update and any change in the amount of the System Development Charge will be as approved by the Town Manager. Property abutters may elect to pay the entire cost of the System Development Charge at the time of connection to the sewer system, or may choose to have it added to their sewer assessment.

Section 9: Interest Rate on Apportioned Sewer Assessments

At the time of assessment, the property owner will have the option to pay the full amount of the assessment within thirty (30) days, or to make a partial payment on the assessment and apportion the unpaid balance over future tax

bills for a period of their choosing, up to 30 years, or to apportion the full assessment over future tax bills for a period of their choosing, up to 30 years. The Town will apply an interest rate to the sewer assessment at an annual fixed rate of two percent (2.0%) above the borrowing costs the Town incurs on the loan. If multiple loans are issued, a blended rate will be used to calculate the Town's borrowing cost."

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-047
INTRO: 12/3/2020, 12/17/2020**

2021-047 APPROPRIATION ORDER IN THE AMOUNT OF \$90,000 FOR THE INSPECTIONAL SERVICES DEPARTMENT FISCAL YEAR 2021 OPERATING EXPENSE BUDGET TO FUND A CONTRACT FOR THE COMPREHENSIVE MONITORING OF RENTAL PROPERTIES

ORDERED: That the sum of **\$90,000** be appropriated from the General Fund Reserves and added to the Fiscal Year 2021 Inspectional Services Department Operating Budget of \$2,164,880, resulting in a revised Fiscal Year 2021 Operating Budget of \$2,254,880, for the purpose of funding a contract for the comprehensive monitoring of rental properties.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>12/03/2020</u> | <u>Refer to Public Hearing 12/17/2020</u> |

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-047
INTRO: 12/3/2020, 12/17/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Brian Florence, Building Commissioner
DATE: December 3, 2020
SUBJECT: Appropriation Order in the amount of **\$90,000** for the Inspectional Services Department Fiscal Year 2021 Operating Expense Budget to fund a contract for the comprehensive monitoring of rental properties

BACKGROUND: While considering the adoption of a Short Term Rental (STR's) Registration Ordinance it became apparent that additional statistical information concerning the various aspects of both short term and long term rentals (LTR's) was necessary in order to assist policy makers in determining the best approach to regulating vacation rentals.

Further, the Inspectional Services Department would submit that modernizing the approach to LTR's would benefit both the public and the Town by streamlining some of its processes and procedures including registration, complaint tracking and data collection.

Identifying unregistered STR's and LTR's is either labor intensive or requires the use of outside services. There are outside services that offer technology that is designed to identify rental properties, track complaints and are able to provide real-time statistical data to policy makers and enforcement officials alike without the need to hire a workforce which would otherwise be necessary for data collection and statistic prep.

ANALYSIS: The Inspectional Services Department, in order to monitor and manage STR and LTR properties in a manner that would reduce the need for in-house internet monitoring workforce and to provide robust statistical information is recommending the hiring of outside services. Such outside services would be required to identifying all LTRs and STRs advertised with various online platforms, provide a registration platform for property owners offering short term or long term rentals, would need to provide a 24/7 complaint hotline as well as non-compliance monitoring and enforcement assistance, all with data collection capabilities

FISCAL IMPACT: This expense is anticipated to be an annual expense included in the Inspectional Services Department Budget and may increase or decrease depending on the number of rentals in a given year and cost increases by the vendor over time. The contract will be funded from the General Fund reserves in Fiscal Year 2021. The General Fund reserves were recently certified at \$18.5 million. Beginning in Fiscal Year 2022 and beyond, it is anticipated that additional registration fees paid by STR's will cover a majority of these costs. Any registration fees collected in Fiscal Year 2021 on STR's will offset the reserves used to fund this contract.

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

STAFF ASSISTANCE: Brian Florence, Building Commissioner

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-055
INTRO: 12/03/2020, 12/17/2020

2021-055 APPROPRIATION ORDER IN THE AMOUNT OF \$148,953.25 FOR THE PURPOSE OF PAYING OPERATING EXPENSES OF THE SOLID WASTE DIVISION FOR THE DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE, CONSTRUCTION AND DEMOLITION MATERIAL, MUNICIPAL SOLID WASTE AND RECYCLABLES

ORDERED: That the sum of **\$148,953.25** be appropriated for the purpose of paying operating expenses of the Solid Waste Division for the disposal of household hazardous waste, construction and demolition material, municipal solid waste and recyclables, and that to meet this appropriation, that **\$148,953.25** be transferred from the Solid Waste Enterprise Fund Reserves.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>12/03/2020</u> | <u>Refer to Public Hearing 12/17/2020</u> |

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-055
INTRO: 12/03/2020, 12/17/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: December 3, 2020
SUBJECT: Appropriation Order in the amount of **\$148,953.25** for the purpose of paying operating expenses of the solid waste division for the disposal of household hazardous waste, construction and demolition material, municipal solid waste and recyclables

BACKGROUND: An additional appropriation of \$148,953.25 is required for the purpose of paying FY2020 operating expenses for the disposal of household hazardous waste, construction and demolition, municipal solid waste, and recyclables. Due to the COVID-19 pandemic, the Solid Waste Division saw increased utilization of the facility by customers in the fourth quarter. Utilizing the previous year's estimates did not provide adequate predictions of the increases that were experienced in various items for disposal. However, even with this additional request to cover disposal costs, the Fiscal Year 2020 budget experienced a favorable variance. The budget was balanced using \$515,383 of surplus funds but only needed to use \$198,081 including this request for \$148,953.25 This was due to actual revenue exceeding budget estimates as well as other operating expenses coming in less than what was budgeted.

FISCAL IMPACT: Funds for this expenditure will be provided from the Solid Waste Enterprise Fund reserves. The reserve balance was certified by the Massachusetts State Department of Revenue at \$1,284,194 as of July 1, 2020.

