



# Town of Barnstable Town Council

367 Main Street, 2<sup>nd</sup> floor, Hearing Room  
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## MEETING AGENDA TOWN HALL HEARING ROOM October 10, 2019 7:00 PM

### Councillors:

James H. Crocker Jr.  
President  
Precinct 5

John G. Flores  
Vice President  
Precinct 1

Eric R. Steinhilber  
Precinct 2

Paul Hebert  
Precinct 3

Britt Beedenbender  
Precinct 4

Paul C. Neary  
Precinct 6

Jessica Rapp Grassetti  
Precinct 7

Debra S. Dagwan  
Precinct 8

James M. Tinsley  
Precinct 9

Matthew Levesque  
Precinct 10

Philip N. Wallace  
Precinct 11

Paula Schnepf  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

### TOWN COUNCIL SPECIAL MEETING

Original posted on 10/08/19@  
2:16pm updated on 10/09/19@9:34am  
to add Items 2020-038; 2020-039;  
2020-040

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **MOMENT OF SILENCE**
4. **PUBLIC COMMENT**
5. **COUNCIL RESPONSE TO PUBLIC COMMENT**
  - **COMPREHENSIVE WASTEWATER MANAGEMENT PLAN**
    - **Daniel Santos P.E., Director, Department of Public Works**
6. **ORDERS OF THE DAY**
7. **ADJOURNMENT**

**NEXT REGULAR MEETING: October 17, 2019**

ITEM NO.	INDEX TITLE	PAGE
<b>A.</b>	<b>OLD BUSINESS</b>	
	<b>(NONE)</b>	
<b>B.</b>	<b>NEW BUSINESS</b>	
2020-038	Resolve in support of an Intermunicipal Agreement between Barnstable, Sandwich, and Mashpee for the purpose of Three Bays watershed permitting <b>(May Be acted upon) (Majority vote)</b> .....	3-4
2020-039	Resolve in support of an Intermunicipal Agreement between Barnstable and Yarmouth for the purpose of Lewis Bay watershed permitting <b>(May Be acted upon) (Majority vote)</b> .....	5-6
2020-040	Resolve authorizing the Town Manager to commence negotiations with Vineyard Wind, LLC, regarding amendments to the host community agreement between the Town of Barnstable and Vineyard Wind, LLC <b>(May Be acted upon) (Majority vote)</b> .....	7

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-038**

**INTRO: 10/10/19**

**2020-038 RESOLVE IN SUPPORT OF AN INTERMUNICIPAL AGREEMENT BETWEEN BARNSTABLE, SANDWICH, AND MASHPEE FOR THE PURPOSE OF THREE BAY WATERSHED PERMITTING**

**RESOLVED:** That the Town Council approves the execution and delivery by the Town Manager on behalf of the Town of an Intermunicipal Agreement to include a maximum duration of twenty-five years between the Towns of Barnstable, Sandwich and Mashpee to jointly apply for a permit for the Three Bays system pursuant to the 208 Plan update and Chapter 259 of the Acts of 2014 and any future requirement pursuant to 315 C.M.R. 5.00.

**SPONSOR:** James H. Crocker Jr., Precinct 5, Town Council President; John G. Flores, Precinct 1, Vice President, Town Council

DATE ACTION TAKEN

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2020-038**  
**INTRO: 10/10/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** October 10, 2019  
**SUBJECT:** Resolve in support of an Intermunicipal Agreement between Barnstable, Sandwich, and Mashpee for the purpose of Three Bays watershed permitting

**BACKGROUND:** Pursuant to Section 208 of the federal Clean Water Act, in 2015, the Cape Cod Commission submitted the updated Cape Cod Water Quality Management Plan (208 Plan) to the USEPA. In conjunction with development of the 208 Plan, the Commonwealth of Massachusetts in Section 2A of Chapter 258 of the Acts of 2014 requires MassDEP to develop a watershed permitting approach to address and optimize nitrogen management measures intended to restore water quality to meet applicable water quality standards in watersheds included in an area-wide nitrogen management plan.

**ANALYSIS:** Of the six watersheds in Barnstable, four are shared with neighboring Towns. Under DEP's nascent watershed permitting approach, a single permit will be developed for an entire watershed, which in the case of shared water sheds, will necessarily involve all of the included towns. The Town of Barnstable plans to work with the Towns of Sandwich and Mashpee to develop an Intermunicipal Agreement which will guide the development of a Watershed Permit for the Three Bays Watershed.

