



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
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TOWN COUNCIL MEETING AGENDA

September 19, 2024

6:00 pm

Original posted
09/13/2024@ 10:57am.
Updated on 09/17/2024
to add Item # 2025-033
Updated on 9/17/2024 to
add on Item 2025-034

Councillors:

Felicia Penn
President
Precinct 13

Craig Tamash
Vice President
Precinct 4

Gordon Starr
Precinct 1

Dr. Kristin Terkelsen
Precinct 2

Betty Ludtke
Precinct 3

John Crow
Precinct 5

Paul C. Neary
Precinct 6

Seth Burdick
Precinct 7

Jeffrey Mendes
Precinct 8

Charles Bloom
Precinct 9

Matthew P. Levesque
Precinct 10

Kris Clark
Precinct 11

Paula Schnepf
Precinct 12

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

The September 19, 2024 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2nd Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

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

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

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

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

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/89854229332> Meeting ID: 898 5422 9332
US Toll-free • 888 475 4499

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS (Pre-Recorded and available on Video on Demand on the Town website)

7. MINUTES

- **ACT ON PUBLIC SESSION MINUTES: September 05, 2024**

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

- Joint Base Cape Cod (JBCC) Joint Oversight Group brief to Town of Barnstable
Brig. Gen. (RET) Chris Faux: JBCC Executive Director
Col. Wendy Armijo: 102d IW Commander
Col. Matt Porter: Camp Edwards Base Operations Manager
Capt. Bowen Spievack: CG BCC CO
Capt. Michael Lachowicz: CG ASCC CO
Lt. Col. Bryan Becker: US Space Force 6SWS Commander

- Presentation by the Massachusetts Institute of Technology (MIT) Department of Urban Studies and Planning (DUSP) Renewable Energy Clinic

Teaching Team: Jungwoo Chun, Sanjana Paul, Web Farabow, Colin Larsen

Student Team: Archer Thomas, Shubhi Goyal, Makenzie Wenninghof, Martin Staadecker

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: October 10, 2024

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2025-025	Appropriation order in the amount of \$75,000 for the purpose of Alum Treatment for Mystic Lake (Public Hearing) (Roll Call 2/3 Full Council)	6-7
2025-026	Order amending Article II, Sewer Assessments, Chapter 184 Sewers and Water of the General Ordinances of the Code of the Town of Barnstable (Public Hearing) (Roll Call Majority Vote)	8-20
2025-027	Appropriation and Loan Order in the amount of \$3,826,327 and authorization to contract for and expend a grant in the amount of \$2,833,849 from the Commonwealth’s Executive Office of Energy and Environmental Affairs for the Sandy Neck Beach Facility Coastal Resiliency Project (Public Hearing) (Roll Call 2/3 Full Council)	21-22
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2025-033	Determination under Section 19 of the state Conflict of Interest Law regarding participation in matters relating to a potential increase in the town’s percentage contribution to the health insurance costs of its retirees (May be acted upon) (Majority Vote)	48-52
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Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it votes, the Council may go into executive session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2025-022

INTRO: 09/05/2024, 09/19/2024

2025-022 ORDER AMENDING THE GENERAL ORDINANCES OF THE CODE OF THE TOWN OF BARNSTABLE, CHAPTER 220 TOWN COUNCIL, ARTICLE I, SECTION 220-4

ORDERED: That the General Ordinances of the Code of the Town of Barnstable, Chapter 220 Town Council, Article I, Section 220-4 be amended by deleting “7:00” and inserting “6:00” in its place.

SPONSOR: Felicia R. Penn, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2025-022

INTRO: 09/05/2024, 09/19/2024

SUMMARY

TO: Town Council
FROM: Felicia R. Penn, Town Council President
THROUGH: Karen L. Nober, Town Attorney
SUBJECT: Order Amending the General Ordinances of the Code of the Town of Barnstable, Chapter 220 Town Council, Article I, Section 220-4
DATE: September 5, 2024

RATIONALE: Section 220-4 of the Town Code provides that meetings of the Town Council “shall commence at 7:00 p.m. at the Town Hall.” On February 1, 2024, the Town Council voted to approve Item 2024-092 to change the start time of Town Council meetings to 6:00 p.m. on a trial basis. This proposed Order will amend the Town Code to make that change on a permanent basis.

FISCAL IMPACT: N/A

STAFF SUPPORT: Karen L. Nober, Town Attorney

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

BARNSTABLE TOWN COUNCIL

ITEM# 2025-025

INTRO: 09/05/2024, 09/19/2024

2025-025 APPROPRIATION ORDER IN THE AMOUNT OF \$75,000 FOR THE PURPOSE OF ALUM TREATMENT FOR MYSTIC LAKE

ORDERED: That the amount of **\$75,000** be appropriated and added to the amount appropriated under Town Council Order 2023-104 for the purpose of funding the Mystic Lake Alum Treatment Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$75,000 be provided from the Capital Trust Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2025-025

INTRO: 09/05/2024, 09/19/2024

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: September 05, 2024
SUBJECT: Appropriation order in the amount of **\$75,000** for the purpose of Alum Treatment for Mystic Lake

BACKGROUND: Mystic Lake was treated with alum in the Fall of 2010, after experiencing two cyanobacteria blooms that resulted in the death of over 2 million mussels, including some endangered species. The National Heritage of Endangered Species Program (NHESP) restricted the alum treatment to less than what was originally proposed to control phosphorus release from the sediments of Mystic Lake. Water quality evaluations completed since 2011 have found that the 2010 alum treatment resulted in reduced phosphorus concentrations in the bottom water, but not as much as desired, based on periodic lower water clarity and occasional visible cyanobacteria accumulations. A report commissioned by the Indian Ponds Association recommends another alum treatment for Mystic Lake (Mystic Lake Status Update 2020 by Water Resource Services, Inc.).

ANALYSIS: The Town Council appropriated \$195,000 as part of the Fiscal Year 2024 Capital Budget for the Alum Treatment. The Department of Public Works has since received all necessary regulatory approvals to complete the alum treatment up to a concentration of 50 g/m². Bids have been opened for the project and one bid was received. The bids were structured such that the contractor provided pricing for various concentrations from 25 g/m² to 50 g/m². Based on the bid results, the maximum concentration that can be achieved with the current appropriation is 35 g/m². DPW recommends conducting the treatment at the maximum permitted concentration (50 g/m²) to ensure maximum efficacy.

The treatment is scheduled to be completed this fall. The contractor is required to complete the treatment between October 16th and December 15th. An additional permit requirement is for the Town to complete a mussel survey of the pond 4 years after the treatment is completed. The anticipated cost for this mussel survey (\$12,000) has been included in this request.

FINANCIAL IMPACT: Funding for this project will be provided from the reserves within the Capital Trust Fund which has an available balance of \$13,716,254.

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

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2025-026

INTRO: 09/05/2024, 09/19/2024

2025-026 ORDER AMENDING ARTICLE II, SEWER ASSESSMENTS, CHAPTER 184 SEWERS AND WATER OF THE GENERAL ORDINANCES OF THE CODE OF THE TOWN OF BARNSTABLE

ORDERED: That Article II, Sewer Assessments, Chapter 184 Sewers and Water, of the General Ordinances of the Code of the Town of Barnstable shall be amended as follows:

SECTION 1: § 184-9.2. Definitions shall be amended as follows:

- A. By amending the definition of “Commercial Use” by deleting “premises” and inserting “property” in its place;
- B. By amending subsection (a) of the definition of “Compensatory Sewer Privilege Fee” by inserting “equal to One (1) Sewer Unit” after “sewer assessment” and by deleting “based on the number of potential Sewer Units” after “undeveloped property”;
- C. By amending the definition of “Dwelling Unit” by deleting “provided that, solely for the purposes of this Article II, such complete living facilities that contain one bedroom or fewer shall be a Half Dwelling Unit” and by inserting in their place “, unless such complete living facilities are a Half Dwelling Unit as defined herein”;
- D. By amending the definition of “General Benefit Facilities” to insert after “Improvements,” the following: “including but not limited to,”;
- E. By inserting after the definition of “General Benefit Facilities” the following new definition:
“Half Dwelling Unit
Solely for the purposes of this Article II, 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, and which contain one bedroom or fewer.”
- F. By amending the definition of “Lateral Line” to delete it in its entirety and to insert the following in its place: “Sewer conduit from a building to a main.”
- G. By amending the definition of “Residential Sewer Units” by deleting “assessed as” from the last clause so that it reads: “provided further, that a Half Dwelling Unit shall be one half of one Sewer Unit.”;
- H. By amending the definition of “Semi-Public Use” by deleting “premises” and inserting “property” in its place;
- I. By amending the definition of “Sewer Main” by deleting “sewerage” and inserting “sewage” in its place;
- J. By inserting after the definition of “Sewer Main” the following new definition:
“Sewer Unit
A Residential Sewer Unit or a Commercial Sewer Unit shall equal one Sewer Unit.”;
- K. By amending the definition of “Special Benefit Facilities” to insert “Improvements, including but not limited to,” at the beginning of the definition; and
- L. By amending the definition of “Trunk Main” by deleting “sewerage” and inserting “sewage” in its place.

SECTION 2: § 184-9.4. shall be amended by deleting the heading in its entirety and inserting the following new heading in its place: “Determination of number of sewer units in a pumping district and assessment of properties.”

SECTION 3: § 184-9.4 shall be further amended by deleting Subsections A through E in their entirety and inserting the following new Subsections A through E in their place:

“A. Each parcel of land in a Pumping District shall be converted into permanent Residential or Commercial Sewer Units, as defined herein, by the Town Manager or his designee for the purpose of proportionally dividing the construction costs equitably among such parcels of land. Each Sewer Unit shall be equal to a single family residence. Potential Sewer Units shall be calculated on the basis of zoning then in effect. Existing and potential multifamily, commercial, industrial and semipublic uses shall be converted into Sewer Units on the basis of residential equivalents.

B. Developed residential lots. A residential lot that contains one Dwelling Unit shall be one Residential Sewer Unit and assessed as one Sewer Unit. If such residential lot contains more than one Dwelling Unit, the number of Residential Sewer Units shall equal the number of Dwelling Units, and the property shall be assessed based on said number of Residential Sewer Units. Single family dwellings shall comprise one Residential Sewer Unit; single family dwellings which have an Accessory Dwelling Unit, affordable accessory apartment or family apartment as defined by the Zoning Ordinance within the single family residence or in a detached building on the same lot shall comprise two Residential Sewer Units; duplex dwellings shall comprise two Residential Sewer Units; three-family dwellings shall comprise three Residential Sewer Units; four-family dwellings shall comprise four Residential Sewer Units; and multiple family dwellings (in excess of four dwelling units) shall comprise one Residential Sewer Unit for each apartment in a rental property and one Residential Sewer Unit for each dwelling unit in a condominium complex; provided that the number of Residential Sewer Units in the foregoing list shall be adjusted accordingly for Half Dwelling Units. A Dwelling Unit that occupies two residential lots in such a way that only one Dwelling Unit is allowed shall be one Residential Sewer Unit and shall be assessed as one Sewer Unit.

C. Lots capable of division or subdivision.

(1) Residential lots capable of division or subdivision. The number of Residential Sewer Units for residentially zoned land which is capable of being divided or subdivided according to the Zoning Ordinance shall be determined based on the current use plus one additional Residential Sewer Unit for each lot which could be created in accordance with the Zoning Ordinance. The assessment shall be based on the current use of the property. For example, property which contains one Dwelling Unit, but which could be divided or subdivided to include three additional Dwelling Units, shall be determined to be one (1) Residential Sewer Unit and three (3) potential Residential Sewer Units for a total of four (4) Sewer Units for the purposes of calculating the amount of the sewer assessment, but the property shall be assessed as one Sewer Unit. In accordance with G.L. c. 83, § 19, if the property is undeveloped, it shall be assessed as one Sewer Unit, but, at the property owner’s request, the time for payment of such assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon. If the property is subsequently developed to contain more than one Dwelling Unit, a Compensatory Sewer Fee shall be assessed for each additional Sewer Unit in accordance with § 184-9.4 (F) below.

(2) Commercial, industrial, business and semi-public lots capable of division or subdivision. The number of Commercial Sewer Units for commercial, industrial, business, and semi-public lots which could be divided or subdivided according to the Zoning Ordinance shall be determined based on the

current use, as set forth in Section § 184-9.4 (D) below, plus one additional Commercial Sewer Unit for each additional 330 gallons of reasonably anticipated daily sewage volume which could be generated from the use in accordance with the Zoning Ordinance. The assessment shall be based on the current use of the property. In accordance with G.L. c. 83, § 19, if the property is undeveloped, it shall be assessed as one (1) Commercial Sewer Unit, but, at the property owner’s request, the time for payment of such assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon. If the property is subsequently developed to contain more than one Commercial Sewer Unit, a Compensatory Sewer Fee shall be assessed for each additional Commercial Sewer Unit in accordance with § 184-9.4 (F) below.

D. Improved commercial, industrial, business, and semi-public lots and uses. Improved commercial, industrial, business, and semi-public lots and uses shall be assessed based on the current sewage volume generated from the use of the property, and shall be assessed as one Commercial Sewer Unit for each 330 gallons of actual daily sewage volume.

E. Unbuildable lots. An Unbuildable Lot shall not be determined to contain any Sewer Units and shall not be assessed any Sewer Units, provided that upon the issuance of a building permit, said lot shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section § 184-9.4 (F) below.”

SECTION 4: § 184-9.10 shall be amended by deleting in Subsection A the words “Department of Public Works” and inserting “Treasurer/Collector Office” in their place.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2025-026

INTRO: 09/05/2024, 09/19/2024

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Karen L. Nober, Town Attorney
DATE: September 05, 2024
SUBJECT: Order Amending Article II, Sewer Assessments, Chapter 184 Sewers and Water of the General Ordinances of the Code of the Town of Barnstable

RATIONALE: This item would further amend the sewer assessment ordinance approved by the Town Council on July 1, 2021, and amended on April 6, 2023. The purpose of this amendment is to clarify and differentiate how the total number of sewer units in a pumping district is determined and how individual properties are assessed. As currently drafted, these two concepts are somewhat conflated. Attached is a redlined version of the sewer ordinance, as previously amended, which shows the proposed changes.

Determining the number of sewer units in a pumping district.

The total number of sewer units in a district is used to calculate the amount of the assessment for a single sewer unit. The cost of the general and special benefit facilities is divided by the total number of sewer units in a pumping district to arrive at the assessment amount. Under state law, the number of sewer units attributable to a particular property is based on the actual use of the property and the potential use of the property, as permitted under the Town's zoning ordinance. A higher number of sewer units results in a lower dollar amount for a single sewer unit. For example, if the cost of the general and special benefit facilities is \$2,500,000 and the total number of sewer units in the pumping district is 300, the amount of the assessment for a single sewer unit would be \$8,333. In this example, if the total amount of sewer units is 200, the amount of the assessment for a single sewer unit would be \$12,500 (keeping in mind that the assessment amount is capped under the ordinance at \$10,000.)

Determining the number of sewer units that a property will be assessed.

The assessment on a particular property, i.e., the number of sewer units assessed to that property, and, therefore, the amount the property owner has to pay, is based only on the actual use of the property. For example, if a property contains one house, but could be divided or subdivided to include 3 additional houses, the property would be assessed one sewer unit because the assessment is based on the actual use of the property – in this example, one house. However, the number of sewer units attributable to that property is 4 (based on actual and potential use of the property), which is the number used when calculating the amount of the sewer assessment. (The exception to this is that under G.L. c. 83, section 19, if a property is undeveloped, it is assessed as one sewer unit. In that situation, the property owner has the option to extend the time for payment until the property is actually developed but must pay interest annually on the assessment. If the property is subsequently developed to contain more than one dwelling unit, a Compensatory Sewer Fee would be assessed for each additional sewer unit.)

Other changes are in the "Definitions" section and fall more within the category of "clean-up." For example, the definition of "Half Dwelling Unit" was taken out of the definition of Dwelling Unit and now stands alone as a defined term. The definition itself remains unchanged. A definition of "Sewer Unit" was included to make clear that a Residential Sewer Unit and a Commercial Sewer Unit each equal a Sewer Unit.

FISCAL IMPACT: None.

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

STAFF SUPPORT: Karen L. Nober, Town Attorney; Thomas J. LaRosa, First Assistant Town Attorney; Mark Milne, Director of Finance

Chapter 184. Sewers and Water

Article II. Sewer Assessments

§ 184-9.1. Purpose and authorization.

The purpose of this Article II is to assess all properties receiving benefit or advantage from public sewerage construction within a limited and determinable area, including, but not limited to, 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, any other applicable section of said Chapter 83 and any other applicable general or special law.

§ 184-9.2. Definitions.

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

COMMERCIAL SEWER UNIT

Shall be equivalent to 330 gallons of actual or reasonably anticipated daily sewage volume, as determined by the Director of the Department of Public Works based on Title 5 of the State Environmental Code, 310 CMR 15.203, System Sewage Flow Design Criteria. For purposes of determining the number of Commercial Sewer Units to be assessed, volume in an amount up to and including 330 gallons shall be deemed one Commercial Sewer Unit. An additional Commercial Sewer Unit shall be assessed for each additional 330 gallons of volume.

COMMERCIAL USE

Occupancy of ~~property premises~~ for financial gain including profit such as business and industrial uses.

COMPENSATORY SEWER PRIVILEGE FEE

A fee that is assessed in lieu of a sewer assessment to reflect the increased use of a property in situations where: (a) a sewer assessment ~~equal to One (1) Sewer Unit~~ has been assessed to an undeveloped property ~~based on the number of potential Sewer Units~~ and said property is ultimately developed to accommodate a greater number of Sewer Units than that originally assessed; or (b) a sewer assessment has been assessed to a developed parcel and subsequently the use of that parcel has changed or intensified to accommodate a greater number of Sewer Units than that originally assessed; or (c) no sewer assessment was assessed to an Unbuildable Lot and that lot subsequently is issued a building permit.

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, ~~unless such complete living facilities are a Half Dwelling Unit as defined herein.; provided that, solely for the purposes of this Article II, such complete living facilities that contain one bedroom or fewer shall be a Half Dwelling Unit.~~

FORCE MAIN

A line without access from individual properties providing access from pumping station to pumping station or to trunk and sewer main.

GENERAL BENEFIT FACILITIES

Improvements, including but not limited to ~~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.

HALF DWELLING UNIT

Solely for the purposes of this Article II, 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, and which contain one bedroom or fewer.

LATERAL LINE

Sewer conduit from a building house to a main street.

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.

RESIDENTIAL SEWER UNITS

Shall be equivalent to the number of existing Dwelling Units, including, but not limited to, Accessory Dwelling Units, affordable accessory apartments and family apartments as defined by the Zoning Ordinance, and the number of potential Dwelling Units on the property as permitted under the Zoning Ordinance for the district in which the property is located; provided that any Accessory Dwelling Unit, affordable accessory apartment or family apartment that did not exist at the time of assessment shall be assessed a Compensatory Sewer Privilege Fee in accordance with § 184-9.4 (F) hereof; provided further, that a Half Dwelling Unit shall be ~~assessed as~~ one half of one Sewer Unit.

SEMI-PUBLIC USE

Occupancy of property premises by private non-profit organizations, including without limitation private schools, hospitals, and religious institutions.

SEWER MAIN

The line serving as a conduit for sanitary sewage sewerage from the lateral lines from each individual property.

SEWER UNIT

A Residential Sewer Unit or a Commercial Sewer Unit shall equal one Sewer Unit.

SPECIAL BENEFIT FACILITIES

Improvements, including but not limited to, ~~t~~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.

TRUNK MAIN

The line serving as a conduit for sanitary sewage 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.

UNBUILDABLE LOT

At the time at which a sewer assessment would have been imposed, a lot, as determined by the assessors of the Town, on which there is no apparent legal way to build a legal residence or commercial building because the lot does not conform to the Town's building regulations or Zoning Ordinance.

UNIFORM 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.

ZONING ORDINANCE

The Zoning Ordinance in effect in the Town of Barnstable at the time the sewerage assessment is levied.

§ 184-9.3. Basic requirements.

The Town Manager shall assess sewerage construction costs to all properties receiving benefit or advantage on the basis of the Uniform Unit Method. The Town Manager 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 in accordance with § 184-9.4 and § 184-9.5 hereof.

§ 184-9.4. Determination of number of sewer units in a pumping district and assessment of properties.

A. Each parcel of land in a Pumping District shall be converted into permanent Residential or Commercial Sewer Units, as defined herein, by the Town Manager or his designee DPW for the purpose of proportionally dividing the construction costs equitably among such parcels of land. Each Sewer Unit shall be equal to a single family residence. Potential Sewer Units shall be calculated on the basis of zoning then in effect. Existing and potential multifamily, commercial, industrial and semipublic uses shall be converted into Sewer Units on the basis of residential equivalents.

B. Developed residential lots. A residential lot that contains one Dwelling Unit shall be ~~assessed as~~ one Residential Sewer Unit and 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, and the property shall be assessed based on said number of Residential Sewer Units. Single family dwellings shall comprise one Residential Sewer Unit; single family dwellings which have an Accessory Dwelling Unit, affordable accessory apartment or family apartment as defined by the Zoning Ordinance within the single-family residence or in a detached building on the same lot shall comprise two Residential Sewer Units; duplex dwellings shall comprise two Residential Sewer Units; three-family dwellings shall comprise three Residential Sewer Units; four-family dwellings shall comprise four Residential Sewer Units; and multiple family dwellings (in excess of four dwelling units) shall comprise one Residential Sewer Unit for each apartment in a rental property and one Residential Sewer Unit for each dwelling unit in a condominium complex; provided that the number of Residential Sewer Units in the foregoing list shall be adjusted accordingly for Half 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 and shall be assessed as one Sewer Unit.

C. Lots capable of division or subdivision.

(1) Residential lots capable of division or subdivision. The number of Residential Sewer Units for ~~r~~Residentially zoned land which is capable of being divided or sub-divided according to the Zoning Ordinance shall be ~~determined based on the current use assessed as currently used~~ plus one additional Residential Sewer Unit for each lot which could be created in accordance with the Zoning Ordinance.

The assessment shall be based on the current use of the property. For example, property which contains one Dwelling Unit, but which could be divided or subdivided to include three additional Dwelling Units, shall be determined to be one (1) Residential Sewer Unit and three (3) potential Residential Sewer Units for a total of four (4) Sewer Units for the purposes of calculating the amount of the sewer assessment, but the property shall be assessed as one Sewer Unit. In accordance with G.L. c. 83, § 19, if the property is undeveloped, it shall be assessed as one Sewer Unit, but, aAt the property owner's request, the time for payment of such ~~additional~~ assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon. If the property is subsequently developed to contain more than one Dwelling Unit, a Compensatory Sewer Fee shall be assessed for each additional Sewer Unit in accordance with § 184-9.4 (F) below.

(2) Commercial, industrial, business and semi-public lots capable of division or subdivision. The number of Commercial Sewer Units for cCommercial, industrial, business, and semi-public lots which could be divided or sub-divided according to the Zoning Ordinance shall be determined based on the current use, as set forth in Section § 184-9.4 (D) below, ~~assessed as currently used~~ plus one additional Commercial Sewer Unit for each additional 330 gallons of reasonably anticipated daily sewage volume which could be generated from the use in accordance with the Zoning Ordinance. The assessment shall be based on the current use of the property. In accordance with G.L. c. 83, § 19, if the property is undeveloped, it shall be assessed as one (1) Commercial Sewer Unit, but, aAt the property owner's request, the time for payment of such ~~additional~~ assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon. If the property is subsequently developed to contain more than one Commercial Sewer Unit, a Compensatory Sewer Fee shall be assessed for each additional Commercial Sewer Unit in accordance with § 184-9.4 (F) below.

D. Improved commercial, industrial, business, and semi-public lots and uses.

Improved commercial, industrial, business, and semi-public lots and uses shall be assessed ~~based on the current sewage volume generated from the use of the property, and shall be assessed as one Commercial Sewer Unit for each according to the reasonably anticipated sewage volume to be generated from the use.~~ 330 gallons of actual ~~or anticipated~~ daily sewage volume ~~shall equal one Commercial Sewer Unit.~~

E. Unbuildable lots. An Unbuildable Lot shall not be determined to contain any Sewer Units and shall not be assessed any Sewer Units, provided that upon the issuance of a building permit, said lot shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section § 184-9.4 (F) below.

F. 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 issuance of a building permit for what had been classified as an Unbuildable Lot at the time a sewer assessment otherwise would have been imposed, changes in zoning, variance from the Zoning Ordinance, new construction and changes in use or reconfiguration, resulting in greater actual or potential sewage output than that established at the time of the original assessment or at the time the decision was made not to assess, the Town Manager or his or her designee shall assess a Compensatory Sewer Privilege Fee to reflect the new or increased use. The Compensatory Sewer Privilege Fee shall be computed based on the number of Sewer Units attributable to the new or increased use; provided that the amount of the fee for each such Sewer Unit shall be no greater than the initial maximum amount, as adjusted and most recently in effect, in accordance with § 184-9.5 (A) hereof. The Compensatory Sewer Privilege Fee shall be levied either at the time of connection of new or additional flow to the public sewer or upon Town of Barnstable approval of the change in use. Payment of the Compensatory Sewer Privilege Fee shall be made in accordance with the process for payment of assessments set forth in § 184-9.8 hereof; provided that if the property owner chooses to apportion the payments, the Town will apply the same interest rate as that which would have

been imposed for a sewer assessment on the property. Compensatory Sewer Privilege Fees collected by the Town shall be placed into a Sewer Privilege Fee Fund to be established by the Town and such monies shall be used to pay costs associated with the operation and maintenance costs of the Town's sewer system and wastewater treatment facility.

§ 184-9.5. Cost determination and apportionment using the uniform unit method.

A. 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 or Commercial Sewer Unit shall be the allocated cost or Ten Thousand Dollars (\$10,000.00) (the "initial maximum amount"), whichever is lower. This initial maximum amount will remain in effect until June 30 of the year following the calendar year in which the first sewer assessments are made. Thereafter, the initial maximum amount may be adjusted annually as of July 1 of each year by the percentage change in the construction cost index as calculated by the Gordian Company for the immediately preceding year ending June 30, as determined by the Town Manager, subject to approval by the Town Council. In the event that Gordian ceases to publish such index, the Department of Public Works will select an index which most closely resembles the Gordian index and the substitute index shall then be used for so long as the Director of the Department of Public Works determines that the substitute index accurately reflects market conditions.

B. 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.

a. The General Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets and have the capability to connect to the sewer system so that the property 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 have the capability to connect to the sewer system and directly benefit from the General Benefit Facilities.

C. Cost and Assessment of Special Benefit Facilities

1. The cost of Special 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 Special Benefit Facility Unit Cost.

a. The Special Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets and have the capability to connect to the sewer system so that the property 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 have the capability to connect to the sewer system and directly benefit from the Special Benefit Facilities.

§ 184-9.6. 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) the amount of any cap on sewer assessments as determined under § 184-9.5 multiplied by the total number of Residential and Commercial Sewer Units. 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 § 184-9.8.

§ 184-9.7. Sewer connection costs.

Property owners must select and contract with a contractor to connect their property to the completed section of sewer. Property owners may elect to privately pay directly to the contractor the entire cost of connection or may choose to enter into an agreement with the Town under which the Town will pay the connection costs upon completion and will then finance and assess 100% of the costs plus interest back to the property owner as an additional and separate sewer assessment. The apportionment of such assessment and the applicable interest rate thereon shall be in accordance with Section 184-9.8 hereof.

§ 184-9.8. Interest rate on apportioned sewer assessments.

A. 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. The property owner may pay the total remaining principal amount due at any time without a prepayment penalty.

B. The provisions of section 15D of Chapter 83 of the General Laws, with respect to the apportionment of payments of the assessment over a 30 year period, are hereby accepted by reference as a part of the general ordinances of the Town.

§ 184-9-9. Deferral and suspension of charges.

A. In accordance with and subject to the provisions of Section 16G of Chapter 83 of the General Laws, the Department of Public Works shall, upon application of the owner of real property served by the common sewers, if such owner is receiving an exemption from property taxes under clause Forty-first A of Section 5 of Chapter 59 of the General Laws with respect to such property, defer charges for said use of the common sewers. An application for deferral may be filed with the Department of Public Works within the time limit established for the filing of an application for exemption under said clause Forty-first A.

B. The provisions of section 16G of Chapter 83 of the General Laws, with respect to the ability of certain eligible property owners to defer payments of sewer use charges, are hereby accepted by reference as a part of the general ordinances of the Town.

C. In accordance with and subject to the provisions of Section 13B of Chapter 80 of the General Laws, the Town Manager shall, upon the application of the owner of real property on which a sewer assessment has been imposed, if such owner is receiving an exemption from property taxes under clause Forty-first A of Section 5 of Chapter 59 of the General Laws with respect to such property, enter into a deferral and recovery agreement with such owner on behalf of the Town. Any such application shall be filed with the Town Manager within six months after notice of the assessment has been sent. In the case of each such deferral and recovery agreement entered into by the Town Manager and the property owner, the Town Manager shall record in the Barnstable County Registry of Deeds a statement of his or her action which shall constitute a lien upon the land covered by such agreement for such sewer assessment. Such statement shall name the name the owner or owners and shall include a description of the land. The filing fee for any such statement recorded by the Town Manager shall be paid by the owner or owners of such real property.

D. The provisions of Section 13B of Chapter 80 of the General Laws are hereby accepted by reference as a part of the general ordinances of the Town.

E. In accordance with and subject to the provisions of Section 5 of Chapter 61 of the General Laws, land classified as forest land under said Chapter 61 is subject to a sewer assessment to such pro rata extent that the service or facility financed by such assessment is used for improving the forest production use capability of said land or for the personal benefit of the owner thereof. However, upon application of the property owner, any such assessment shall be suspended during the time the land is in forest production use and shall become due and payable as of the date when the use of the land is changed. Interest shall be computed from the date of the change in use.

F. In accordance with and subject to the provisions of Section 18 of Chapter 61A of the General Laws, land classified as agricultural or horticultural under said Chapter 61A, is subject to a sewer assessment to such pro rata extent as the service or facility financed by such assessment is used for improving the agricultural or horticultural use capability of said land or for the personal benefit of the owner thereof. However, upon application of the property owner, any such assessment shall be suspended during the time the land is in agricultural or horticultural use and shall become due and payable as of the date when the use of such land is changed. Interest shall be computed from the date of the change in use.

G. In accordance with and subject to the provisions of Section 13 of Chapter 61B of the General Laws, land classified as recreational under said Chapter 61B, is subject to a sewer assessment to such pro rata extent as the service or facility financed by such assessment is used for improving the recreational capability of said land or for the personal benefit of the owner thereof. However, upon application of the property owner, any such assessment shall be suspended during the time the land is in classified recreational use and shall become due and payable as of the date when the use of such land is changed. Interest shall be computed from the date of the change in use.

§ 184-9.10. Abatements.

- A. Petition for Abatement. The owner of any property on which a sewer assessment has been imposed under this Article II may file with the Town Manager a petition for abatement of such assessment on a form provided by the ~~Treasurer/Collector Office Department of Public Works~~ within six months of the date of notice of such assessment. The Town Manager shall act on such petition within four months of the date of its filing. If the Town Manager fails to act within that time, the petition is deemed to be

denied. The Town Manager shall give written notice to the petitioner of his or her decision within ten days after it has been made. The filing of such petition does not stay the payment of the sewer assessment, which must be paid as assessed. If the abatement petition is allowed, the appropriate refund will be made by the Town in accordance with M.G.L. c. 80, § 5.

- B. Appeal of Denial of Abatement. A property owner who is aggrieved by the refusal of the Town Manager to abate a sewer assessment in whole or in part may, within thirty days after notice of the decision of the Town Manager, file an appeal in the Superior Court pursuant to M.G.L. c. 80, § 7, or, alternatively, appeal such decision within said thirty day period to the Barnstable County Commissioners pursuant to M.G.L. § 10. If the Town Manager fails to act on a petition within four months of the date of its filing, the property owner shall have sixty days after the expiration of such four month period to file an appeal.”

§ 184-9.11. Municipal lien.

Deferred Recording Procedure. The provisions of Section 12 of Chapter 80 of the General Laws, with respect to deferring the recording of the required information for sewer assessments authorized by M.G.L. c. 83 until after the project is completed, assessments are made, and bills issued, and then only for those properties where the assessment was not paid in full within the thirty day period for paying without incurring interest, are hereby accepted by reference as a part of the general ordinances of the Town.

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-027
INTRO: 09/05/2024, 09/19/2024**

2025-027 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,826,327 AND AUTHORIZATION TO CONTRACT FOR AND EXPEND A GRANT IN THE AMOUNT OF \$2,833,849 FROM THE COMMONWEALTH’S EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE SANDY NECK BEACH FACILITY COASTAL RESILIENCY PROJECT

ORDERED: That the amount of **\$3,826,327** be appropriated for the purpose of funding Sandy Neck Beach Facility Coastal Resiliency Project, including the payment of costs incidental or related thereto; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$3,826,327** under and pursuant to M.G.L. c. 44, §7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and is further authorized to contract for and expend a Fiscal Year 2025 Municipal Vulnerability Preparedness Program Action Grant in the amount of **\$2,833,849** from the Commonwealth’s Executive Office of Energy and Environmental Affairs for the Sandy Neck Beach Facility Coastal Resiliency Project, for a total project cost of **\$6,660,176**.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: September 05, 2024
SUBJECT: Appropriation and Loan Order in the amount of **\$3,826,327** and authorization to contract for and expend a grant in the amount of **\$2,833,849** from the Commonwealth's Executive Office of Energy and Environmental Affairs for the Sandy Neck Beach Facility Coastal Resiliency Project

BACKGROUND: Sandy Neck Public Beach Facility has experienced coastal storm erosion along the dune protecting the parking lot multiple times. Since 2011, this coastal storm erosion has resulted in the Town spending approximately \$850,000 to nourish the Sandy Neck Dune with approximately 28,000 cubic yards of sand. Over the years, the Town Council has appropriated funding to complete evaluations, design, and permitting of the project. These efforts have resulted in the recommendation, design and permitting of a managed site reconfiguration which will make the site more resilient to coastal storm events by relocating the parking lot roughly 60-feet landward, enhancing the dune on the seaward side of the parking lot, relocating the Gatehouse to higher ground further up the access road, and reconfiguring of the existing Gatehouse area for additional air-up/down use.

ANALYSIS: The Town of Barnstable was awarded a \$2,833,849 Municipal Vulnerability Preparedness (MVP) Action Grant from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs. This grant requires the Town to commit to implementing the proposed project and certify that the matching funds have been appropriated. The MVP grant funds must be spent prior to the completion of Fiscal Year 2026. In order to meet this schedule, the project schedule anticipates bidding the project in the Spring of 2025 and commencing construction from the Fall of 2025 with completion in the Spring of 2026.

FINANCIAL IMPACT: Funding for this project will be provided by a \$2.8 million grant with the balance expected to be paid using Sandy Neck Enterprise Fund reserves and a loan. It is anticipated that \$1 million will be provided from the enterprise fund reserves which will reduce the amount the Town borrows to \$2,826,327. However, no appropriations can be made from the reserves until they are recertified by the Massachusetts Department of Revenue which is anticipated to happen in October. The Sandy Neck Enterprise Fund reserve is expected to be certified at close to \$1.5 million. An appropriation from the reserve will come forward at a future date for the Town Council's consideration that will reduce the borrowing authorization under this agenda item. This item is coming forward now to secure the Commonwealth's Executive Office of Energy and Environmental Affairs grant which cannot wait for the recertification of the enterprise fund's reserve.

STAFF ASSISTANCE: Mark Milne, Director, Finance; Nina Coleman, Director of Natural Resources/Sandy Neck Park Manager; Daniel W. Santos, P.E., Director of Public Works; Amber Unruh, Special Projects Manager for Special Projects, Department of Public Works

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

BARNSTABLE TOWN COUNCIL

ITEM# 2025-028

INTRO: 09/05/2024, 09/19/2024

2025-028 ORDER AUTHORIZING THE TAKING OF ROAD EASEMENTS BY EMINENT DOMAIN FOR SEWER AND WATER PURPOSES OVER CERTAIN PRIVATE ROADS KNOWN AS: BEECHWOOD ROAD, COTTONWOOD LANE, SAIL-A-WAY, MILLSTONE WAY, TELLEGEN TRAIL, AND WHIDAH WAY IN CENTERVILLE; SUNNY-WOOD DRIVE, CENTERBOARD LANE AND NEWSPAPER ROAD IN HYANNIS; GOOSE POINT ROAD IN CENTERVILLE AND HYANNIS; MARQUAND DRIVE IN MARSTONS MILLS; AND OLD EAST OSTERVILLE ROAD IN OSTERVILLE

ORDERED: That the Town Council hereby authorizes the Town Manager, on behalf of the Town, to purchase, take by eminent domain under Chapter 79 of the Massachusetts General Laws or otherwise acquire for sewer and water purposes a perpetual easement through, under, across, and on the following described roads for the installation, operation, maintenance, repair, relocation, and replacement of sewer and water lines and infrastructure for the same and for all purposes for which such easements are commonly used in the Town of Barnstable:

BEECHWOOD ROAD, lying between Connors Road and Cottonwood Lane and the 20-foot-wide Way running from BEACHWOOD ROAD to LOT 210, as shown on Land Court Plan No. 20239C (sheets 8 and 9); and

COTTONWOOD LANE, as shown on Land Court Plan No. 20239-C (sheets 8 and 9), including the 40-FT WAY, running from Huckins Neck Road to land of Alfred Crocker, as shown on said Land Court Plan;

SUNNY-WOOD DRIVE, as shown on Land Court Plan No. 32849B (sheets 1 and 2);

CENTERBOARD LANE (formerly MARINER LANE), as shown in Plan Book 425, Page 29 and in Plan Book 459, Page 83;

GOOSE POINT ROAD, as shown in Plan Book 249, Page 121;

MILLSTONE WAY, as shown in Plan Book 228, Page 79;

NEWSPAPER ROAD, as shown in Plan Book 231, Page 17;

SAIL-A-WAY, as shown in Plan Book 140, Page 79;

TELLEGEN TRAIL, as shown in Plan Book 254, Page 52;

WHIDAH WAY, as shown in Plan Book 395, Pages 89 and 91;

MARQUAND DRIVE, including the areas labelled “driveway” and “emergency 40’ wide access” as shown in Land Court Plans 23111-B, 23111-C, 23111-D; and,

OLD EAST OSTERVILLE ROAD, as shown in Plan Book 290, Page 55, Plan Book 262, Page 58, and Plan Book 262, Page 59, and on Land Court Plans 34608-B and 34625-D.

Any trees, buildings, and other structures located within said roads are not included in this Order and the owners of the same may have a period of up to sixty (60) days after the recording of the Order of Taking to remove the same.

The Town Manager is authorized to negotiate, accept, sign, deliver and record any documents or plans for the purposes necessary to effectuate this Order.

Betterments will be assessed for the associated sewer and water improvements made by the Town of Barnstable.

The parcel numbers, names and addresses of the owners of said interests to be taken or acquired, as far as can be ascertained by the Town, are as set forth on Exhibit A attached hereto, along with awards for damages, if any, sustained by said owners.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

Exhibit A

Sewer – Water Easements to be Taken by Eminent Domain

Parcel Number Street Address	Supposed Owner: Name and Mailing Address	Awards
252001 7 Beechwood Rd	Irene Knapp 7 Beechwood Rd Centerville MA 02632	None.
252008 61 Beechwood Rd	Stanley Davitoria 195 Mountain Ave, Apt 1 Malden MA 02148	None.
252002 21 Beechwood Rd	Maria T. DeFelice & David L. Kent 43 Wayside Inn Rd Framingham MA 01701	None.
252003 29 Beechwood Rd	Dennis W. LaJoie 29 Beechwood Rd Centerville MA 02632	None.
252006 35 Beechwood Rd	Maria Defelice & David Kent 43 Wayside Inn Rd Framingham MA 01701	None.
252007 43 Beechwood Rd	Dmitry & Yulia Orlov 42-44 Bridge Street Lexington MA 02421	None.
252037 94 Beechwood Rd	David A. Hasseltine, Tr. Hasseltine Family Realty Tr. 94 Beechwood Rd Centerville MA 02632	None.
252176 16 Beechwood Rd	Donald A. Dewey & Kristina A. Dewey, Tr. Dewey Family Revocable Tr 16 Beechwood Rd Centerville MA 02632	None.
252182 55 Beechwood Rd	Stanley Davitoria 195 Mountain Ave, Apt 1 Malden MA 02148	None.
252177 24 Beechwood Rd	Jennifer A. Taylor 24 Beechwood Rd Centerville MA 02632	None.

252156 104 Beechwood Rd	Richard K. Mee & Kimberly N. Mee 104 Beechwood Rd Centerville MA 02632	None.
252035 105 Beechwood Rd	Richard P. Fogarty 105 Beechwood Rd Centerville MA 02632	None.
252038 70 Huckins Neck Rd	Christine Brosseau 70 Huckins Neck Rd Centerville MA 02632	None.
252009 63 Huckins Neck Rd	Leo Rumbaugh 63 Huckins Neck Rd Centerville MA 02632	None.
252014 85 Huckins Neck Rd	Kenneth Rondeau & Priscilla Lane-Rondeau, Tr Lane Rondeau Family Revocable Tr 60 Oak St Manchester NH 03104	None.
252034 88 Huckins Neck Rd	Anne Camas Phelan 88 Huckins Neck Rd Centerville MA 02632	None.
252029 144 Huckins Neck Rd	John S. Marsden & Edwina A. Marsden 144 Huckins Neck Rd Centerville MA 02632	None.
252030 134 Huckins Neck Rd	Winfield E. Rowell 134 Huckins Neck Rd Centerville MA 02632	None.
252161 52 Huckins Neck Rd	Kevin Ryan & Deborah Walsh 52 Huckins Neck Rd Centerville MA 02632	None.
252162 40 Huckins Neck Rd	Alan T. Green 46 Glen Ave Newton Ctr MA 02159	None.
252155 85 Cottonwood Ln	Luis D. Xavier 85 Old Hyannis Rd Yarmouthport MA 02675	None.
252154 101 Cottonwood Ln	William L. Yan & Ruth Liu 101 Cottonwood Ln Centerville MA 02632	None.
252028 116 Cottonwood Ln	Concenzio J. Delrose & Louise T. Delrose, Tr. 116 Cottonwood Lane Realty Trust 90 Webster St Watertown, MA 02471	None.

252031 133 Cottonwood Ln	John A. Clevener & Terry L. Clevenger 1 Old Easton Turnpike Weston CT 06883	None.
252036 113 Cottonwood Ln	Charles J. Franchot & Mary J. Franchot, Tr. Franchot Living Trust 113 Cottonwood Ln Centerville MA 02632	None.
252145 154 Cottonwood Ln	James Grosheider & Maureen Grosheider 103 Quail Hollow Ln Wexford PA 15090	None.
252146 144 Cottonwood Ln	Antone Fajao, Jr. & Noreen C. Fajao 144 Cottonwood Ln Centerville MA 02632	None.
252147 134 Cottonwood Ln	Paula C. Beasley 134 Cottonwood Ln Centerville MA 02632	None.
252148 124 Cottonwood Ln	Richard T. Teimer, Tr. Richard T. Teimer Living Trust 124 Cottonwood Ln Centerville MA 02632	None.
252149 104 Cottonwood Ln	Robert C. Lewis & Deborah C. Lewis 30 Hillandale Rd Rye Brook NY 10573	None.
252150 94 Cottonwood Ln	George Christenakis & Rita Christenakis 10 Greenacre Dr Billerica MA 01821	None.
252151 86 Cottonwood Ln	Hanz Krais Heiligmann & Joanne Peterson 86 Cottonwood Ln Centerville MA 02632	None.
252152 74 Cottonwood Ln	Troy Smith & Elizabeth J. Smith 74 Cottonwood Ln Centerville MA 02632	None.
252153 123 Cottonwood Ln	Michele C. Tudor 123 Cottonwood Ln Centerville MA 02632	None.
252157 73 Cottonwood Ln	Scott & Marjorie Kania 73 Cottonwood Ln Centerville MA 02632	None.

252158 43 Cottonwood Ln	Gloria J. Sica & Deanna M. Teal & Christina S. Hemmingway, Marie Sica Mailey, Norman P. Harvey 43 Cottonwood Ln Centerville MA 02632	None.
252159 33 Cottonwood Ln	Christopher L. Wayburn, Tr. Wayburn Family Irrevocable Real Estate Trust 33 Cottonwood Ln Centerville MA 02632	None.
252160 21 Cottonwood Ln	Jane Yana Hall Posovsky, Tr. Living Trust of Jane Yana Hall Posovsky 21 Cottonwood Ln Centerville MA 02632	None.
252163 16 Cottonwood Ln	Ildefonso R. Viera & Sabrina C. Gripp 16 Cottonwood Ln Centerville MA 02632	None.
252164 24 Cottonwood Ln	Craig Scheuer 11 Jonathan Ln Sandwich MA 02563	None.
252165 34 Cottonwood Ln	William Murray 34 Cottonwood Ln Centerville MA 02632	None.
252166 44 Cottonwood Ln	Siarhei Yaskavets & Yaroslav Yaskavets 44 Cottonwood Ln Centerville MA 02632	None.
252167 56 Cottonwood Ln	Francisco A. Savinon 56 Cottonwood Ln Centerville MA 02632	None.
252168-T00 252168-H00 62 Cottonwood Ln	Frederick A. Golenski & Martha Golenski PO Box 14 Hyannisport MA 02647	None.
252144 160 Huckins Neck Rd	Carla Koehl, Tr. of Carla Koehl Revocable Trust & Thomas M. Keane Jr. 160 Huckins Neck Rd Centerville MA 02632	None.
252025 164 Cottonwood Ln	Robert Lehman & Anne Lehman 204 Scotchpine Dr Mandeville LA 70471	None.
252026 162 Cottonwood Ln	Edward B. Eaton & Donna Wood 162 Cottonwood La Centerville MA 02632	None.

251065 28 Connors Rd	Marialice B. Curran 97 Island Green Glastonbury CT 06033	None.
273090 1140 Phinney's Ln	Bayberry Place Residents Assoc., Inc. PO Box 258 Centerville MA 02632	None.
273106 544 Old Strawberry Hill Rd	Pamela McNealy 544 Old Strawberry Hill Rd Centerville MA 02632	None.
273215 8 Sunny-Wood Dr	Donna M. Conlon & Peter J. Conlon Sr. 26 Eagle Terrace Holden MA 01522	None.
273216 20 Sunny-Wood Dr	Owen F. Needham Jr 20 Sunny-Wood Drive Centerville MA 02632	None.
273217 30 Sunny-Wood Dr	Robert Hennessey & Julie Stanek 30 Sunny-Wood Dr Centerville MA 02632	None.
273218 46 Sunny-Wood Dr	Ryan S. Campbell 46 Sunny-Wood Dr Centerville MA 02632	None.
273219 60 Sunny-Wood Dr	E. Lawrence Novello, Dana R. Novello & James W. Novello 6 Campbell Rd Arlington MA 02476 & 60 Sunny-Wood Dr Centerville MA 02632	None.
273220 74 Sunny-Wood Dr	Eric J. Kipnes & Sylvia M. Kipnes 11 Charlotte Ave Norton MA 02766	None.
273221 92 Sunny-Wood Dr	Lori Coppinger, Tr. The Coppinger Trust 92 Sunny-Wood Dr Centerville MA 02632	None.

273222 106 Sunny-Wood Dr	Albert B. Zouranjian, 119 Peterborough St Apt 1 Boston MA 02215 Lynne Rigolini 18 Rocky Hill Rd Burlington MA 01803 Amy Anastasia 111 Indian Springs Rd Milton MA 02186	None.
273223 122 Sunny-Wood Dr	Jorge Cantos 124 Wayland Rd Hyannis MA 02601	None.
273224 134 Sunny-Wood Dr	Ghulam Rasool 758 Falmouth Rd Unit A Hyannis MA 02601	None.
273225 142 Sunny-Wood Dr	Michael Leon 142 Sunny-Wood Dr Centerville MA 02632	None.
273226 156 Sunny-Wood Dr	Luis & Rosa Montero 156 Sunny-Wood Dr Centerville MA 02632	None.
273227 0 Sunny-Wood Dr	Luis & Rosa Montero 156 Sunny-Wood Dr Centerville MA 02632	None.
273228 129 Sunny-Wood Dr	Francis & Deborah Reidy 26072 Sawgrass Ct Land O Lakes FL 34639	None.
273229 113 Sunny-Wood Dr	Angelo & Donata Sodano, Tr. 113 Sunny-Wood Drive Realty Trust 28 Shannon St Brighton MA 02135	None.
273230 97 Sunny-Wood Dr	Audrey Kilcoyne 97 Sunny-Wood Dr Centerville MA 02632	None.
273231 77 Sunny-Wood Dr	Asim Chaudhry 77 Sunny-Wood Dr Centerville MA 02632	None.
273232 65 Sunny-Wood Dr	Henry J. Klaassens & Agnes Klaassens 239 Thornwood Rd Stamford CT 06903	None.

273233 49 Sunny-Wood Dr	Priscilla McIntosh 17 Primrose Ln Nantucket MA 02554	None.
273234 37 Sunny-Wood Dr	Izabela Panova & Andrey Asparouhov 77 Adams St Unit 904 Quincy MA 02169	None.
273235 19 Sunny-Wood Dr	Elizabeth DiGirolamo 19 Sunny-Wood Dr Centerville MA 02632	None.
273236 5 Sunny-Wood Dr	Todd Estrela & Brandee Tobine-Estrela 5 Sunny-Wood Dr Centerville MA 02632	None.
272201 50 Centerboard Ln (open space)	Robert Johnson, William Martin & Charles Lobue, Tr. Cobblestone Landing Trust 50 Centerboard Ln Hyannis MA 02601	None.
273237 103 Centerboard Ln	Deirdre P. Carrigan 103 Centerboard Ln Hyannis MA 02601	None.
273238 115 Centerboard Ln	Steven Babbitt 115 Centerboard Ln Hyannis MA 02601	None.
273239 123 Centerboard Ln	Patricia Barisano, Tr Patricia Barisano Realty Trust 123 Centerboard Ln Hyannis MA 02601	None.
273240 135 Centerboard Ln	Florence & Douglas Elkas, Tr., Elkas Centerboard Lane Trust 135 Centerboard Ln Hyannis MA 02601	None.
273241 143 Centerboard Ln	Paul Watson & Jean Watson, Tr. Watson Revocable Trust 143 Centerboard Ln Hyannis MA 02601	None.
273242 151 Centerboard Ln	Mark Ryan & Mariana Ryan 151 Centerboard Ln Hyannis MA 02601	None.
273243 159 Centerboard Ln	Charles Patitucci & Dianne Patitucci Tr., Patitucci Living Trust 159 Centerboard Ln Hyannis MA 02601	None.

273263 94 Centerboard Ln	Ronn E. Miller. & Maryanne S. Miller 94 Centerboard Ln Hyannis MA 02601	None.
252040H00 252040T00 33 Goose Point Rd	James Lavallee & Kelly Lavallee 33 Goose Point Rd Centerville MA 02632	None.
252041 61 Goose Point Rd	Hong Zeng 61 Goose Point Rd Centerville MA 02632	None.
252042 71 Goose Point Rd	David Packer & Carol Carron 71 Goose Point Rd Centerville, MA 02632	None.
252043 111 Goose Point Rd	Daniel Finley & Chinfei Chen 4 Agassiz Park Jamaica Plain, MA 02130	None.
252044 133 Goose Point Rd	Town of Barnstable 367 Main St Hyannis MA 02601	None.
252045 132 Goose Point Rd	Michael Amick & Marissa Amick, Tr., Michael and Marissa Amick Revocable Living Trust 132 Goose Point Rd Centerville MA 02632	None.
252046 104 Goose Point Rd	Anthony Jones & Sharon Samuels-Jones 7 Albert St Canton MA 02021	None.
252047 88 Goose Point Rd	Robert Licciardello & Tina Licciardello 80 Marlborough Rd Waltham MA 02452	None.
252048H00 252048T00 40 Goose Point Rd	Nicolas Fligg & Jessica Fligg 40 Goose Point Rd Centerville MA 02632	None.
252049 28 Goose Point Rd	John Fernandez 28 Goose Point Rd Centerville MA 02632	None.
252050 10 Goose Point Rd	Karin Dauphinee 22 Collins Ave Centerville MA 02632	None.
252080 95 Goose Point Rd	Goose Point One LLC 132 Est 28th St Unit #4 New York, NY 10016	None.
252081 83 Goose Point Rd	The Goose Points LLC 50 Oak Lane Osterville MA 02655	None.

252082 47 Goose Points Rd	Michael Indresano & Zheng Zhu 33 A St South Boston MA 02127	None.
252083H00 252083T00 23 Goose Point Rd	Denise Baldner 23 Goose Point Rd Centerville MA 02632	None.
252084 11 Goose Point Rd	Kristian Perry & Cathleen Crocker-Perry, Tr. C.L.P. Realty Trust 11 Goose Point Rd Centerville MA 02632	None.
252085 943 Phinney's Lane	Carlos Rivera & Maria Rivera 943 Phinney's Ln Centerville MA 02632	None.
252086 20 Goose Point Rd	James Junkin & Maureen Junkin 20 Goose Point Rd Centerville MA 02632	None.
252087T00 252087H00 52 Goose Point Rd	Djonatan Aquino 52 Goose Point Rd Centerville MA 02632	None.
252088 64 Goose Point Rd	Nancy Ayotte, Tr., Nancy L. Ayotte Trust 64 Goose Point Rd Centerville MA 02632	None.
252089 76 Goose Point Rd	John Sullivan & Rosellen Sullivan 70 Louise Rd Braintree MA 02184	None.
252051X01 0 Crestview Circle	James Hamilton & Edward Cotter Trs. Lake Isle Woods Open Space Trust PO Box 357 Centerville MA 02632	None.
252051X02 0 Regatta Dr	James Hamilton Edward Cotter Trs., Lake Isle Woods Open Space Trust PO Box 357 Centerville MA 02632	None.
253010H00 253010T00 749 Old Strawberry Hill Rd	David Lotufo 749 Old Strawberry Hill Rd Centerville MA 02632	None.
253012003 10 Newspaper Rd	Richard Moser & Delane O'Connor Tr. Richard Moser and Delane O'Connor Living Trust 10 Newspaper Rd Centerville MA 02632	None.

253012002 20 Newspaper Rd	Kiyoshi Igusa & Gordana Todorov & Sophia Igusa 13 Parker Ave Newton Corner MA 02459	None.
253012001 30 Newspaper Rd	Aleksandr Kapustin, & Larisa Kapustina Tr. Chernigov Irrevocable Trust 140 Oxford St Brooklyn NY 11235	None.
077037001 171 Marquand Drive	Karen Maloney & Dennis Saluti 171 Marquand Drive Osterville MA 02655	None.
077037002 169 Marquand Drive	John Kalin 169 Marquand Drive Osterville, MA 02655	None.
077370003 165 Marquand Drive	Richard Cawley & Eileen Cawley 165 Marquand Drive Osterville MA 02655	None.
077037004 161 Marquand Drive	John & Ann Marie Cotton PO Box 68 Osterville MA 02655	None.
077037005 131 Marquand Drive	William and Susan Callahan 1137 Lake House Drive North Palm Beach FL 33408	None.
077037008 125 Marquand Drive	Elise McMullin Tr, Rich Nominee Trust 125 Marquand Dr Osterville MA 02655	None.
077037006 109 Marquand Drive	Ronald Breteler Tr Breteler Family 2006 Trust 109 Marquand Drive Osterville MA 02655	None.
077037007 93 Marquand Drive	John & Betsy Sinnigen, Tr Sinnigen Living Trust 93 Marquand Drive Osterville MA 02655	None.
098023074 77 Marquand Drive	Michael & Judith Thoyer 1115 Fifth Ave Apt 3B New York, NY 10128	None.
098023073 43 Marquand Drive	Evelyn Lim 43 Marquand Drive Osterville MA 02655	None.

098023001 19 Marquand Drive	EK 2013 Marquand Drive LLC Alex Kurkin 18851 NE 29th St Suite 303 Aventura FL 33180	None.
121011001 4 West Wind Circle	Kenneth & Janis Mattozzi 4 West Wind Circle Osterville MA 02655	None.
121011028 9 West Wind Circle	Paul & Judith (McMahon) Wills 9 West Wind Circle Osterville MA 02655	None.
121011047 295 West Wind Circle	Frances Veracka, Tr. Frances Lorraine Veracka Revocable Living Trust 14987 Rivers Edge Ct Apt 140 Fort Myers, FL 33908	None.
121011027 286 West Wind Circle	Karen Wass 286 West Wind Circle Osterville MA 02655	None.
145023 4 Gunstock Road	Patricia Stuart 4 Gunstock Road Osterville MA 02655	None.
145022 9 Gunstock Road	Carol Montana, 9 Gunstock Road Realty Trust PO Box 44 Osterville MA 02655	None.
145021 95 Old East Osterville Road	Daryll & Marianne Brose, Tr. Brose Family Revocable Trust 6015 Dassia Way Oceanside CA 92056	None.
145020 105 Old East Osterville Road	Charles & Patricia Chartier PO Box 14 Belmont MA 02478	None.
145019 115 Old East Osterville Road	Louise Moriarty 115 Old East Osterville Rd Osterville MA 02655	None.
145018 125 Old East Osterville Road	Irley & Adnilson Santos 125 Old East Osterville Rd Osterville MA 02655	None.
145017 135 Old East Osterville Road	Mary Crane 135 Old East Osterville Rd Osterville MA 02655	None.
145013 236 Oldham Road	Gregory & Susan Aharonian 74 Harrinton Ridge Rd Sherborn MA 01770	None.

145016 233 Oldham Road	Katrina Daly 233 Oldham Rd Osterville MA 02655	None.
145009001 16 Old East Osterville Road	Robyn Lee Cogan 16 Old East Osterville Rd Osterville MA 02655	None.
145009002 22 Old East Osterville Road	Suzanne & Michael Harrington, Tr. Harrington 2023 Trust 22 Old East Osterville Rd Osterville MA 02655	None.
145053 44 Avalon Circle	Jason & Noelle Solomon 7 Crosstown Ave West Roxbury MA 02132	None.
145052 38 Old East Osterville Road	Annmarie Edwards PO Box 931 Osterville MA 02655	None.
145051 46 Old East Osterville Road	Anthony J. Scipione & June M. Scipione, Tr 245 Waltham St Newton MA 02165	None.
145050 60 Old East Osterville Road	Edward Bogle Molly, Julia and Edward Bogle 60 Old East Osterville Rd Osterville MA 02655	None.
145049 68 Old East Osterville Road	Richard Powers & Ruth Gentile 24 Adams Point Rd Barrington RI 02806	None.
145048 80 Old East Osterville Road	Thomas & Patricia Gasbarro 80 Old East Osterville Rd Osterville MA 02655	None.
145047 92 Old East Osterville Road	Margaret R. Holland & Margaret Holland Tr. Margaret R. Holland Investment Trust 92 Old East Osterville Rd Osterville MA 02655	None.
145046 102 Old East Osterville Road	Edward & Katrina Hannan 92 Tidewater Farm Rd Stratham NH 03885	None.
145045 114 King Arthur Drive	Thirburse Millott, Tr Thirburse Millot 2017 Revocable Trust 114 King Arthur Dr Osterville MA 02655	None.

144009 0 Bumps River Road	Massachusetts Audubon Society, Inc. 208 South Great Rd Lincoln MA 01773	None.
230094001 12 Sail-A-Way	William & Anne Muldoon 21 Randall Rd Berlin MA 01503	None.
230094002 10 Sail-A-Way	Mary McNabb 10 Sail-A-Way Centerville MA 02632	None.
230095 18 Sail-A-Way	Eugene & Margaret Curley 4 Coulson Rd Berlin MA 01503	None.
230096 26 Sail-A-Way	Hilliard Hiller, Jr. 26 Sail-A-Way Centerville MA 02632	None.
230097 36 Sail-A-Way	Ronald & Suzanne Doyle 36 Sail-A-Way Centerville MA 02632	None.
230098 25 Sail-A-Way	Kathy & Colin Pierce 176 Walnut St Shrewsbury MA 02545	None.
230158 33 Sail-A-Way	Roger Weismann, Jr.Tr. Phinney Lane Realty Trust 40 Maple Ln Medfield MA 02052	None.
230159 43 Sail-A-Way	Roger Weismann, Jr.Tr. Sail A Way Realty Trust 40 Maple Ln Medfield MA 02052	None.
230160 41 Sail-A-Way	Roger Weismann, Tr. Sail A Way Realty Trust 40 Maple Ln Medfield MA 02052	None.
230145 380 Phinney's Ln	James & Maureen Junkin 380 Phinney's Ln Centerville MA 02632	None.
230208 398 Phinney's Ln	David Leaver 398 Phinney's Ln Centerville MA 02632	None.
230146 19 Tellegen Tr	James & Maureen Junkin 380 Phinney's Ln Centerville MA 02632	None.

230147 35 Tellegen Tr	Estate of Mildred Lavidor 15 Williams St North Quincy MA 02171	None.
230148 49 Tellegen Tr	Sonia & Richard Schonning 49 Tellegen Trail Centerville MA 02632	None.
230149 61 Tellegen Tr	Marcia Wyrwal 61 Tellegen Trail Centerville MA 02632	None.
230150 73 Tellegen Tr	Justin Fernandes & Whitney Lewis 73 Tellegen Trail Centerville MA 02632	None.
230151 85 Tellegen Tr	HL Holdings LLC 90 First St Bridgewater MA 02324	None.
230152 89 Tellegen Tr	Richard W. Griffith III 89 Tellegen Trail Centerville MA 02632	None.
230199 95 Whidah Way	Kiersten Kaye & Mark Adamoyurka, Tr. Adamoyurka Kaye Family Living Trust 82 Mayall Rd Waltham MA 02453	None.
230200 93 Whidah Way	Doris McCowen, Tr. Doris McCowen Living Trust 10 Carriage Drive Woodbridge CT 06525	None.
230201 91 Whidah Way	Matthew & Jennifer Sumner 91 Whidah Way Centerville MA 02632	None.
230202 83 Whidah Way	Brian & Deborah Hackett 83 Whidah Way Centerville MA 02632	None.
230204 59 Whidah Way	Scott Termini 1338 W Holtz Ave Addison IL 60101	None.
230205 57 Whidah Way	Peter & Jayne Robbins 57 Whidah Way Centerville MA 02632	None.
230154 20 Whidah Way	Wallace & Candace Seaver PO Box 1003 Barnstable MA 02630	None.
230192 19 Whidah Way	Christopher & Leah Green 19 Whidah Way Centerville MA 02632	None.

230193 32 Whidah Way	Gail Casassa, Tr Casassa Family Trust 32 Whidah Way Centerville MA 02632	None.
230194 48 Whidah Way	Carolyn (Wieser) Coursey 48 Whidah Way Centerville MA	None.
230195 62 Whidah Way	William & Joanne Golden 62 Whidah Way Centerville MA 02632	None.
230196 76 Whidah Way	Deborah Wenzel 76 Whidah Way Centerville MA 02632 Remainder to James & Michael & Richard & Mark & Bruce Wenzel & Rebecca Van Beeck	None.
230197 86 Whidah Way	James & Cheryl Hindman 86 Whidah Way Centerville MA 02632	None.
230198 90 Whidah Way	Gerald & Carol Zuccala Remainder to Michael Zuccala, Tr. Zuccala Family Trust 90 Whidah Way Centerville MA 02632	None.
230203 69 Whidah Way	Catherine Donohue c/o Catherine M. Gilrein 36 Main St Douglas MA 01516	None.
230206 45 Whidah Way	Mark & Ann Wenzel 45 Whidah Way Centerville MA 02632	None.
251010 65 Millstone Way	James F. Ruane, Tr. James F. Ruane Living Turst 65 Millstone Way Centerville MA 02632	None.
251153 6 Millstone Way	Melissa C. Brennan 6 Millstone Way Centerville MA 02632	None.
251154 18 Millstone Way	Michele A. Colley 18 Millstone Way Centerville MA 02632	None.

251155 32 Millstone Way	Catherine Higgins & Robert Alden Higgins, Jr. 32 Millstone Way Centerville MA 02632	None.
251156 46 Millstone Way	Michael J. Alexander & Lorri Alexander, Tr. Alexander Revocable Trust 46 Millstone Way Centerville MA 02632	None.
251158 62 Millstone Way	Kathleen W. Needham, Tr. Kathleen W. Needham Trust 62 Millstone Way Centerville MA 02632	None.
251159 27 Millstone Way	Ravi Sarpatwari & Angelina Palombo 27 Millstone Way Centerville MA 02632	None.
251160 9 Millstone Way	Linda L. Leeman 9 Millstone Way Centerville MA 02632	None.
251157 51 Millstone Way	Each of the owners of 6, 9, 18, 27, 32, 46, 62 and 65 Millstone Way and 635 Phinney's Ln, whose names, addresses and parcel numbers are listed separately in this Exhibit.	None.
251161 635 Phinney's Lane	Richard S. Wixom & Christina R. Wixom 635 Phinneys Ln Centerville MA 02632	None.

BARNSTABLE TOWN COUNCIL

ITEM# 2025-028

INTRO: 09/05/2024, 09/19/2024

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: September 05, 2024
SUBJECT: Order authorizing the taking of road easements by eminent domain for sewer and water purposes over certain private roads known as: Beechwood Road, Cottonwood Lane, Sail-A-Way, Millstone Way, Tellegen Trail, and Whidah Way in Centerville; Sunny-Wood Drive, Centerboard Lane and Newspaper Road in Hyannis; Goose Point Road in Centerville and Hyannis; Marquand Drive in Marstons Mills; and Old East Osterville Road in Osterville

BACKGROUND: The Town is proceeding with plans to install sewers and related infrastructure in Centerville, Hyannis, Marstons Mills and Osterville. These proposed takings of easements in existing private ways are the third in a series of takings that are contemplated in order to deploy sewer lines in accordance with the Town's approved Comprehensive Wastewater Management Plan. The timely completion of these takings will also qualify this work for State Revolving Fund (SRF) monies in accordance with state funding. Utilizing the eminent domain procedure to acquire these easements will assure clear title to the property which is necessary to qualify for SRF funding. Because the value of the improvements exceeds the value of the easement within the travelled roadways, there is no provision for the award of monetary damages.

FISCAL IMPACT: None

STAFF ASSISTANCE: Daniel W. Santos, Director of Public Works; Griffin Beaudoin, Town Engineer; Shane Brenner, Town Surveyor; Thomas J. LaRosa, First Assistant Town Attorney

B. NEW BUSINESS (First Reading) (Refer to Second Reading 10/10/2024)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-029
INTRO: 09/19/2024**

2025-029 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Licensing Authority:** John Murphy, as an associate member to a term expiring 06/30/2027

SPONSORS: Appointments Committee Members: Councilor Jeffrey Mendes, Chair; Councilor Kris Clark, Vice Chair; Councilor Kristin Terkelsen; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading) (Refer to Second Reading 10/10/2024)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-030
INTRO: 09/19/2024**

2025-030 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Board of Health:** Dan Luczkow, MD. as a regular member, to a term expiring 06/30/2027; Paul Canniff, as a regular member to a term expiring 06/30/2027;

SPONSORS: Appointments Committee Members: Councilor Jeffrey Mendes, Chair; Councilor Kris Clark, Vice Chair; Councilor Kristin Terkelsen; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-031
INTRO: 09/19/2024**

2025-031 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FEDERAL FISCAL YEAR 2024 EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF \$15,500 FROM THE MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Federal Fiscal Year 2024 Emergency Management Performance Grant in the amount of **\$15,500** from the Massachusetts Emergency Management Agency for the purpose of funding the purchase of emergency tower lighting, a thermal monocular, and custom vinyl maps prepared for the Town of Barnstable.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM#2025-031
INTRO: 9/19/2024

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Jean B. Challies, Chief of Police
DATE: September 19, 2024
SUBJECT: Authorization to contract for and expend a Federal Fiscal Year 2024 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 for the purchase of One Thermal Monocular, emergency tower lighting, and emergency planning and maps of the Town of Barnstable.

The Barnstable Police Department is partnering with the five fire departments to prepare and plan for emergency incidents that might occur within the Town of Barnstable. During the planning process a few items of need have been identified as part of the on-going efforts to assist the community during an emergency. Portable lighting is one of these items. During emergency events; as day turns into night, it is extremely important for officers to be able to have portable lighting wherever it is needed. Another item that was discussed was a thermal monocular, this will allow for officers to be able to be mobile during search and rescues in low lite or nighttime hours where portable lighting is not available.

The Barnstable Police Department will also be purchasing custom vinyl maps that will include a tabletop training introduction and lesson plan binder, poker markers, map storage containers, and aerial views of locations. These maps will be custom made for the Town of Barnstable, they enhance real-world interoperability, they are portable and durable for any location and incident. Also included in the maps is a digital app online or on your mobile device.

GRANT DETAIL: \$15,500 will be used to pay for the purchasing of one portable light tower, one thermal monocular, and vinyl maps.

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 On Solve Inc, which exceeds the match requirement of \$15,500. All costs associated with this grant must be completed by June 30, 2025.

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

STAFF ASSISTANCE: Jean B. Challies, Chief of Police; Anne Spillane, Finance and Support Services Director; Lena Bevilacqua, Administrative Assistant to Investigative Services / Police Grant Coordinator

B. NEW BUSINESS (Refer to Public Hearing 10/10/2024)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-032
INTRO: 09/19/2024**

2025-032 APPROPRIATION ORDER IN THE AMOUNT OF \$33,000 IN COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS FOR PHASE II OF RESTORATION AND PRESERVATION OF THE DOTTRIDGE HOMESTEAD, LOCATED AT 1148 MAIN ST, COTUIT

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of **Thirty-Three Thousand Dollars (\$33,000)**, representing a portion of the total project cost of Five Hundred Thousand Dollars (\$500,000), be appropriated from the amount set aside for Historic Preservation within the Community Preservation Fund and granted to the Historical Society of Santuit and Cotuit for Phase II restoration and preservation work on the historic resource Dottridge Homestead located at 1148 Main Street, Cotuit, as shown on Assessor’s Map 034, Parcel 051. The property has an existing Preservation Restriction held by the Town of Barnstable. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2025-032
INTRO: 09/19/2024

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Lindsey Counsell, Chairman, Community Preservation Committee
DATE: September 19, 2024
SUBJECT: Appropriation Order in the amount of **\$33,000** in Community Preservation Historic Preservation Funds to the Historical Society of Santuit and Cotuit for Phase II of the Restoration and Preservation of the Dottridge Homestead Located at 1148 Main Street, Cotuit

BACKGROUND: At the August 19, 2024, Community Preservation Committee meeting, the six Committee members present voted unanimously to recommend to the Town Council through the Town Manager, the Historical Society of Santuit and Cotuit's (HSSC) request for \$33,000 in Community Preservation Historic Preservation Funds for Phase II work for their project: Grand Plan to Expand - Building a Future for Cotuit's Past. Phase II work had previously been approved within the HSSC's 2021 Community Preservation Fund grant for \$87,500, but due to overages in other CPA awarded project areas, work could not commence. Phase II work includes the installation of an HVAC system in an attic storage space for archives and restoring the authentic early 19th century Homestead buttery. The addition of climate control will allow safe storage and preservation of all artifacts, so they are available to educate future generations about Cotuit's rich historical heritage. Completion of the restoration of Dottridge Homestead serves as an accurate representation of what it was in the mid-19th century. The total cost of the entire project is \$500,000 with matching funds to be provided privately. A Preservation Restriction has previously been recorded for the Dottridge Homestead property.

ANALYSIS: The Dottridge Homestead is an historically significant property where important local historical artifacts are stored and preserved for the benefit of the public and future generations.

FISCAL IMPACT: The current balance in the reserve set aside for historic preservation is \$1,048,844. 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 approval of this item.

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

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-033
INTRO: 09/19/2024**

2025-033 DETERMINATION UNDER SECTION 19 OF THE STATE CONFLICT OF INTEREST LAW REGARDING PARTICIPATION IN MATTERS RELATING TO A POTENTIAL INCREASE IN THE TOWN'S PERCENTAGE CONTRIBUTION TO THE HEALTH INSURANCE COSTS OF ITS RETIREES

RESOLVED: That the Town Council does hereby authorize Town Manager Mark Ells to participate in matters relating to a potential increase in the percentage amount of the Town's contributions to the total monthly cost of contracts of health insurance for its retirees, and determines that the financial interest of Mark Ells in such matters, as described in Mr. Ells' disclosure form presented to the Town Council at this meeting in accordance with M.G.L. c. 268A, § 19, is not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from Mr. Ells in his role as Town Manager; and further authorizes and directs the Town Council President to make such determination on Mr. Ells' disclosure form on behalf of the Town Council.

SPONSOR: Felicia R. Penn, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2025-033
INTRO: 09/19/2024

SUMMARY

TO: Members of the Town Council
FROM: Karen L. Nober, Town Attorney
DATE: September 19, 2024
SUBJECT: Determination under Section 19 of the state Conflict of Interest Law regarding participation in matters relating to a potential increase in the town's percentage contribution to the health insurance costs of its retirees

BACKGROUND: Section 19 of G.L. c. 268A, the state conflict of interest law, prohibits a municipal employee from participating in a particular matter in which he or she has a financial interest, unless the employee's appointing authority makes a determination that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from the employee. Section 19 requires that an employee who wishes to participate in such a matter file with the employee's appointing authority a disclosure of the nature and circumstances of the particular matter and make full disclosure of the employee's financial interest prior to participating. If the appointing authority makes such a determination, then the employee may participate in the matter, notwithstanding his or her financial interest.

The Town recently increased its percentage contribution for health insurance for its employees from 50% to 70% to effectively compete with other public employers and maximize the Town's ability to attract, hire and retain quality employees. No change was made to the percentage amount of health insurance contributions for the Town's retirees.

As set forth in the attached disclosure, Mr. Ells has a reasonably foreseeable financial interest in any potential increase to the Town's contribution to the costs of health insurance for its retirees. Accordingly, he seeks authorization from the Council to allow him to participate in matters relating to any such potential increase, including making recommendations to the Council and making Section 19 determinations for other Town staff so that they may assist him and participate in such matters.

STAFF ASSISTANCE: Karen L. Nober, Town Attorney

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Mark S. Ells
Title or Position:	Town Manager
Municipal Agency:	Town of Barnstable
Agency Address:	Town Hall 367 Main St. Hyannis, MA 02601
Office Phone:	508-862-4610
Office E-mail:	Mark.ells@town.barnstable.ma.us
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. The Town recently increased its percentage contribution for health insurance for its employees from 50% to 70% to effectively compete with other public employers and maximize the Town's ability to attract, hire and retain quality employees. No change was made to the percentage amount of health insurance contributions for the Town's retirees. The Town's retirees are now asking the Town to make the same change for them.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. As Town Manager, I would work with my staff to develop a recommendation to present to the Town Council on this matter. Because some members of my staff also have a financial interest in this matter, I would need to make Section 19 determinations for them as their appointing authority.
FINANCIAL INTEREST IN THE PARTICULAR MATTER	

<p>Write an X by all that apply.</p>	<p><input checked="" type="checkbox"/> I have a financial interest in the matter.</p> <p><input type="checkbox"/> My immediate family member has a financial interest in the matter.</p> <p><input type="checkbox"/> My business partner has a financial interest in the matter.</p> <p><input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter.</p> <p><input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.</p>
<p>Financial interest in the matter</p>	<p>Please explain the financial interest and include a dollar amount if you know it.</p> <p>As an employee of the Town of Barnstable, I obtain health insurance through the Town. Due to my years of service, I am vested in the Barnstable County Retirement System, and I will obtain health insurance through that System as a retiree of the Town when I retire. If the Town's contribution percentage for the health insurance of the Town's retirees increases, the percentage contribution for retirees will decrease. When I retire, this will affect the percentage contribution I would make as a Town retiree, and therefore, I have a financial interest in this matter.</p>
<p>Employee signature:</p>	<p><i>[Handwritten Signature]</i></p>
<p>Date:</p>	<p>9.17.2024</p>

DETERMINATION BY APPOINTING OFFICIAL

<p align="center">APPOINTING AUTHORITY INFORMATION</p>	
<p>Name of Appointing Authority:</p>	
<p>Title or Position:</p>	
<p>Agency/Department:</p>	
<p>Agency Address:</p>	
<p>Office Phone:</p>	
<p>Office E-mail</p>	
<p align="center">DETERMINATION</p>	
<p>Determination by appointing authority:</p>	<p>As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.</p>
<p>Appointing Authority signature:</p>	

Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012

B. NEW BUSINESS (First Reading) (Refer to Second Reading 10/10/2024)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-034
INTRO: 09/19/2024**

2025-034 ORDER AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND BARNSTABLE COUNTY FOR DREDGING SERVICES

ORDERED: That the Town Council authorizes the execution and delivery by the Town Manager of an Intergovernmental Agreement with Barnstable County under which Barnstable County shall perform dredging work for the Town at the Cotuit Bay Entrance and Embayment Channel for a term not-to-exceed one year in an amount not-to-exceed **\$560,000**.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2025-034
INTRO: 09/19/2024

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: September 19, 2024
SUBJECT: Order authorizing an Intergovernmental Agreement between the Town of Barnstable and Barnstable County for dredging services

BACKGROUND: The Cotuit Bay Entrance and Embayment Channels require dredging to maintain safe navigation. In December of 2023, the Town Council authorized an Intergovernmental Agreement for a 6-month duration for this project to be completed. Due to weather delays and permit time of year restrictions, the work was unable to be completed in its entirety. As a result, the County Dredge has scheduled the project to be completed this fall. Because the previous Intergovernmental Agreement (“IGA”) terminated in March 2024, we are seeking authorization for a new IGA. The previous IGA was for an amount not-to-exceed \$345,700. The actual amount spent was \$48,069.

FINANCIAL IMPACT: Although the Barnstable County Dredge Program has recently increased its rates, utilizing the Barnstable County’s Dredge Program is far more cost effective than retaining a private contractor. The cost of the Barnstable County Dredge’s services this fall will not exceed \$560,000. The Town received a \$375,000 Massachusetts Dredging Grant for this project. The remainder will be funded by an existing capital appropriation (2021-102).

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

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