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

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-048
INTRO: 12/17/2020

2021-048 ACCEPTANCE OF A FEDERAL FISCAL YEAR 2020 BULLETPROOF VEST PARTNERSHIP GRANT IN THE AMOUNT OF \$8,000 FROM THE UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS

RESOLVED: That the Barnstable Town Council does hereby accept a Federal Fiscal Year 2020 Bulletproof Vest Partnership Grant in the amount of **\$8,000** from the United States Department of Justice Office of Justice Programs for the purpose of funding the replacement of bulletproof vests for each police officer in accordance with the recommended 5-year replacement safety standard, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-048
INTRO: 12/17/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: December 17, 2020
SUBJECT: Acceptance of a Federal Fiscal Year 2020 Bulletproof Vest Partnership Grant in the amount of **\$8,000** from the United States Department of Justice Office of Justice Programs

BACKGROUND: The Barnstable Police Department applied for and was awarded a Bulletproof Vest Partnership Grant from the United States Department of Justice Office of Justice Programs for Federal Fiscal Year 2020 in the amount of \$8,000.00.

This grant funds up to 100% of the cost of bulletproof vests purchased or replaced by the police department in the form of a 50/50 partnership between the Federal Office of Justice Programs and the Massachusetts Executive Office of Public Safety. Replacement of vests is recommended every 5 years, as the reliability of the vest deteriorates over time and use. State reimbursement is only made upon receipt of 50% payment from the Federal program.

ANALYSIS: The acceptance of this grant will allow the Department to replace bulletproof vests and maintain safety standards for replacement of these vests on behalf of each police officer at no cost to the Town once the 50/50 reimbursements are filed for and received by the Federal and State grants. This grant offer significant savings to the Town, as each vest costs upwards of \$1,000 and is an expenditure that is anticipated every five years for each officer. Each officer is on a 5 year replacement cycle tied back to the date of the purchase of their first vest. For this reason, these grants are applied for each year that they are made available for application.

FISCAL IMPACT: This is a reimbursement grant. The town must expend the funds upfront and subsequently submit for reimbursement. The elimination of this source of grant funding would have a direct impact on future General Fund budgets, as the cost would still remain a mandatory recurring operational expense and therefore would have to be replaced with general fund revenue.

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

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne Spillane, Barnstable Police Department

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-049
INTRO: 12/17/2020**

2021-049 ACCEPTANCE OF A FISCAL YEAR 2021 STATE 911 DEPARTMENT TRAINING GRANT IN THE AMOUNT OF \$16,912.26 FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

RESOLVED: That the Town Council hereby accepts a Fiscal Year 2021 State 911 Department Training Grant in the amount of **\$16,912.26** from the Commonwealth of Massachusetts Executive Office of Public Safety and Security for the purpose of funding costs associated with the mandatory training of all 911 dispatchers who perform emergency dispatch operations, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-049
INTRO: 12/17/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: December 17, 2020
SUBJECT: Acceptance of a Fiscal Year 2021 State 911 Department Training Grant in the amount of **\$16,912.26** from the Commonwealth of Massachusetts Executive Office of Public Safety and Security

BACKGROUND: The Department has been awarded a grant in the amount of \$16,912.26 relative to our role as a primary Public Safety Answering Point (PSAP) to fund the training and certification of enhanced 911 telecommunicators, including emergency medical dispatch (EMD).

This grant will fund 16 hours each of continuing education courses as required by law in such areas as CPR, EMD Recertification and specialized dispatch training on other topics including active shooter, domestic violence and suicide for 14 telecommunicators. Only telecommunicators who are trained/certified in basic telecommunications and EMD can work in the dispatch area and must complete 16 hours of continuing education annually. The grant will also fund the training costs associated with the initial training of newly hired civilian dispatchers.

ANALYSIS: Acceptance of this grant will enable the department to fulfill their training obligations as a primary PSAP as mandated by State 911.

GRANT DETAIL: \$16,912.26 will be directed to pay for class fees and personnel costs associated with the training.

FISCAL IMPACT: This is a reimbursement grant for all training costs, materials and overtime. The town must expend the funds upfront and subsequently submit for reimbursement. The elimination of this source of grant funding would have a direct impact on future General Fund budgets, as the cost would still remain a mandatory recurring operational expense and therefore would have to be replaced with general fund revenue. All costs associated with this grant contract must be completed by June 30, 2021.

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

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne Spillane, Barnstable Police Department; Lena Bevilacqua

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-050
INTRO: 12/17/2020**

**2021-050 ACCEPTANCE OF A FEDERAL FISCAL YEAR 2020 EMERGENCY
MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF \$15,500
FROM THE MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY**

RESOLVED: That the Town Council hereby accepts a Federal Fiscal Year 2020 Emergency Management Performance Grant in the amount of **\$15,500** from the Massachusetts Emergency Management Agency for the purpose of funding costs associated with the modifications needed to outfit the Emergency Operation Center with interactive technology, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-050
INTRO: 12/17/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: December 17, 2020
SUBJECT: Acceptance of a Federal Fiscal Year 2020 Emergency Management Performance Grant in the amount of **\$15,500** from the Massachusetts Emergency Management Agency

BACKGROUND: The Department has been awarded a grant in the amount of \$15,500.00 relative to our role as the Emergency Operation Center.

This grant will fund the Emergency Operation Center (EOC) improvements in technological capabilities. The improvements will be with the use of built in technology driven media tables that will interface with monitors, computers, laptops and dispatch. The upgrades will provide emergency management with the ability to better manage events in real time and interface with other agencies to coordinate emergency operations. The EOC improves our ability to convene staff in a time of emergency both in the department and regionally.

ANALYSIS: Acceptance of this grant will enable the department to modify a large communication room into a technologically advanced emergency operation center.

GRANT DETAIL: \$15,500.00 will be directed to pay for technology driven media tables, cameras, interfacing computers, monitors, and laptops.

FISCAL IMPACT: This grant requires a 100% match, which is met via the annual maintenance contract for the Reverse 911 public notification system purchased through PCMG, Inc., and exceeds the match requirement of \$15,500.00. All costs associated with this grant contract must be completed by June 30, 2021.

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

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne Spillane, Barnstable Police Department; Lena Bevilacqua

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-051
INTRO: 12/17/2020**

2021-051 ACCEPTANCE OF A FISCAL YEAR 2021 911 DEPARTMENT SUPPORT AND INCENTIVE GRANT IN THE AMOUNT OF \$270,026 FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY

RESOLVED: That the Barnstable Town Council does hereby accept a Fiscal Year 2021 911 Department Support and Incentive Grant from the Commonwealth of Massachusetts Executive Office of Public Safety in the amount of **\$270,026** for the purpose of funding overtime costs associated with shift shortages in the 911 center and also to fund a portion of the base salaries of civilian dispatchers working in the 911 center, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-051
INTRO: 12/17/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: December 17, 2020
SUBJECT: Acceptance of a Fiscal Year 2021 911 Department Support and Incentive Grant in the amount of **\$270,026** from the Commonwealth of Massachusetts Executive Office of Public Safety

BACKGROUND: The Police Department applied for and was awarded a 911 Support and Incentive Grant from the Commonwealth of Massachusetts Executive Office of Public Safety and Security State 911 Department in the amount of \$270,026. The Barnstable Police Department serves as a primary Public Safety Answering Point (PSAP) in that it receives all categories of 911 calls (Fire, Police & Medical Emergency) and then dispatches to the appropriate service according to the type of call. Additionally, Emergency Medical Dispatch continues to be administered by the Barnstable Police Department throughout the duration of the call, in keeping with State 911 regulations. Eligible entities for this grant are primary, regional and regional secondary PSAPS and Regional Emergency Communications Centers (RECC). Additional monies are available under the grant guidelines pertinent to this grant, because the Barnstable Police Department serves as a Primary PSAP and also takes cell phone calls. The Barnstable Police Department proposes that this funding be used to fund personnel costs incurred in the operation of the department's 911 Telecommunications Center.

ANALYSIS: The acceptance of this grant will allow the Department to place qualified personnel in the communications center in order to provide adequate staffing to that area without incurring undo personnel expenses. As approved in the Fiscal Year 2020 Personnel Budget this grant will fund the base pay and/or overtime of 911 EMD certified civilian dispatchers up to the funding limit of \$270,026.

FISCAL IMPACT: This is a reimbursement grant for personnel costs. The town must expend the funds upfront and subsequently submit for reimbursement. The elimination of this source of grant funding would have a direct impact on future General Fund budgets, as the cost would still remain a mandatory recurring operational expense and therefore would have to be replaced with general fund revenue. All costs associated with this grant contract must be completed by June 30, 2021.

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

STAFF ASSISTANCE: Chief Matthew K. Sonnabend; Anne Spillane, Barnstable Police Department; Lena Bevilacqua

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-052
INTRO: 12/17/2020**

**2021-052 ACCEPTANCE OF A FISCAL YEAR 2021 STATE 911 DEPARTMENT
EMERGENCY MEDICAL DISPATCH GRANT IN THE AMOUNT OF
\$20,299.98 FROM THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

RESOLVED: That the Town Council hereby accepts a Fiscal Year 2021 State 911 Department Emergency Medical Dispatch Grant in the amount of **\$20,299.98** from the Commonwealth of Massachusetts Executive Office of Public Safety and Security for the purpose of funding costs associated with emergency dispatch operations, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

BARNSTABLE TOWN COUNCIL

ITEM # 2021-052
INTRO: 12/17/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: December 17, 2020
SUBJECT: Acceptance of a Fiscal Year 2021 State 911 Department Emergency Medical Dispatch Grant in the amount of **\$20,299.98** from the Commonwealth of Massachusetts Executive Office of Public Safety and Security

BACKGROUND: This grant will fund an annual software maintenance contract with PowerPhone in the amount of \$319.60; an annual Emergency Medical Dispatch medical director contract with Cape & Islands Emergency Medical Services in the amount of \$6,500; and the costs of 160 hours of overtime to complete quality assurance oversight and call review as required by State 911 in the amount of \$13,480.38. The total value of the grant is \$20,299.98.

ANALYSIS: Acceptance of this grant will enable the department to fulfill their obligations as a primary PSAP relative to the performance of Emergency Medical Dispatch, as mandated by State 911.

FISCAL IMPACT: This is a reimbursement grant for all contract costs and overtime. The town must expend the funds upfront and subsequently submit for reimbursement. The elimination of this source of grant funding would have a direct impact on future General Fund budgets, as the cost would still remain a mandatory recurring operational expense and therefore would have to be replaced with general fund revenue. All costs associated with this grant contract must be completed by June 30, 2021.

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

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne Spillane, Barnstable Police; Lena Bevilacqua

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

BARNSTABLE TOWN COUNCIL

**ITEM #2021-056
INTRO: 12/17/2020**

2020-056 TRANSFER ORDER IN THE AMOUNT OF \$65,000 FOR MUNICIPAL SOLID WASTE COLLECTION SERVICES CONTRACT

ORDERED: That the sum of **\$65,000** be transferred from the Fiscal Year 2021 Public Works Department Personnel Budget to the Fiscal Year 2021 Public Works Department Operating Expense Budget for the purpose of funding a Municipal Solid Waste Collection Contract.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

BARNSTABLE TOWN COUNCIL

ITEM #2021-056
INTRO: 12/17/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: December 17, 2020
SUBJECT: Transfer Order in the amount of **\$65,000** from the Fiscal Year 2021 Public Works Department Personnel Budget to the Fiscal Year 2021 Public Works Department Operating Expense Budget for the purpose of funding Municipal Solid Waste Collection Services

BACKGROUND: The Structures & Grounds Division will be managing the contract for collection of Municipal Solid Waste (MSW) throughout the Town effective January 1st 2021. The contract will include the collection and disposal of MSW from its facilities including all buildings, parks, cemeteries, beaches, bath houses, ways to water, recreation facilities, playing fields, etc.

ANALYSIS: Department of Public Works conducted an analysis last year that concluded that the Town may be able to save money by going to a contract for municipal solid waste collection and disposal from Town facilities. As a result of the study the Town put out an Request For Proposal (RFP) for these services. The lowest responsive bidder will result in a savings to the Town of approximately \$80,000 per year, while providing the same level of service. The Solid Waste Division will be losing one full-time equivalent position as a result of contracting for these services.

FISCAL IMPACT: The available funds in the Department of Public Works Personnel Budget are due to the turnover in several positions throughout the Fiscal Year resulting in vacancy savings. The total Fiscal Year 2021 Operating Budget Appropriation for the Public Works Department is not changing.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of the Transfer Order.

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

B. NEW BUSINESS (First Reading) (Refer to Second Reading 01/07/2021)

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-057
INTRO: 12/17/2020**

2021-057 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Mid Cape Cultural Council:** Jill Horton-Simms, Marstons Mills, as a regular member to a term expiring 6/2021; Carolyn Ferrell, Hyannis, as a regular member to a term expiring 6/2021

SPONSOR: Appointments Committee

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

B. NEW BUSINESS (Refer to the Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-058
INTRO: 12/17/2020**

2021-058 AMENDING THE ZONING MAP OF THE TOWN OF BARNSTABLE TO EXPAND THE MULTIFAMILY AFFORDABLE HOUSING DISTRICT TO INCLUDE MAP 250 PARCEL 160 AT 3 WHITEHALL WAY, HYANNIS, MA

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

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable to rezone property from the Residence C-1 Zoning District to the Multifamily Affordable Housing Zoning District as shown on maps entitled:

- “Proposed Amendment to the Town Zoning Map expanding the MAH District in Hyannis” and
- “Proposed Amendment to the Hyannis Zoning Map expanding the MAH District in Hyannis – Sheet 3 of 7” and
- “Proposed Amendment to the Centerville Zoning Map expanding the MAH District in Centerville – Sheet 4 of 7”

Dated August 6, 2020 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit.

SPONSOR: Eric Steinhilber, Town Councilor, Precinct 2

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

BARNSTABLE TOWN COUNCIL

ITEM#2021-058
INTRO: 12/17/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development Department
DATE: December 17, 2020
SUBJECT: Amending the Zoning Map of the Town of Barnstable to expand the Multifamily a Affordable Housing District to include Map 250 Parcel 160 at 3 Whitehall Way, Hyannis, MA

BACKGROUND: The Multifamily Affordable Housing (MAH) District was created by the Town in 2008 for the purpose of creating off-site inclusionary affordable housing in conjunction with a proposed continuing care retirement community. The District was amended in 2018 to provide added flexibility for stand-alone, mixed-income, multi-family residential development. The site is the former location of the Whitehall Nursing Home and is now vacant. The MAH District currently allows, by Special Permit, for multi-family residential development at 16 units per acre, with 25 percent of those units required to be deed restricted affordable for residents at 65% of the Area Median Income.

RATIONALE: The proposed Zoning Map Amendment would expand the MAH District to include the adjoining parcel at 3 Whitehall Way, Hyannis. The prospective developer of the MAH parcel purchased the property and has agreed to deed restrict it from development. The parcel would be utilized for the purpose of calculating density, setbacks, and compliance with open space requirements.

FISCAL IMPACT: There is no significant fiscal impact of the proposed zoning map amendment.

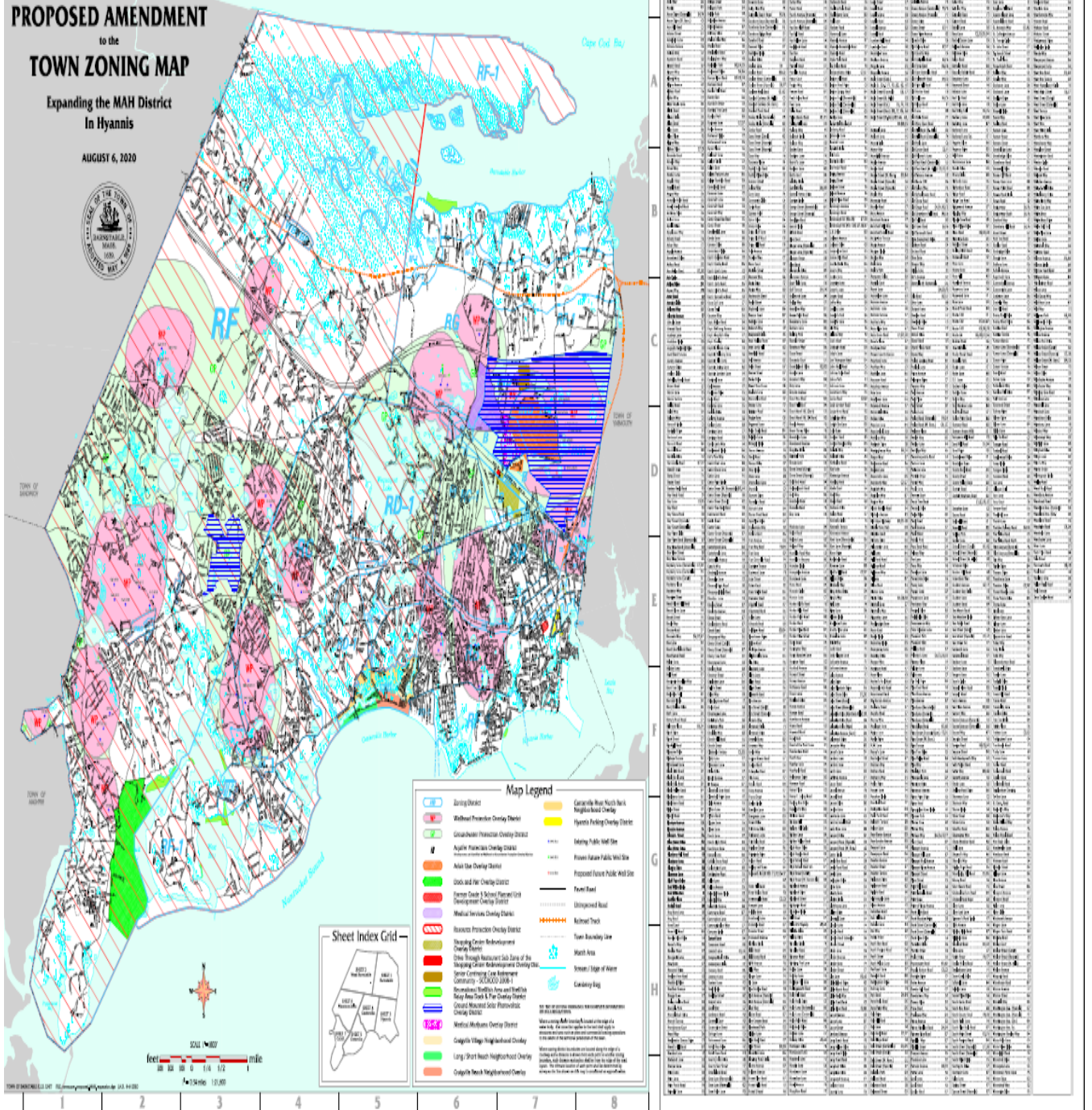
TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends the proposed Zoning Map amendment.

STAFF SUPPORT: Elizabeth Jenkins, Director of Planning & Development; Kate Maldonado, Senior Planner

PROPOSED AMENDMENT to the TOWN ZONING MAP

Expanding the MAH District In Hyannis

AUGUST 6, 2020



| Map Legend | |
|------------|--|
| | Living District |
| | Without Provisions Overlay District |
| | Conservation Protection Overlay District |
| | AgriLife Production Overlay District |
| | Active Use Overlay District |
| | Good and Fair Overlay District |
| | Home Care / School Placement Development Overlay District |
| | Medical Services Overlay District |
| | Business Protection Overlay District |
| | Repeating Pattern Redevelopment Overlay District |
| | Over-Sight Redevelopment Overlay District |
| | Senior Community Care Retirement Community - SCARDO 2008-1 |
| | Recreational Facilities Overlay District |
| | Marina Overlay District |
| | Medical Medium Density Overlay District |
| | Orangeburg Neighborhood Overlay District |
| | Long Short Beach Neighborhood Overlay District |
| | Orangeburg Beach Neighborhood Overlay District |
| | Capeville Bay North Neck Neighborhood Overlay District |
| | Hyannis Parking Overlay District |
| | Relating Public-Use Site |
| | Former State Public-Use Site |
| | Proposed Former Public-Use Site |
| | Town Road |
| | Unimproved Road |
| | Right-of-Way |
| | Town Boundary Line |
| | Marsh Area |
| | Street Edge of Water |
| | Catchment Basin |



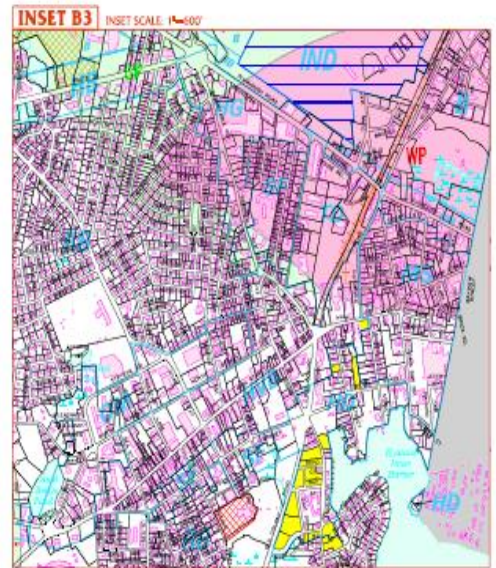
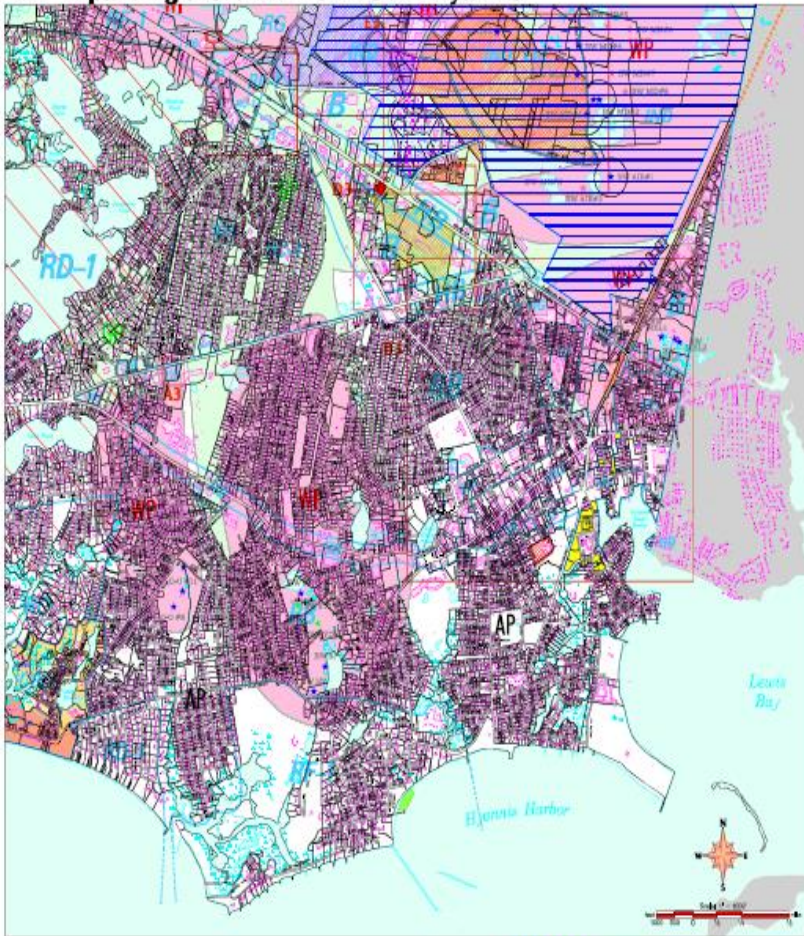
| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|



PROPOSED AMENDMENT to the HYANNIS ZONING MAP Expanding the MAH DISTRICT in Hyannis

AUGUST 6, 2010

HYANNIS - SHEET 3 OF 7



| Map Legend | |
|------------|--|
| | Zoning District |
| | Wellhead Protection Overlay District |
| | Coastal Protection Overlay District |
| | Aquifer Protection Overlay District |
| | Adult Use Overlay District |
| | Deck and Pier Overlay District |
| | Harbor Cruise & Submersible Personal Use Development Overlay District |
| | Medical Services Overlay District |
| | Resource Protection Overlay District |
| | Shopping Center Redevelopment Overlay District |
| | Drive Through Restaurant Sub Zone of the Shopping Center Redevelopment Overlay Dist. |
| | Senior Continuing Care Retirement Community - SCORCSD 2006 |
| | Recreational/Entertainment Area and Tourist/Relay Area (DUC) & Pier Overlay District |
| | Coastal Moored Sails/Pharmaceutical Overlay District |
| | Medical/Maritime Overlay District |
| | CapeVillage Neighborhood Overlay |
| | Long / Short Beach Neighborhood Overlay |
| | CapeVillage Beach Neighborhood Overlay |
| | Centerville-Barn Haven Beach Neighborhood Overlay |
| | Hyannis Parking Overlay District |
| | Existing Public Well Site |
| | Proposed Future Public Well Site |
| | Parcel Lines (P1 2005) |
| | Buildings |
| | Railroad Tracks |
| | Town Boundary Line |
| | Mudflats |
| | Streams / Edge of Water |
| | Coastline Ring |

NOTES:
 1. All zoning district boundaries are shown on this map. Where a zoning district boundary is located on the edge of the map, the map is shown to the next full zoning district boundary and color used to show the zoning district boundary. The zoning district boundary is shown on the next full zoning district boundary.
 2. Where zoning district boundaries are located on the edge of a map, the map is shown to the next full zoning district boundary and color used to show the zoning district boundary. The zoning district boundary is shown on the next full zoning district boundary.
 3. Where zoning district boundaries are located on the edge of a map, the map is shown to the next full zoning district boundary and color used to show the zoning district boundary. The zoning district boundary is shown on the next full zoning district boundary.



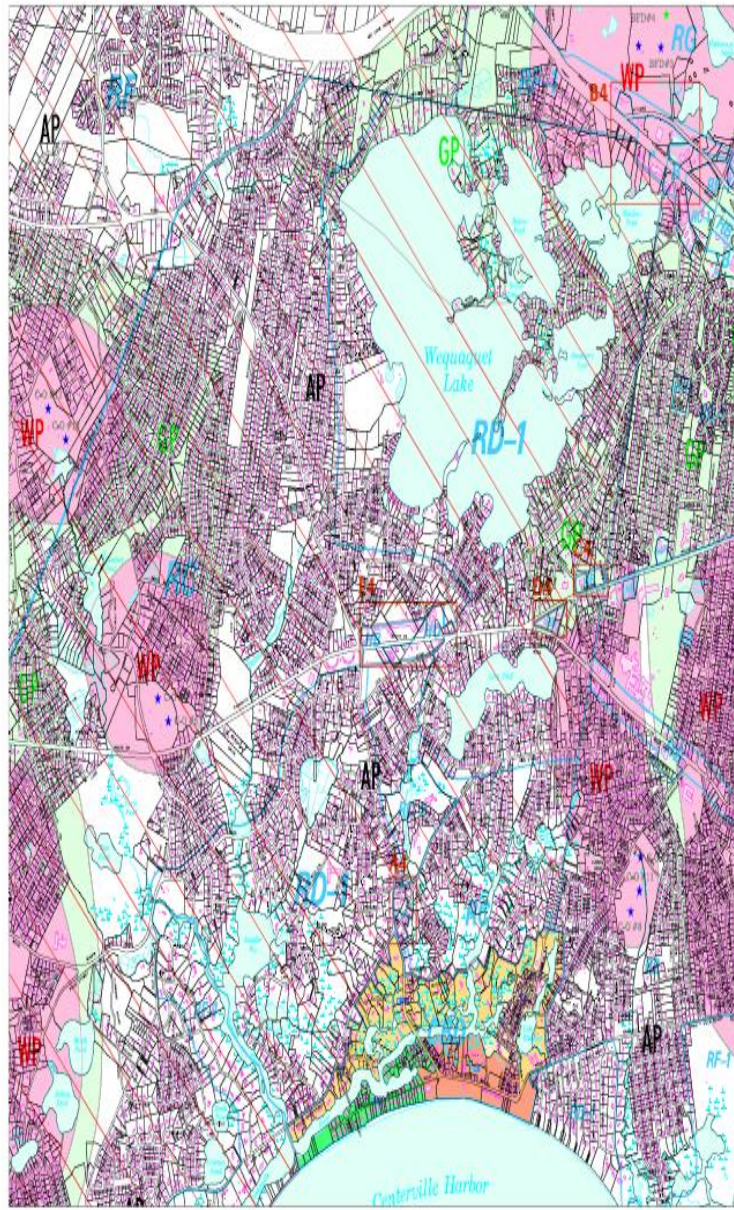
ISSUED BY: BARRINGTON, LLC DATE: 08/06/10 PROJECT: ZONING MAP AMENDMENT 1A.B. 8.8.1002



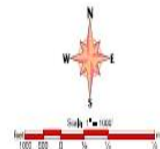
PROPOSED AMENDMENT to the CENTERVILLE ZONING MAP
Expanding the MAH DISTRICT in Centerville

AUGUST 6, 2020

CENTERVILLE - SHEET 4 OF 7



| Map Legend | |
|------------|--|
| | Zoning District |
| | Wetland Protection Overlay District |
| | Coastwaters Protection Overlay District |
| | Apples Protection Overlay District |
| | Adult Use Overlay District |
| | Dock and Pier Overlay District |
| | Former Grade 5 School Planned Shift Development Overlay District |
| | Medical Services Overlay District |
| | Resource Protection Overlay District |
| | Shelving Center Redevelopment Overlay District |
| | Senior Continuing Care Retirement Community - SCCR 2006 I |
| | Recreational Facility Area and Ballfield Relay Area Dock & Pier Overlay District |
| | Ground Mounted Solar Photovoltaic Overlay District |
| | Cragville Village Neighborhood Overlay |
| | Cragville Beach Neighborhood Overlay |
| | Cragville Beach Neighborhood Overlay |
| | Centerville West North Park Neighborhood Overlay |
| | Existing Public Well Site |
| | Proposed Future Public Well Site |
| | Proposed Future Public Well Site |
| | Fence Lines |
| | Buildings |
| | Railroad Track |
| | Town Boundary Line |
| | Marsh Area |
| | Stream / Edge of Water |
| | Country Bog |



TOWN OF CENTERVILLE, V.T. 803 CENTERVILLE, VT. 05735

B. NEW BUSINESS (Refer to the Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2021-059
INTRO: 12/17/2020**

2021-059 AMENDING ARTICLE III, CHAPTER 240, SECTION 16.1 OF THE ZONING ORDINANCE TO MODIFY THE REQUIRED PERCENTAGE OF AFFORDABLE UNITS AND REVISE THE DEFINITION OF AFFORDABLE UNIT AND AMENDING ARTICLE XI, CHAPTER 240, SECTION 116 OF THE ZONING ORDINANCE TO EXEMPT DEVELOPMENT PERMITTED UNDER THE MULTIFAMILY AFFORDABLE HOUSING FROM GROWTH MANAGEMENT

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

SECTION 1

By amending Article III, Section 16.1(F) by striking in the first sentence “25%” and replacing it with “18%” so it reads as follows:

F. Affordable Units. At least **18%** of the dwelling units shall be affordable units, subject to the following conditions:

SECTION 2

By amending Article III, Section 16.1(I) by striking in the definition of AFFORDABLE UNIT the phrase “as defined in §9.2 of the Code” and replacing it with the phrase “as defined herein” so it reads as follows:

AFFORDABLE UNIT

A dwelling unit reserved in perpetuity for rental or ownership by a qualified affordable housing unit tenant or purchaser as defined herein and priced to conform with the standards of the Massachusetts Department of Housing and Community Development (DHCD) Local Initiative Program Guidelines, in order that such affordable units shall be included in the DHCD Subsidized Housing Inventory.

SECTION 3

By amending Article III, Section 16.1(I) by adding a definition of “Qualified Affordable Housing Unit Purchaser or Tenant” as follows:

QUALIFIED AFFORDABLE HOUSING UNIT PURCHASER OR TENANT

A. An individual or household with total annual income that does not exceed the following percentages of the area median income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development:

(1) For the purchaser of a condominium unit: 50%.

(2) For the tenant in a rental unit: 50%.

SECTION 4

By amending Article XI Growth Management, Section 116 by adding the following:

(G) Development permitted under the Multifamily Affordable Housing Residential District.

SPONSOR: Eric Steinhilber, Town Councilor, Precinct 2

DATE ACTION TAKEN

_____ _____

_____ _____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2021-059
INTRO: 12/17/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development Department
DATE: December 17, 2020
SUBJECT: Amending Article III, Chapter 240, Section 16.1 of the Zoning Ordinance to modify the required percentage of affordable units and revise the definition of affordable unit and Article XI, Chapter 240, Section 116 of the Zoning Ordinance to exempt development under the Multifamily Affordable Housing (MAH) from Growth Management

BACKGROUND: The Multifamily Affordable Housing (MAH) District was created by the Town in 2008 for the purpose of creating off-site inclusionary affordable housing in conjunction with a proposed continuing care retirement community. The District was amended in 2018 to provide added flexibility for stand-alone, mixed-income, multi-family residential development. The site is the former location of the Whitehall Nursing Home and is now vacant. The MAH District currently allows, by Special Permit, for multi-family residential development at 16 units per acre, with 25 percent of those units required to be deed restricted affordable for residents at 65% of the Area Median Income.

RATIONALE: The proposed zoning text amendment would reduce the percentage of total units required to be deed restricted affordable in a new development built under the MAH Zoning District from 25% to 18%. Additionally, the amendment would modify the current requirement for units to be restricted affordable for residents at 65% of the Area Median Income to require units to be affordable for residents at 50% of the Area Median Income. Overall, the result would be a decrease in the number of affordable units, but the designated affordable units would be available to those with lower incomes.

The current MAH ordinance requires affordable units to be in compliance with the Inclusionary Affordable Housing Requirements. This amendment modifies the required affordability level from 65% to 50%, but all other requirements for constructing and deed restricting the units remain the same.

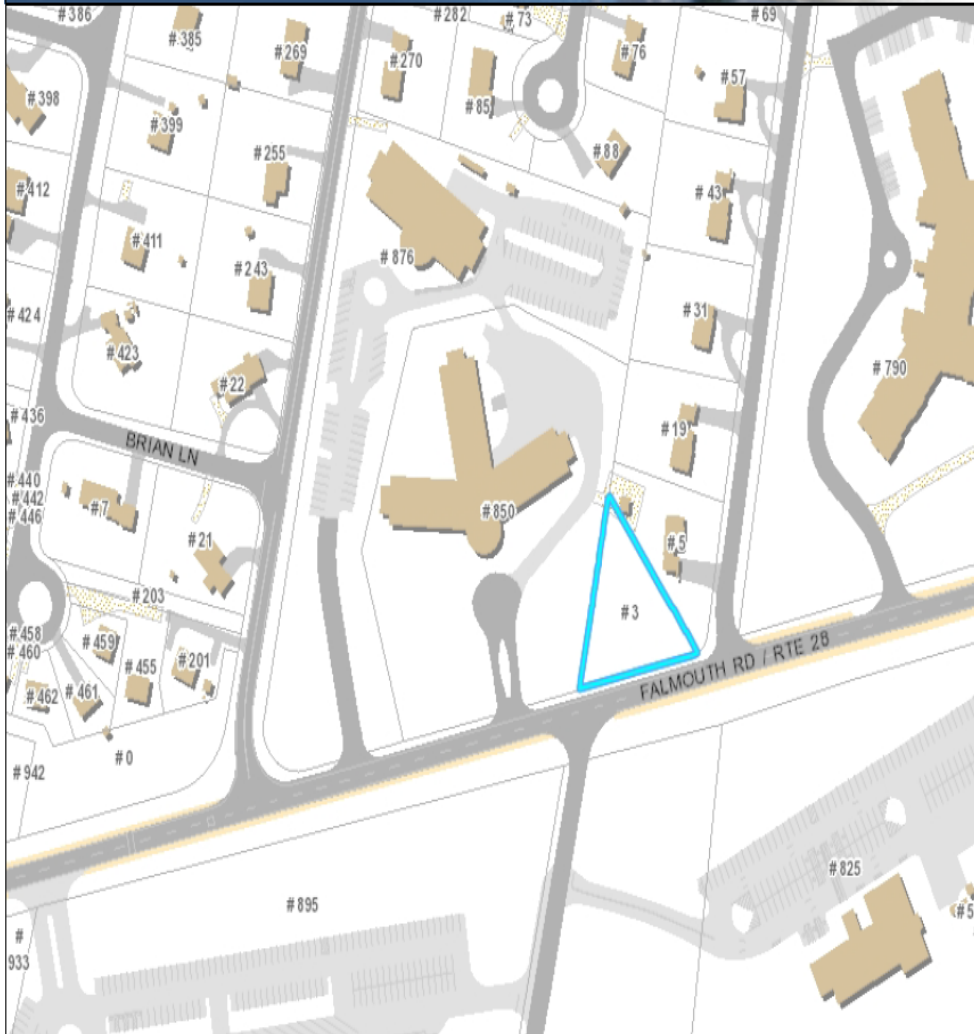
This amendment is being proposed by the prospective developer of the property, who is seeking to apply for local tax relief and state tax credits under the Housing Development Incentive Program. That program, which is designed to promote market-rate rental housing, requires at least 80% of the units in a project to be market rate (not deed restricted).

Further, the amendment clarifies that the proposed development is not subject to the restrictions on issuance of building permits in Article XI Growth Management of the Zoning Ordinance. This section restricts the number of building permits issued annually and per owner.

FISCAL IMPACT: There is no significant fiscal impact of the proposed zoning amendment.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends the proposed text amendment.

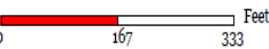
STAFF SUPPORT: Elizabeth Jenkins, Director of Planning & Development; Arden Cadrin, Housing Coordinator, Kate Maldonado, Senior Planner



Legend

- Parcels
- ** Town Boundary
- Railroad Tracks
- Buildings
 - Approx. Building
 - Buildings
- Painted Lines
- Parking Lots
 - Paved
 - Unpaved
- Driveways
 - Paved
 - Unpaved
- Roads
 - Paved Road
 - Unpaved Road
 - Bridge
 - Paved Median
- Streams
- Marsh
- Water Bodies

Map printed on: 8/4/2020



Approx. Scale: 1 inch = 167 feet



This map is for illustration purposes only. It is not adequate for legal boundary determination or regulatory interpretation. This map does not represent an on-the-ground survey. It may be generalized, may not reflect current conditions, and may contain cartographic errors or omissions.

Parcel lines shown on this map are only graphic representations of Assessor's tax parcels. They are not true property boundaries and do not represent accurate relationships to physical objects on the map such as building locations.



Town of Barnstable GIS Unit

367 Main Street, Hyannis, MA 02601
508-862-4624

gis@town.barnstable.ma.us

B. NEW BUSINESS (First Reading) (Refer to Second Reading 01/07/2021)

BARNSTABLE TOWN COUNCIL

**ITEM # 2021-060
INTRO: 12/17/2020**

2021-060 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Town of Barnstable’s Representative to the Steamship Authority’s Board of Governors:** Robert Jones, as a regular member to a term expiring 12/30/21; **Town of Barnstable’s Representative to the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority Port Council:** Eric Shufelt, as a regular member to a term expiring 12/30/21

SPONSOR: Appointments Committee

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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