The Intermunicipal Agreement sets out the structure of how the Towns intend to work together to develop, apply for, and implement the Watershed Permit. The Agreement establishes respective responsibilities based on a nitrogen allocation formula, since each town contributes nitrogen based on their area within the watershed and density and character of development. The Agreement establishes a working group, and addresses matters such as nitrogen trading, term of agreement and dispute resolution; as well as documenting each party's progress on Comprehensive Wastewater Management Planning efforts.

**FISCAL IMPACT:** There is no direct fiscal impact resulting from the Intermunicipal Agreement. The Town will continue to plan for and implement wastewater projects in compliance with regulations through the normal budgeting process. The aim of the Intermunicipal Agreement is to work collaboratively with neighboring towns, which will result in an efficient and cost-effective approach to addressing wastewater needs.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends approval of the Town Council Resolve.

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-039**

**INTRO: 10/10/19**

**2020-039 RESOLVE IN SUPPORT OF AN INTERMUNICIPAL AGREEMENT BETWEEN BARNSTABLE AND YARMOUTH FOR THE PURPOSE OF LEWIS BAY WATERSHED PERMITTING**

**RESOLVED:** That the Town Council approves the execution and delivery by the Town Manager on behalf of the Town of an Intermunicipal Agreement to include a maximum duration of twenty-five years between the Towns of Barnstable and Yarmouth to jointly apply for a permit for the Lewis Bay system pursuant to the 208 Plan update and Chapter 259 of the Acts of 2014 and any future requirement pursuant to 315 C.M.R. 5.00.

**SPONSOR:** James H. Crocker Jr., Precinct 5, Town Council President; John G. Flores, Precinct 1, Vice President, Town Council

DATE

ACTION TAKEN

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- \_\_\_ Read Item
- \_\_\_ Rational
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2020-039**  
**INTRO: 10/10/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director, Department of Public Works  
**DATE:** October 10, 2019  
**SUBJECT:** Resolve in support of an Intermunicipal Agreement between Barnstable and Yarmouth for the purpose of Lewis Bay watershed permitting

**BACKGROUND:** Pursuant to Section 208 of the federal Clean Water Act, in 2015, the Cape Cod Commission submitted the updated Cape Cod Water Quality Management Plan (208 Plan) to the USEPA. In conjunction with development of the 208 Plan, the Commonwealth of Massachusetts in Section 2A of Chapter 258 of the Acts of 2014 requires MassDEP to develop a watershed permitting approach to address and optimize nitrogen management measures intended to restore water quality to meet applicable water quality standards in watersheds included in an area-wide nitrogen management plan.

**ANALYSIS:** Of the six watersheds in Barnstable, four are shared with neighboring Towns. Under DEP's nascent watershed permitting approach, a single permit will be developed for an entire watershed, which in the case of shared water sheds, will necessarily involve all of the included towns. The Town of Barnstable plans to work with the Town of Yarmouth to develop an Intermunicipal Agreement which will guide the development of a Watershed Permit for the Three Bays Watershed.

The Intermunicipal Agreement sets out the structure of how the Towns intend to work together to develop, apply for, and implement the Watershed Permit. The Agreement establishes respective responsibilities based on a nitrogen allocation formula, since each town contributes nitrogen based on their area within the watershed and density and character of development. The Agreement establishes a working group, and addresses matters such as nitrogen trading, term of agreement and dispute resolution; as well as documenting each party's progress on Comprehensive Wastewater Management Planning efforts.

**FISCAL IMPACT:** There is no direct fiscal impact resulting from the Intermunicipal Agreement. The Town will continue to plan for and implement wastewater projects in compliance with regulations through the normal budgeting process. The aim of the Intermunicipal Agreement is to work collaboratively with neighboring towns, which will result in an efficient and cost-effective approach to addressing wastewater needs.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends approval of the Town Council resolve.

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-040  
INTRO: 10/10/19**

**2020-040 RESOLVE AUTHORIZING THE TOWN MANAGER TO COMMENCE  
NEGOTIATIONS WITH VINEYARD WIND, LLC REGARDING  
AMENDMENTS TO THE HOST COMMUNITY AGREEMENT BETWEEN THE  
TOWN OF BARNSTABLE AND VINEYARD WIND, LLC**

**RESOLVED:** that the Town Council authorizes the Town Manager to commence negotiations with Vineyard Wind, LLC, regarding amendments to the Host Community Agreement executed between the Town of Barnstable and Vineyard Wind, LLC, which amendments may include, but shall not be limited to, the specific task of adding an option for a Phase III project in Barnstable.

**SPONSOR:** James H. Crocker Jr., Precinct 5, Town Council President; John G. Flores, Precinct 1, Vice President, Town Council

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rational
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote