



# BARNSTABLE COUNTY

COMMISSIONERS  
RONALD R. BEATY, Barnstable  
RONALD BERGSTROM, Chatham  
MARY PAT FLYNN, Falmouth

THE REGIONAL GOVERNMENT OF CAPE COD

Board of Regional Commissioners

## REGULAR MEETING AGENDA



DATE: 10:00 A.M

TIME: May 13, 2020

PLACE: Note: The meeting will be held through remote participation by the Board of Regional Commissioners pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020. All public comments or questions should be directed to Jack Yunits, County Administrator, at [jack.yunits@barnstablecounty.org](mailto:jack.yunits@barnstablecounty.org). The Board will address any submissions at its next meeting.

1. Call to Order
2. Pledge of Allegiance
3. Moment of Silence
4. Public Comment
5. Approval of Minutes
  - a. Regular Meeting of May 6, 2020
6. General Business
  - a. Update on COVID-19 (Novel Coronavirus) and Barnstable County
  - b. Authorizing the approval of Massachusetts House of Representatives Bill HD.4924, An Act Authorizing Michael Cheung to Purchase Creditable Service from the Barnstable County Retirement Board, pursuant to the requirements of Massachusetts Legislature Joint Rule 7A

- c. Proposed Ordinance 20-\_\_, To authorize the County Board of Regional Commissioners to enter into an Easement Agreement with the Cape Cod Chapter of the New England Mountain Bike Association (NEMBA), on a portion of Barnstable County property near the intersection of Route 132/Phinneys Lane for a bicycle path
- d. Authorizing the approval of a letter of support from the Board of Regional Commissioners to the County Economic Development Committee for the Arts Foundation of Cape Cod, to support its Cape Cod Arts Relief Fund
- e. Discussion on the creation of an Administrator/Business Manager position for the County Dredge Program
- f. Ordinance 20-03, To authorize the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay
- g. Ordinance 20-04, To make appropriations for Barnstable County's operating budget for the Fiscal Year 2021, including the operations of the County Assembly, Executive branch, County agencies, boards, commissions, departments and institutions and the maintenance of certain County functions; for interest, reserve funds and serial bond requirements of the County
- h. Ordinance 20-05, Adopting an Operating Budget for the Cape Cod Commission for the Fiscal Year 2021, beginning July 1, 2020 and ending June 30, 2021
- i. Ordinance 20-06, Adopting an Operating Budget for the Dredge Enterprise Fund for the Fiscal Year 2021, beginning July 1, 2020 and ending June 30, 2021
- j. Ordinance 20-07, To amend Barnstable County Ordinance 90-12 Chapter A: the Enabling Regulations Governing Review of Developments of Regional Impact Review to align it with the 2018 Regional Policy Plan

*Note: For all items under General Business, the Board may take official action including votes*

7. New Business – Other business not reasonably anticipated by the Chair

## 8. Commissioners' Actions

- a. Authorizing the execution of an amendment to a contract with Groundwater Treatment & Technology, executed August 29, 2020, in the amount of \$44,500.00, for a Water Treatment System at the County's Fire Rescue Training Academy, for a period through March 1, 2020, to increase the maximum amount of the contract to \$54,500, and extend the period of performance through June 30, 2020
- b. Authorizing the renewal of a contract with Groundwater Treatment Technologies, for technical assistance to monitor and maintain the groundwater pump and treat system at the County Fire Rescue Training Academy, for a period through March 26, 2020, with two (2) one-year options to renew pending appropriation, for an additional one-year period through March 26, 2021
- c. Authorizing the discharge of a mortgage by Michael C. Rollins to Barnstable County, acting by and through the Cape Cod Commission, dated March 10, 2006, and recorded with the Barnstable County Land Court Registry as Document Number 1028135
- d. Authorizing the execution of Certificates for Dissolving Septic Betterments

## 9. Commissioners' Reports

## 10. County Administrator and Staff Reports

## 11. Adjournment

Reasonable accommodations for people with disabilities are available upon request. Please contact Justyna Marczak, Barnstable County ADA Coordinator at [jmarczak@barnstablecounty.org](mailto:jmarczak@barnstablecounty.org) or call 508-375-6646 at least 24 hours in advance of the meeting. The County Commissioners' meeting may be viewed in real time at <https://www.youtube.com/user/BarnstableCounty>, <https://www.barnstablecounty.org/>



*COMMONWEALTH OF MASSACHUSETTS*

Barnstable, ss.

At a regular meeting of the Barnstable County Board of Regional Commissioners on the sixth day of May, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020

**Board Regional Commissioners:**

|                  |                  |
|------------------|------------------|
| Ronald R. Beaty  | Present remotely |
| Ronald Bergstrom | Present remotely |
| Mary Pat Flynn   | Present remotely |

**Staff Present:**

**Staff Present Remotely:**

|                   |  |
|-------------------|--|
| Jack Yunits       | County Administrator   |
| Owen Fletcher     | Executive Assistant, Administration                                      |
| Justyna Marczak   | Human Resources Director   |
| Elizabeth Braccia | Director of Finance/Treasurer  |
| Sean O'Brien      | Director, Health and Environment   |
| Vaira Harik       | Deputy Director & Senior Project Manager, Human Services                 |
| Martha Taylor     | Homeless Management Information System (HMIS) Manager,<br>Human Services |
| Ian Roberts       | Technical Support Specialist, Information Technology                     |

**1. Call to Order**

Chairman Bergstrom called the meeting to order at 10:00 A.M. The Chairman noted the Board held the meeting through remote participation pursuant to Massachusetts Governor

Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020.

**2. Pledge of Allegiance**

**3. Moment of Silence**

Chairman Bergstrom asked for a moment of silence to support members of the United States Armed forces serving both at home and abroad.

**4. Public Comment**

The Board permitted members of the public to join the meeting online, asked that all public comments or questions be directed Mr. Yunits by phone or email, and stated the Board would address any submissions at its next meeting. No members of the public offered comment.

**5. Approval of Minutes**

**a. Regular Meeting of April 29, 2020**

*Motion by Commissioner Beaty to approve the minutes of the Board of Regional Commissioners' Regular Meeting of April 29, 2020 as presented, 2nd by Commissioner Flynn, approved 3-0-0*

**6. General Business**

**a. Update on Coronavirus 2019 (COVID-19) and Barnstable County**

Mr. O'Brien updated the Board on current statistics for confirmed cases and fatalities from the virus. He noted Barnstable County has approximately nine hundred fifty cases and fifty fatalities. He highlighted COVID-19 related issues in assisted living facilities as well as testing kit shortages. Ms. Harik reported on statistical trends in the Commonwealth. She explained reports of new infections were trending slightly downward. She also noted it was too early to determine whether the County would have a surge in cases, in response to a question from Commission Beaty. Mr. Yunits spoke regarding the County's operations. He noted the County staff was largely working from home, but certain offices at the County Complex were open.

**b. Authorizing the approval of Massachusetts House of Representatives Bill HD.4924, An Act Authorizing Michael Cheung to Purchase Creditable Service**

**from the Barnstable County Retirement Board, pursuant to the requirements of the Massachusetts Legislature's Joint Rule 7A**

Chairman Bergstrom stated he was uncomfortable with voting for this item as both a member of the County's Retirement Board and a member of the Board of Regional Commissioners. He said many others were in the same position and this situation was no different. The Board also highlighted that the Massachusetts Public Employee Retirement Administration Commission (PERAC) had prepared its own legislation to deal with such cases in a uniform fashion. Ms. Braccia advised the Board that such cases should be handled by the Retirement Board. Kaitlin Wright, Chief of Staff for State Representative Will Crocker, answered questions from the Board. She noted Mr. Cheung did not receive the intimal notification due to an address change. She also explained that given the current crisis, the only way the Legislature could act on Mr. Cheung's issue was through action by the County Board. The Board decided to postpone action on this item to a subsequent meeting.

**c. Authorizing the County Finance Department to repurpose capital appropriations in the amount of \$86,000.00 to replace the roof on the First District Courthouse**

*Motion by Commissioner Beaty to authorize the County Finance Department to repurpose capital appropriations in the amount of \$86,000.00 to replace the roof on the First District Courthouse, as presented, 2nd by Commissioner Flynn, approved 3-0-0*

**7. New Business – Other business not reasonably anticipated by the Chair**

There was no new business at this meeting.

**8. Commissioners' Actions**

**a. Authorizing the approval of the carryover of fifteen (15) vacation days by Martha Taylor, Homeless Management Information System (HMIS) Manager in the Human Services Department beyond September 30, 2020 pursuant to Chapter 8, Section 3 (g) of the Barnstable County Policies and Procedures Manual**

*Motion by Commissioner Beaty to authorize the approval of the carryover of fifteen (15) vacation days by Martha Taylor, Homeless Management Information System (HMIS) Manager in the Human Services Department beyond September 30, 2020 pursuant to Chapter 8, Section 3 (g) of the Barnstable County Policies and Procedures Manual, 2nd by Commissioner Bergstrom, rejected 0-0-3 (NO: Beaty Bergstrom, Flynn)*

Ms. Braccia and Mr. Yunits argued that the Board should not approve this request because it sets a bad precedent because there are many other staff members in this situation and allowing the carryover would create a financial liability. Ms. Marczak noted there are approximately fifty employees in this situation under the policies, and employees could appeal to the Board. Ms. Taylor spoke to the Board and explained that she could not currently take her vacation time due to COVID-19 restrictions. The Board engaged in a lengthy discussion regarding County policies and liabilities on this issue. The consensus of the Board was that there was no way to distinguish Ms. Taylor's case from the case of other employees. The Commissioners reached a consensus to deny Ms. Taylor's request.

- b. Authorizing the award of a contract to, and execution of a contract with, Liberty Paper, for the supply and delivery of copy paper to Barnstable County and other Political Subdivisions, for a period from July 1, 2020 through December 31, 2020**

*Motion by Commissioner Beaty to authorize the award of a contract to, and execution of a contract with, Liberty Paper, for the supply and delivery of copy paper to Barnstable County and other Political Subdivisions, for a period from July 1, 2020 through December 31, 2020, 2nd by Commissioner Flynn, approved 3-0-0*

- c. Authorizing the award of contracts to, and execution of contracts with, Borden & Remington, Coyne Chemical, NBC Distributors, Saybrooke Environmental, and Univar for the supply and delivery of water chemicals to water districts in Barnstable County, for a period from July 1, 2020 through June 30, 2021**

*Motion by Commissioner Beaty to authorize the award of contracts to, and execution of contracts with, Borden & Remington, Coyne Chemical, NBC Distributors, Saybrooke Environmental, and Univar for the supply and delivery of water chemicals to water districts in Barnstable County, for a period from July 1, 2020 through June 30, 2021, 2nd by Commissioner Beaty, approved 3-0-0*

- d. Authorizing the award of a contract to, and execution of a contract with Center for Coastal Studies, for the purpose of conducting a water quality monitoring program from stations located throughout Cape Cod Bay, Buzzards Bay, and Nantucket Sound and its embayments, in the amount of \$248,944.00, for a period from May 6, 2020 through May 5, 2021**

*Motion by Commissioner Beaty to authorize the award of a contract to, and execution of a contract with Center for Coastal Studies, for the purpose of conducting a water quality monitoring program from stations located throughout Cape Cod Bay, Buzzards Bay, and Nantucket Sound and its embayments, in the amount of \$248,944.00, for a period from May 6, 2020 through May 5, 2021, 2nd by Commissioner Beaty, approved 3-0-0*

Mr. Yunits explained the agreement and the Board discussed the costs of the agreement. The Board and Mr. Yunits also discussed ways to make sure the County did not duplicate its efforts and increase the cost.

## **9. Commissioners' Reports**

The Commissioners offered no reports at this meeting

## **10. County Administrator and Staff Reports**

Mr. Yunits spoke regarding the task force the County has put together regarding re-opening. He explained it was comprised of Town Managers, State Legislation delegation and staff, as well as County staff, and Chambers of Commerce. He also explained that it included members of the Cape Cod Chambers of Commerce and was looking at best practices to aide business owners as COVID-19 restrictions are lifted.

## **11. Adjournment**

*Barnstable, ss. at 10:46 A.M. on this twenty-second day of April A.D. 2020, motion by Commissioner Beaty to adjourn, 2nd by Commissioner Flynn, approved 3-0-0*

**List of Documents:**

- Draft minutes of the Board of Regional Commissioners' Regular Meeting of April 29, 2020
- Correspondence to the Barnstable County Board of Commissioners, care of Jack Yunits, County Administrator, dated April 6, 2020 from Massachusetts State Representatives William L. Crocker, Jr. and Timothy R. Whelan requesting approval of legislation filed jointly on behalf of Officer Michael Cheung of the Yarmouth Police Department
- Massachusetts House of Representatives Bill HD.4924
- Memorandum to the County Commissioners from Elizabeth J Braccia, Finance Director/County Treasurer, dated May 4, 2020 regarding First District Court House Roof
- Memorandum dated May 1, 2020 to Justyna Marczak from Beth Albert, Director of the County Human Services Department, regarding Martha Taylor's Request for Vacation Carry-Over
- Memorandum dated April 30, 2020 to the County Commissioners from Jennifer Frates, Chief Procurement Officer, regarding Notice of Bid Award - #7905 – Supply and Delivery of Copy Paper
- Memorandum to the County Commissioners from Jennifer Frates, Chief Procurement Officer, regarding Notice of Bid Award - #7907 – Water Chemicals
- Memorandum dated April 28, 2020 to Jennifer Frates, Chief Procurement Officer from Gail Coyne, Operations Director of the Cape Cod Commission, regarding Water Quality Monitoring RFP - #7908

Approved, Board of Regional Commissioners:

  
Ronald Bergstrom, Chair

  
Mary Pat Flynn, Vice-Chair

  
Ronald R. Beaty, Commissioner

5/6/2020  
Date

The foregoing records have been read and approved, May 13, 2020

A true copy, attest:

  
  
Janice O'Connell, Regional Clerk



## BARNSTABLE COUNTY COMMISSIONERS

SUPERIOR COURTHOUSE  
3195 MAIN STREET  
P.O. BOX 427  
BARNSTABLE, MASSACHUSETTS 02630  
PHONE: (508) 375-6648  
FAX: (508) 362-4136

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IN 1989

RONALD R. BEATY  
Barnstable

RONALD BERGSTROM  
Chatham

MARY PAT FLYNN  
Falmouth

May 13, 2020

Mr. Steven T. James  
House Clerk  
Office of the Clerk of the House 24 Beacon Street,  
State House, Room 145, Boston, MA 02133

Dear Clerk James:

Please accept this letter as official notice that the Barnstable County Board of Regional Commissioners, at its regular meeting on May 13, 2020 approved Massachusetts House of Representatives Bill HD.4924, An Act Authorizing Michael Cheung to Purchase Creditable Service from the Barnstable County Retirement Board, pursuant to the requirements of Massachusetts Legislature Joint Rule 7A.

Please do not hesitate to contact our office with any additional questions.

Sincerely,

Ronald Bergstrom  
Chair, Board of Regional Commissioners

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

At a regular meeting of the Barnstable County Board of Regional Commissioners, on the thirteenth day of May, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, motion by Commissioner Beaty to authorize the approval of Massachusetts House of Representatives Bill HD.4924, An Act Authorizing Michael Cheung to Purchase Creditable Service from the Barnstable County Retirement Board, pursuant to the requirements of Massachusetts Legislature Joint Rule 7A as presented, 2nd by Commissioner Flynn, approved 3-0-0

Ronald Bergstrom, Chair:                        Y    

Mary Pat Flynn, Vice Chair:                    Y    

Ronald R. Beaty, Commissioner:              Y    

A true copy, Attest, May 13, 2020



*Janice O'Connell*  
Barnstable County Regional Clerk



The Commonwealth of Massachusetts  
House of Representatives  
State House, Boston, MA 02133-1054

William L. Crocker, Jr.  
STATE REPRESENTATIVE

2<sup>nd</sup> Barnstable District  
BARNSTABLE • YARMOUTH  
TEL. (617) 722-2014  
William.Crocker@MAHouse.gov

Barnstable County Board of Commissioners  
c/o: Jack Yunits, County Administrator  
P.O. Box 427  
3195 Main Street  
Superior Courthouse  
Barnstable, MA 02630

April 6, 2020

Dear Barnstable County Board of Commissioners,

I write to request your approval of legislation I filed jointly with State Representative Timothy Whelan on behalf of Officer Michael Cheung of the Yarmouth Police Department.

HD.4924, *An Act Authorizing Michael Cheung to Purchase Creditable Service from the Barnstable County Retirement Board*, will allow Officer Cheung to buyback his four years of military service from the Barnstable County Retirement Association (BCRA). Officer Cheung was in the process of moving his residence when the original letter offering to buyback his military service was sent by the BCRA and unfortunately, the letter was lost during the process of his move. Due to the letter being lost during his move, he was not able to reply to the letter within the 180-day window and now requires legislative approval to buyback his four years of military service. The Massachusetts Legislature's Joint Rule 7A requires legislation of this nature to receive approval by a majority of county commissioners; otherwise the legislation will be reported adversely. Again, I respectfully request your approval of HD.4924.

Thank you for your time and consideration of this matter. Should you have any questions, please do not hesitate to reach out to me via email at [William.Crocker@mahouse.gov](mailto:William.Crocker@mahouse.gov). Due to the COVID-19 outbreak, my staff and I are working remotely and do not have access to our physical mail in our Boston office. Please send your response letter to Kaitlin Wright at 17 Belvidere Road Haverhill, MA 01830.

Sincerely,

**WILLIAM L. CROCKER, JR.**

State Representative  
2<sup>nd</sup> Barnstable District

**TIMOTHY R. WHELAN**

State Representative  
1<sup>st</sup> Barnstable District

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

\_\_\_\_\_

PRESENTED BY:

***William L. Crocker, Jr. and Timothy R. Whelan***

\_\_\_\_\_

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing Michael Cheung to purchase creditable service from the Barnstable County Retirement Board.

\_\_\_\_\_

PETITION OF:

| NAME:                          | DISTRICT/ADDRESS:     |
|--------------------------------|-----------------------|
| <i>William L. Crocker, Jr.</i> | <i>2nd Barnstable</i> |
| <i>Timothy R. Whelan</i>       | <i>1st Barnstable</i> |

**HOUSE . . . . . No.**

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[Pin Slip]

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act authorizing Michael Cheung to purchase creditable service from the Barnstable County Retirement Board.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Notwithstanding section 3 of chapter 71 of the acts of 1996, or any other general or  
2 special law to the contrary, the Barnstable county retirement board shall permit Michael Cheung,  
3 a member of the Barnstable county retirement system, to purchase creditable service for his  
4 military service time pursuant to paragraph (h) of subdivision (1) of section 4 of chapter 32 of  
5 the General Laws.



## BARNSTABLE COUNTY COMMISSIONERS

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May 13, 2020

Mr. Steven T. James  
House Clerk  
Office of the Clerk of the House 24 Beacon Street,  
State House, Room 145, Boston, MA 02133

Dear Clerk James:

Please accept this letter as official notice that the Barnstable County Board of Regional Commissioners, at its regular meeting on May 13, 2020 approved Massachusetts House of Representatives Bill HD.4924, An Act Authorizing Michael Cheung to Purchase Creditable Service from the Barnstable County Retirement Board, pursuant to the requirements of Massachusetts Legislature Joint Rule 7A.

Please do not hesitate to contact our office with any additional questions.

Sincerely,

Ronald Bergstrom  
Chair, Board of Regional Commissioners

## **MEMORANDUM OF UNDERSTANDING**

### **Between Barnstable County and The New England Mountain Bike Association regarding a License for multi-use Recreational Trails**

This Memorandum of Understanding (MOU) made this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by and between the Cape Cod Regional Government hereinafter referred to as "Barnstable County", and the New England Mountain Bike Association, hereinafter referred to as NEMBA, a 501(c) 3 non-profit corporation organized under the laws of the State of Massachusetts and having a mailing address at PO Box 2221 Acton, MA 01720-6221.

**Whereas**, Barnstable County has determined that it is in the best interest of the public that multi-use recreational trails be constructed on Barnstable County property located in Hyannis, Town of Barnstable MA, as shown on the attached Plan marked Exhibit "A."

**Whereas**, NEMBA has the resources and expertise required to construct multi-use recreational trails.

#### **Barnstable County and NEMBA hereby agree as follows:**

1. NEMBA agrees to design and construct multi-use recreational trails within Barnstable County's property shown on Exhibit "A" attached hereto and incorporated by reference. Barnstable County agrees to grant NEMBA a License to design, construct, and manage multi-use recreational trails as depicted on Exhibit "A."
2. Prior to construction of said trails, NEMBA shall present the proposed trail layout to and obtain the approval of the Barnstable County Commissioners and Barnstable County Assembly of Delegates.
3. All trails will be available for use without charge to the general public and shall be used for non-motorized recreational purposes only.
4. NEMBA agrees to construct the trails using donated labor and materials. NEMBA shall provide liability insurance satisfactory to Barnstable County. All Contractors shall obtain Certificates of Insurance as required by Barnstable County and Barnstable County shall be an "Additional Insured" on all Insurance Policies required by the County. NEMBA agrees to enter into and execute a "Hold Harmless" Agreement indemnifying Barnstable County.

5. Barnstable County and NEMBA agree to work cooperatively in the resolution of any problems that may arise from use of the trails (erosion, litter, parking, camping, etc.)

6. This MOU shall annually renew unless either party provides written notice of its intent to terminate at least 60 days prior to the annual anniversary date of the MOU.

**IN WITNESS WHEREOF**, Barnstable County and NEMBA have executed this agreement as of the date set forth above.

\_\_\_\_\_  
Witness

Barnstable County

By: \_\_\_\_\_

Title: \_\_\_\_\_  
Duly Authorized

\_\_\_\_\_  
Witness

New England Mountain Bike Association

By: \_\_\_\_\_

Title: \_\_\_\_\_  
Duly Authorized

Proposed Trail on County Land near Route 132/Phinneys Lane

April 2, 2020

To the Barnstable County Commissioners:

The Cape Cod chapter of the New England Mountain Bike Association (NEMBA) and the Friends of Cape Cod Pathways (an ad-hoc pathways advocacy group) request permission to create a trail on the County's parcel near the intersection of Route 132/Phinneys Lane. There is growing interest in trail use in this area for bikers traveling to and from the nearby bike shop, the hotel, the brewery and the trail network within the Hathaway's Pond Recreation Area as well as from neighborhoods to the south. The trail would be created as a loop and primarily used by bikers as a warm-up.

I want to assure you about the liability of landowners that allow public access:

Mass General Law Title II Chapter 21 Section 17C state that landowners are not liable as long as you don't charge a fee for public access. Here's a link to a summary of the law: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21/Section17C>

Liability protection during trail creation is provided by the New England Mountain Bike Association's (NEMBA) insurance. Trail creation would avoid cutting large trees and consist primarily of brush clearing and log removal. Should the Commissioners desire, our group would help install a sign recognizing the County's participation. No construction would occur and our group recognizes that trail use is at the County's pleasure and could be terminated at any time without cause.

I do feel that in these trying times if we can provide many healthy outdoor recreation opportunities, we can help people to exercise more (gyms are closed!). Exercising benefits mental and physical health, and boosts immune function. We should do what we can to help make sure folks can still get active. More people than I've ever seen are out on pathways, and providing trail access on this parcel will help build good will between the county and trail users, including not only bikers, but also walkers and runners. I hope you agree!

Lev Malakhoff  
Friends of Cape Cod Pathways  
Trail Ambassador – Cape Cod NEMBA



Proposed pathway on County land near Route 132/Phinneys Lane



# BARNSTABLE COUNTY COMMISSIONERS

SUPERIOR COURTHOUSE  
3195 MAIN STREET  
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Susan Moran, Chair  
Barnstable County Economic Development Council (BCEDC)  
c/o Cape Cod Commission  
P.O. Box 226  
Barnstable, MA 02630

RE: Arts Foundation of Cape Cod

Dear Ms. Moran and BCEDC Members,

We write to ask the BCEDC to hear and review a request presented to the County Board of Regional Commissioners at our weekly meeting on April 15, 2020 by Julie Wake, on behalf of the Arts Foundation of Cape Cod (AFCC). The AFCC has launched a designated Cape Cod Arts Relief Fund to provide small but much needed relief to support artists decimated economically by the pandemic. The fund will ultimately focus on a transition back for the arts community once the crisis is over. Through the third week of March, arts communities across the Commonwealth have experienced a loss of \$ 55.7 million. On Cape Cod, theaters have shuttered, studios have closed, and entertainment venues have been supplanted by health concerns. The Arts are a critical piece of our regional economic success story and the effort by the AFCC to keep the Arts community afloat cannot be understated. The Arts will always be a significant factor in our tourism economy.

When Ms. Wake last presented to you during your open grant presentations the world was a different place. Owing solely to the pandemic, the Cape's Art community has never been so dependent on external help for its survival. The new presentation to the County's Board of Regional Commissioners changed from the one the BCEDC heard last autumn. This proposal is focused on helping artists with new challenges critical to these hurtful times in a small but responsible way. The message was clear, and we felt inspired to act. However, based upon the State Auditor's findings in 2016, the County is precluded from funding non-profits without special legislation. The License Plate fund created by M.G.L. c.90, Section 2 does enable the BCEDC to provide the relief sought in an amount your body determines. Therefore, as a Board, we voted unanimously to forward this letter of support to you. We ask you to consider the AFCC's new request.

We thank you in advance for your consideration.

Sincerely,

Ronald Bergstrom, Chair  
Board of Regional Commissioners

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

At a regular meeting of the Barnstable County Board of Regional Commissioners on the thirteenth day of May, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, motion by Commissioner Beaty to approve a letter of support from the Board of Regional Commissioners to the County Economic Development Committee for the Arts Foundation of Cape Cod, to support its Cape Cod Arts Relief Fund, 2nd by Commissioner Flynn, approved 3-0-0

Ronald Bergstrom, Chair:                        Y    

Mary Pat Flynn, Vice Chair:                    Y    

Ronald R. Beaty, Commissioner:              Y    

A true copy, Attest, May **13**, 2020



*Janice O'Connell*  
Barnstable County Regional Clerk

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

At a regular meeting of the Barnstable County Board of Regional Commissioners on the twenty-ninth day of April, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, motion by Commissioner Beaty to send a letter of support from the Board of Regional Commissioners to the County Economic Development Committee for the Arts Foundation of Cape Cod, to support its Cape Cod Arts Relief Fund, 2nd by Commissioner Flynn, approved 3-0-0

Ronald Bergstrom, Chair:                      Y  

Mary Pat Flynn, Vice Chair:                  Y  

Ronald R. Beaty, Commissioner:            Y  

A true copy, Attest, April **29**, 2020



*Janice O'Connell*  
Barnstable County Regional Clerk



*The mission of the Arts Foundation of Cape Cod is to support, promote, and celebrate the arts and culture of Cape Cod in order to sustain a vibrant, diverse and strong arts community.*

**RE: Arts Foundation of Cape Cod's request for funding - April 24, 2020**

**We are seeking funding to support the Cape Cod Arts Relief Fund.** Cape Cod has a rich cultural landscape, with almost 100 museums, hundreds of galleries and craft studios, and dozens of theaters, all contributing to the cultural and economic landscape of the region. The COVID-19 pandemic has forced local artists to cancel work for the foreseeable future and cultural nonprofits to temporarily shut their doors. Performances and fundraisers are postponed indefinitely. As of March 22, 2020, "Massachusetts nonprofit cultural organizations had already experienced a loss of more than \$55.7 million" (Kathi Scrizzi Driscoll 'Layoffs, Cancellations Hit Cape Cod Arts World, Cape Cod Times, March 25, 2020). The impact from COVID-19 will devastate the Cape Cod economy and, in particular, the Cape's creative economy. In an effort to help the members of our Cape Cod cultural community, the AFCC has launched the Cape Cod Arts Relief Fund, one-time relief funds of up to \$500 per individual artist. As of today, the AFCC has distributed almost \$13,000 and is about to release another \$15,000 in the next ten days. Applicants must be artists who live, work, create, and/or perform in Barnstable County and have been financially impacted as a result of the pandemic.

A second phase of this effort will focus on cultural nonprofits and ways the AFCC can support them once the pandemic is over. The AFCC is working to build a stronger, more robust grant bucket where we can provide general operating support in the fall. Between now and then, we're working closely with local arts organizations on what life will look like post-pandemic and how we can help with everything from general operating budgets to bolstering virtual programming to creating more access to the arts for everyone.

**Amount Requested:**

\$30,000

**What is our funding goal is?**

\$100,000

**What will the money be used for?**

Phase I of the program will be focused on individuals who have lost paid opportunities for work due to the impact of the coronavirus. One-time payments will be available to artists, musicians, teachers, and others. Phase II will focus on local cultural organizations and assisting them in determining what their programming will be as they move forward through this crisis and what their organization will look like after the crisis has passed. Projects funded might include

investing in technology and other creative ways to support innovation and help cultural organizations provide access to the arts in this challenging environment.

**What will the community impact of your project be?**

Several programs have sprung up to help Cape Codders negatively affected by this pandemic, and through the Cape Cod Arts Relief Fund, we hope to lift the burden, even a little, on the Cape Cod arts community. The community impact of this project can be summed up in a quote by AFCC Executive Director Julie Wake: “The creative community will face devastating impacts as a result of the economic fallout from this pandemic, and this fund will address an urgent need. As the Cape’s regional arts nonprofit, we have an obligation to ensure that these impacts are minimized so our local artists can continue making art and our local nonprofits can continue to operate when this is over.”

**How will the County’s support be recognized?**

We are creating a web page dedicated on this program, and all funders will be prominently listed.

**Who will the project serve? (beneficiaries, income groups, age groups, etc.)**

The project will serve artists and arts organizations who live, work, create, and/or perform in Barnstable County.

**How will the outcome of the project be measured?**

Once this crisis is over, we hope to look at the cultural landscape of Cape Cod and see that we were able to help minimize the negative financial impact on Cape Cod’s cultural community. We will measure the outcome of the Cape Cod Arts Relief Fund by the number of artists and arts organizations we provide financial assistance to. *We will be speaking with the Cape Cod Commission to help us organize a survey that will measure the economic impact of COVID19 in the arts and culture sector.*

**Other sources of income?.**

Our major fundraisers of the year are the annual Pops by the Sea concert and our Prelude to Summer auction. The auction has been postponed from June to the fall, and we are hoping the Pops concert, currently scheduled for August 9, 2020, will be able to go on as planned, but in the current environment, obviously that is uncertain. Other sources of income include individual contributions, grants, sponsorships, and an annual fund Patron Program for businesses and individuals. *This funding is critical to the AFCC’s ability to serve the arts community especially if our regular fundraisers are cancelled.*

*Thank you for the opportunity. We understand this is a challenging time across sectors. We are grateful for the consideration and any support you can provide.*

*Julie Wake*

*Executive Director*

*508-360-3612 CELL*

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

At a regular meeting of the Barnstable County Board of Regional Commissioners, on the thirteenth day of May, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, motion by Commissioner Beaty to approve the creation of an Administrator/Business Manager position for the County Dredge Program, 2nd by Commissioner Flynn, approved 3-0-0

Ronald Bergstrom, Chair:                        Y    

Mary Pat Flynn, Vice Chair:                    Y    

Ronald R. Beaty, Commissioner:              Y    

A true copy, Attest, May 13, 2020



*Janice O'Connell*  
Barnstable County Regional Clerk



BARNSTABLE COUNTY JOB DESCRIPTION

|   |                                      |
|---|--------------------------------------|
| <b>Title:</b> Dredge Administrator/Business Manager | <b>Classification:</b> N/A           |
| <b>Department:</b> Commissioners' Office            | <b>Grade:</b> N/A                    |
| <b>Reports to:</b> County Administrator             | <b>FLSA Status:</b> Exempt           |
| <b>Effective Date:</b>                              | <b>Union Status:</b> Non-represented |

**Summary**

Professional, administrative, and managerial work as required for overseeing and managing the operations of the Barnstable County Dredge Program and all other related work, as required.

**Supervision**

Works under the general direction of the County Administrator with policy direction provided by the County Commissioners. Work is largely autonomous and self-directed, but regular collaboration will be required with the County Administrator.

Responsible for supervising both directly and through subordinates of approximately 8 (?? Need to confirm) full-time and part-time employees. May also be required to oversee and manage support services provided by an outside consulting firm that may be contracted by the County to assist the Dredge Administrator/Business Manager.

**Essential Functions**

*The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

Work is of an administrative, professional nature, requiring the exercise of considerable judgement; position requires excellent organizational and communication skills with a specific understanding of dredging in a marine environment, dredge management, field operations and equipment, operation and maintenance budgets, annual reporting, contracting, scheduling of projects with a sensitivity to time of year restrictions on dredge and disposal operations, and an understanding of local, state, and federal laws and permits.

Supervisory and management responsibility of the County Dredge Program as directed by the County Administrator;

Prepares annual operating budgets, assists in identifying Town dredging needs, scheduling of projects, ensuring regulatory compliance and directing the operations of the County Dredge; meets and confers with the Dredge Superintendent and staff, Town officials, general public and other governmental officials;



## BARNSTABLE COUNTY JOB DESCRIPTION

Oversees all County Dredge Program personnel matters, including recruiting and hiring of staff, developing organizational structure to meet the staffing goals and dredge demands, securing resources for appropriate staff training opportunities, ensuring health and safety measures are in place to protect the safety of workers and mediating personnel disputes.

Oversees the County Dredge Program's outreach and communications with many different audiences including but not limited to, local, regional, state and federal officials, regulators, business groups, non-profit organizations, news media and the general public;

Assists the County Administrator with the development of County Dredge Program policies and procedures; and

Performs similar or related work as required, directed, or situation dictates.

### **Recommended Minimum Qualifications**

#### **Education and Experience**

At a minimum, the successful candidate shall hold a Bachelor's Degree (B.S.) from an accredited college or university in engineering, construction management, or other related technical field, project supervisory expertise and **10 years relevant experience** with the management of dredging and/or marine construction projects. Diverse experience with very strong financial, communication, management, organizational, and supervisory skills essential; or equivalent combination of education and experience.

**Knowledge:** Thorough knowledge of the management, administration and execution of marine dredging and the legal framework of governmental and regulatory agencies/organizations. Knowledge of finance and **MUNIS (? Not sure if this relevant) a plus.**

**Ability:** Ability to communicate effectively orally and in writing, manage and execute dredging projects on an annual basis within established Time of Year restrictions and consideration given to potential and likely delays/impacts resulting from equipment issues and poor weather conditions; interpret complex technical information (including bathymetric surveys and regulatory permits) and translate for public officials and the general public to guide informed decision for achieving dredging needs/demands of the County; plan, organize, analyze problems, formulate recommendations, and prepare reports; prepare and administer budgets; understand the County's political environment and sensitivities; establish and maintain effective working relationships with a variety of public and private entities including local, state, and federal elected officials, local harbor masters, natural resource directors, shellfish constables/wardens, environmental regulators, Cape Cod Commission members and staff subordinates.

**Skill:** Strong public speaking/presentation, analytical, organizational, interpersonal/collaborative communication, facilitation and negotiating, resourcefulness and discretion; computer skills that



## BARNSTABLE COUNTY JOB DESCRIPTION

encompass effective use of word processing, spreadsheet, project management, presentation, email and internet browser software.

**Required Licensing/Certification:** A valid U.S. Driver's License

### **Job Environment**

Work is generally performed in a typical office setting, with moderate noise from office equipment and light traffic; must attend meetings and represent the County at public forums with exposure to public criticism; may be required to attend evening meetings.

Work may fluctuate during the course of the year, but fluctuations reflect a predictable pattern (e.g., budget preparations, regularly scheduled meetings); may be required to respond to emergency situations.

Has frequent contact with County Dredge Program employees, media representatives, representatives of the 15 towns in the County, vendors, lawyers, state agencies, non-profit agencies and others having business with the County; contacts are in person, by telephone and other means; contact is often on sensitive or confidential matters, requiring careful analysis and judgement.

Has access to all confidential information such as policy formulation materials, criminal investigations, collective bargaining negotiations and issues, law suits, personnel files, and confidential materials related to inter-departmental program and policy development.

Consequences of mistakes, missed deadlines or poor judgement could have a continuing adverse effect on organizational functions. Has full access to all county-wide confidential information relating to county affairs, disclosures of which would impair effective County management.

### **Physical Requirements**

*The physical demands described are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

Minimum physical effort required in performing most work in the office; must be able to travel to various locations in and outside of the County; spends the majority of the work day talking, listening, and sitting; occasionally lifts up to 30 pounds, such as boxes of paper.

*This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.*

***Equal Opportunity/Americans with Disabilities Act Employer***

**BARNSTABLE COUNTY BOARD OF COMMISSIONERS**

**In the Year Two Thousand Twenty**

**Ordinance 20-03**

To authorize the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay, therefore;

*The Cape Cod regional government, known as Barnstable county hereby ordains;*

The Board of Commissioners is hereby authorized to purchase capital equipment, and implement capital improvements for use in conducting the business of the County as follows:

**Section 1.**

- a. To make available to Cape Cod Commission to perform a Planimetrics update that will gather geospatial data.

| Item                | Cost       | Finance Account Number |
|---------------------|------------|------------------------|
| Planimetrics Update | \$ 395,000 | 30210105 - 5840        |

- b. Implement the following capital request for the Real Estate Commission for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

| Item                                   | Cost       | Finance Account Number |
|--|------------|------------------------|
| Plan for Exploring New Office Building | \$ 100,000 | 30211000 - 5820        |

- c. Implement the following capital request for the Enterprise Dredge Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

| Item                          | Cost      | Finance Account Number |
|-------------------------------|-----------|------------------------|
| Purchase of (2) Pickup Trucks | \$ 70,000 | 30210250 - 5870        |

- d. Make certain Courthouse capital improvements and upgrades and purchase the following equipment for Facilities for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

| Item                                       | Cost       | Finance Account Number |
|--|------------|------------------------|
| Registry of Deeds A/C Unit Replacement     | \$ 80,000  | 30210205 - 5840        |
| Second District HVAC Replacement           | \$ 750,000 | 30210202 - 5840        |
| County Complex - Emergency Circuit Upgrade | \$ 50,000  | 30210202 - 5841        |
| Total Facilities                           | \$ 880,000 |                        |

- e. Implement the following capital improvements and purchase the following equipment for the Cooperative Extension Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

| Item                                | Cost       | Finance Account Number |
|-------------------------------------|------------|------------------------|
| Farm Facility - Addition/Renovation | \$ 800,000 | 30210230 - 5890        |

- f. Implement the following capital improvements and purchase the following equipment for the Children’s Cove Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

| Item                                       | Cost      | Finance Account Number |
|--|-----------|------------------------|
| Children's Cove - Addition Planning/Design | \$ 50,000 | 30210320 - 5840        |

- g. Implement the following capital improvements and purchase the following equipment for the Health Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

| Item                               | Cost       | Finance Account Number |
|------------------------------------|------------|------------------------|
| Replace and Upgrade GC/MS          | \$ 150,000 | 30210302 - 5870        |
| Replace and Upgrade Fume Hood      | \$ 45,000  | 30210302 - 5840        |
| Replace 4WD Pickup With Hybrid 4WD | \$ 40,000  | 30210301 - 5870        |
| Total Health                       | \$ 235,000 |                        |

- h. Implement the following capital improvements and purchase the following equipment for the Public Safety Training Academy for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

| Item                                 | Cost      | Finance Account Number |
|--------------------------------------|-----------|------------------------|
| JBCC - Public Safety Facility Design | \$ 80,000 | 30210460 - 5890        |

The total cost of equipment, improvements and projects equals (=) \$2,610,000.

Adopted by the Assembly of Delegates on May 6, 2020



E. Suzanne McAuliffe  
 Speaker, Assembly of Delegates

Approved by the Board of County Commissioners \_\_\_\_\_ (date), at \_\_\_\_\_ (time).

\_\_\_\_\_  
Ronald Bergstrom, Chairman

\_\_\_\_\_  
Mary Pat Flynn, Vice Chairman

\_\_\_\_\_  
Ronald Beaty, Jr.  
Commissioner

# **BARNSTABLE COUNTY**

In the Year Two Thousand Twenty

## **Ordinance 20-04**

To make appropriations for Barnstable County's operating budget for the Fiscal Year 2021, including the operations of the County Assembly, Executive branch, County agencies, boards, commissions, departments and institutions and the maintenance of certain County functions; for interest, reserve funds and serial bond requirements of the County.

### ***BARNSTABLE COUNTY hereby ordains:***

**Section 1.** To provide for the operations of the County Assembly, Executive branch, the several agencies, boards, commissions, departments and institutions of the County, and for sundry other functions, and to meet certain requirements of law, the sums set forth in Section Two and Section Three for the several purposes and subject to the conditions specified in Sections Four through Thirteen, are hereby appropriated from the County General Fund; Grants and Other Financing Sources, subject to the provisions of Massachusetts General Laws regulating the disbursement of public funds and the approval thereof, for the fiscal year ending June thirtieth, two thousand and twenty.

### **GENERAL GOVERNMENT**

#### **Section 2.**

- (a) To appropriate a total of \$4,072,687 for General Government; For the purposes set forth below:

#### **EXECUTIVE**

The mission of the County is to promote and sustain a pro-active government that enhances the quality of life for the citizens of Barnstable County. The budget established each year for Barnstable County is based on the program priorities set by the Board of Regional Commissioners and objectives of County leadership, considering affordability and value to the County and its towns and citizens. The emphasis in the fiscal year 2021 budget process has been on a collaborative effort to enhance the delivery of services in a cost control environment and to maintain and improve the delivery of priority services to the towns and residents of Barnstable County.

As outlined in Article 3 of the Barnstable County Home Rule Charter, the Executive powers of the County shall be vested solely in the Board of Regional Commissioners and may be exercised either directly by such Board, or through several County agencies under its direction and supervision. The Board of Regional Commissioners shall cause this Charter, the laws, ordinances and orders for the government and administration of the County to be enforced. The Chief Administrative Officer for the County shall be the County Administrator, who shall be appointed by a majority vote of the Board of Regional Commissioners to serve for an indefinite term. The County Administrator shall have, possess and may exercise all the powers, rights, and duties commonly associated with the office of chief administrator of a local government.

The Board of Regional Commissioners meets weekly on Wednesdays at the Superior Courthouse on Route 6A in Barnstable. Through these meetings the Board of Regional Commissioners make County policy, establish the goals of the County, and conduct the day-to-day business of the County.

## **RESOURCE DEVELOPMENT OFFICE**

The Resource Development Office, founded in the belief that common problems can be solved through regional solutions, is committed to the advancement of grant programs and creative uses of existing resources on Cape Cod. The objective of the department is to develop methods that facilitate communication between County officials, the public and local officials sharing information and developing partnerships to further enhance regional efforts and innovations. The mission of the office is achieved through grant administration within Barnstable County departments, outreach and education, sharing specialized knowledge and understanding of grant writing, monitoring and grant compliance.

## **ASSEMBLY OF DELEGATES**

The Barnstable County Assembly of Delegates is the legislative branch of County Government. As the County's law-making body, the Assembly's work takes the form of ordinances and resolutions which may be initiated by Delegates, Assembly committees, the Board of County Commissioners or by an initiative petition. The Assembly of Delegates appropriates the County's annual operating and capital budgets and supplemental requests. At the direction of the Speaker, operating and capital budgets and supplemental budgets are assigned to Standing Committees or the full Assembly for review. The Assembly or its Standing Committees meet with department managers and discuss the effectiveness of programs and consider Barnstable County's future needs for regional services.

Because it is difficult to forecast the number and/or complexities of legislative initiatives that the Assembly of Delegates will be required to deal with, it is impossible to predict what the volume of output or priorities will be in any given year. The budget is designed to assure that the functions of the Assembly are carried out and that the public is well served.

## **DEPARTMENT OF FINANCE**

The Finance Department is responsible for the oversight of all financial activities of the County including financial reporting and auditing, management of County funds, administration of debt, processing of payroll and accounts payable, and the annual development and ongoing monitoring of the County operating and capital budgets, fiscal grant monitoring and grant compliance.

The department is also charged with the management of purchasing and group insurance programs, as well as the provision of information systems and data processing. The services provided by the department enable the County to coordinate financial and analytical

activities, control costs, and improve the overall operational effectiveness of the County with its object to identify, prioritize and provide services on a regional basis in areas of need.

### **INFORMATION TECHNOLOGY OFFICE**

The mission of the Information Technology Office is to provide the County of Barnstable with high quality advice and support in the high technology and communication field. The IT staff will maintain the infrastructure needed to keep the County working productively. The IT staff also administers the County's networks and multi-user systems.

### **COUNTY SERVICES**

(b) To appropriate a total of \$7,140,032 for County Services; For the purposes set forth below:

### **DEPARTMENT OF FACILITIES**

The Department of Facilities is charged with asset management. The department is responsible for all physical plant operations, general maintenance and planning at the County Complex, the Fire Training Academy, the Children's Cove, the Farm property in Barnstable, the Second District Courthouse in the town of Orleans, and other properties located in the towns of Barnstable and Bourne.

### **COOPERATIVE EXTENSION SERVICE**

The Cape Cod Cooperative Extension is Barnstable County's education department. Extension programs are conducted in Barnstable County in cooperation with the University of Massachusetts in Amherst, the United States Department of Agriculture and the Woods Hole Oceanographic Institution's Sea Grant Program. The Extension has been supported by County, federal and state funds and county, federal and state laws and agreements. Research findings are translated into practical applications and shared throughout the region at workshops, conferences, field demonstrations, technical assistance, educational materials, exhibits, newspaper articles, radio and television. Education programs focus on horticulture/agriculture, aquaculture, shellfish management, coastal processes, natural resources, nutrition and food safety, water quality and management, recycling, hazardous products, and 4-H youth development issues facing the County.

### **REGISTRY OF DEEDS**

The mission of the Registry of Deeds is to deliver effective and efficient services to all users of the Registry of Deeds. The primary responsibility of the Registry of Deeds is to receive for recording instruments, documents and plans, pertaining to the titles of real estate in Barnstable County. The Registry indexes and scans these instruments, creating a database of landowners, lien holders and all other interested parties. These records are available to be researched in both book and computer formats. The Registry of Deeds has continued to

expand its base of information retrieval and storage to better assist the public in its recording and research needs. Computerization of these functions has progressed a long way in allowing the Registry of Deeds to successfully handle the volume of plans and instruments processed for recording.

### **HEALTH AND HUMAN SERVICES**

(c) To appropriate a total of \$4,166,686 for Health and Human Services; For the purposes set forth below:

#### **DEPARTMENT OF HEALTH AND THE ENVIRONMENT**

The Department of Health and the Environment's objective is to protect the public health and environment and to promote the physical and mental health and well being of the residents of Barnstable County. The population growth in the region has presented unprecedented challenges to local Boards of Health to address public health, water quality, community sanitation, wastewater disposal, workplace safety, hazardous materials, and a host of other environmental and public health issues that have heightened regional-specific significance. In addition, world events have underscored the need for preparing for emergencies that could undoubtedly challenge the public health emergency response resources. The department addresses the public health needs of the citizenry as identified primarily by the Boards of Health and maintains a very high level of expertise to assist both logistically and administratively to carry out programs that protect the public health and environment. Barnstable County is used by the State DPH as a model of regional efficiency as it continues its initiative to implement regionalization statewide for health department services based in part on the successes in Barnstable County. The Department's mission is supported by four divisions within the Department: Administration, Public Health Nursing, Laboratory and Environmental Health.

#### **DEPARTMENT OF HUMAN SERVICES**

The Barnstable County Human Services Department plans, develops and implements programs that enhance the overall delivery of human services in Barnstable County and promotes the health and social well-being of County residents through regional efforts designed to improve coordination and efficiency of human services and designed to strengthen the fabric of community care available to all. The Department serves as a grant facilitator for all 15 towns in areas of housing, serving the health needs of everyone (SHINE), continuing care and substance and opioid use prevention.

#### **CHILDREN'S COVE**

Children's Cove provides coordinated and comprehensive multidisciplinary services to child victims of sexual abuse/serious physical abuse and their families.

## **PUBLIC SAFETY**

(d) To appropriate a total of \$2,283,493 for Public Safety, funded as follows; For the purposes set forth below:

### **COUNTY CONTRIBUTION TO THE SHERIFF’S DEPARTMENT RETIREES & PUBLIC SAFETY OFFICERS**

The County is mandated by the Commonwealth of Massachusetts to appropriate the sum of \$1,702,310 for the unfunded pension liability associated with retirees of the Sheriff’s Department, retired from the Barnstable County Retirement Association. The department was transferred to the Commonwealth in 2010. Funds are required to be appropriated annually through the year 2035.

### **FIRE AND RESCUE TRAINING ACADEMY**

The Fire and Rescue Training Academy provides current, high-quality, safe and realistic fire and rescue training from beginning to the most advanced levels. As technology changes so does the fire service. The Fire and Rescue Training Academy conducts ongoing reviews of each program to assure that each meets the most current accepted standards. Course instructors, being firefighters in service at numerous fire departments, bring training, invaluable practical experience and advanced education to the classroom. The Academy utilizes a multitude of training props and scenarios to expose each student to real life situations in a safe environment. Portable training props can be deployed to the individual departments for training and the Academy employs a “train the trainer” concept, the result of which is a department’s ability to further train internally as time permits.

## **SHARED COSTS AND DEBT SERVICE**

(e) To appropriate a total of \$2,931,647 for Shared Costs and Debt Service; For the purposes set forth below:

The budgets for Shared Costs and Debt Service support costs, which are not applicable to specific departments. These types of costs include property & casualty insurances, group insurances for retirees, contingencies and non-contributory retirement costs.

The annual budgeting process is designed to accurately portray the costs of service for each department. All applicable costs have been allocated to the proper sub-program and cost center. Costs associated with active employees are allocated to each sub-program or department. Some elements of these programs remain in Shared Costs. The following sub-programs are included in Shared Costs and Debt Service:

### **FRINGE BENEFITS**

The Fringe Benefits sub-program of Shared Costs provides funds for health, dental, and life insurance costs for the County's and the Cape Cod Commission's retirees. The County contributes 75% of the costs of these benefits. This budget also includes the cost of previous Early Retirement Incentives offered in 2002 & 2003, the remaining costs of retirement for the closed County Hospital and Worker's Compensation costs. The County began funding the Retiree Post-Employment Benefits in May FY2019 with a contribution of \$850,000 and a plan to fund \$50,000 each year thereafter. We have budgeted a \$50,000 contribution amount for FY2021.

### **MISCELLANEOUS & CONTINGENCY**

The Miscellaneous & Contingency sub-program of Shared Costs provides funds for architectural and engineering services, legal counsel and auditing services, property & casualty and other insurance premiums, and provisions for other contingencies not otherwise appropriated. This sub-program provides funds for costs of Legal Settlements.

### **DEBT SERVICE**

The Debt Service sub-program provides funding for repayments of General Obligation Bonds of the County, including principal and interest, exclusive of the Clean Water Trust obligations funded and repaid through the Septic Loan Fund. Funding is also provided for interest and pay-downs on short-term obligations from the issuance of Bond Anticipation Notes (B.A.N.S.).

### **APPROPRIATED RESERVES**

The Appropriated Reserves sub-program provides funding for certain reserves of the County and funding that provides Other Funding Sources for funds outside of the County's General Fund Operating Budget.

## **TOTAL FY 2021 OPERATING BUDGET**

### **Section 3.**

To appropriate a total of \$20,594,545 to fund the Operating Budgets of the General Fund as follows: County General Funds **\$19,816,450**, Budget Reserve \$100,000, Unreserved FB \$346,200, Dredge Enterprise Indirect Costs \$181,895, Workers Comp Reserve Fund \$50,000 and Unemployment/Retirement Reserve Fund \$100,000 according to the schedule set forth on the following pages.

### **Section 4.**

[ XXXX ]

**Section 5.**

(a) Appropriations shown according to numbered groups within departmental budget Budget Items and Programs are made for expenditure for general purposes as follows:

Category A – Group 1 – for salaries and other compensation for personal services;  
Category B – Group 8 – for capital structures, improvements and CIP;  
Category C – Group 9 – for fringe benefits; and  
Category D – Group 2 – for contractual services, Group 3 – for supplies & materials, Group 4 – for other current charges, Group 5 – for equipment and CIP Equipment and Obligations and Group 7 – for not otherwise classified.

(b) Funds appropriated in any category may not be transferred to another category without the prior written approval of the Board of Regional Commissioners and the ratification of such approval by a majority vote of the Assembly of Delegates. Such ratification may be by Resolution.

**Section 6.** No liability in excess of the total appropriations for any departmental Budget Item or Program as provided in this ordinance shall be incurred by any official of the County except in cases of emergency and then only upon the prior written approval of the Board of Regional Commissioners. The amount and circumstances of any such liability approved by the Board of Regional Commissioners, the Assembly of Delegates shall act on said approval by Resolution.

**Section 7.** No transfers shall be made from the Capital Trust Fund (Budget Item 930) except pursuant to a supplemental appropriation ordinance.

**Section 8.** Transfers to departmental Budget Items or Programs made be made from the Reserve Fund (Budget Item 930) for extraordinary, unforeseen, necessary, non-recurring liabilities, provided that any such transfer shall be approved by the Board of Regional Commissioners and by a vote of the Assembly of Delegates, representing a majority of the population of Barnstable County.

**Section 9.**

(a) Transfers from the Reserve for Salary Adjustments (Budget Items 930 and 500) may be made only for increases in compensation for personal services in accordance with the Barnstable County personnel compensation plan approved in writing by the Board of Regional Commissioners or pursuant to the terms of any collective bargaining agreement covering employees of Barnstable County executed by the Board of Regional Commissioners.

(b) Transfers within the General Fund for Fringe Benefits (Group 9) may be made from sub-programs with excess appropriations in Group 9 to sub-programs where original appropriations are insufficient to cover the direct allocation of group insurance costs, retirement assessments, workers' compensation claims and payroll tax deductions. Such

transfers shall be determined by the Director of Finance/Treasurer, with the approval of the Board of Regional Commissioners.

**Section 10.** Usual expenses of travel, including highway tolls and parking fees, necessary for the performance of the duties of any County official or employee, other than travel from home to the regular workplace of such official or employee, shall be eligible for reimbursement, provided that no expenditure shall be made for the reimbursement of expenses of travel outside the Commonwealth unless such travel shall have been approved in advance in writing by the department head or other County official designated by the Board of Regional Commissioners to determine the expenditure of funds appropriated for such Budget Item. Such travel by any department head or other such designated official shall have been so approved by the Board of Regional Commissioners. The Board of Regional Commissioners shall from time to time promulgate a schedule of standard mileage rates for reimbursement of travel by private automobile designed fairly to reflect the full, actual costs of motor vehicle operation. Such funds shall be expended from the department budget.

**Section 11.** Notwithstanding any other provision of this ordinance, expenditures from the appropriation for the Assembly of Delegates (Budget Item 130) shall be as determined by the Assembly of Delegates which may authorize the Speaker or the Deputy Speaker or a designee of the Assembly to approve for payment any expenditure or liability incurred by any Delegate or by any officer, employee or consultant of the Assembly in the proper performance of his duties as such.

**Section 12.** The Board of Regional Commissioners may borrow money in anticipation of, and to be repaid from, the County tax for the fiscal year ending June thirtieth, two thousand and nineteen levied pursuant to Section thirty and thirty-one of Chapter thirty-five of the general laws, and obligated state revenues to be paid to the County for said fiscal year. Such borrowing shall not exceed the sum of (i) one half the amount of such tax plus (ii) the amount of such state revenues. They may issue therefore County notes maturing up to one year, which may be renewed from time to time; not to exceed ten years and the mandatory pay-downs per State statute. Notes issued hereunder may be sold at such discount or bear such rate, or rates, of interest as the County Treasurer may deem proper with the approval of the Board of Regional Commissioners; any discount to be treated as interest paid in advance, pursuant to Section thirty-seven of Chapter 35 of the general laws. Article 4, Section 4-2 (1) of the Barnstable County Home Rule Charter and Section 2.6 of the Administrative Code of Barnstable County. Such notes shall be signed by the Treasurer or Assistant Treasurer, countersigned by a majority of the Board of Regional Commissioners, and shall expressly be made payable from the taxes or state revenues of said fiscal year, but shall nevertheless be negotiable.

**Section 13.**

- (a) The Board of Regional Commissioners is hereby authorized to make necessary repairs, replacements and improvements to, and to purchase and install equipment for use in, buildings and facilities of the County, and to employ professional services for the design of such repairs, replacements, improvements and for the specifications of such purchases

and installation of equipment, as presented in the FY2021 Capital Improvement Plan and appropriated in the FY2021 departments' budgets.

- (b) For the purpose set forth in Section 12, the County Treasurer, with the approval of the Board of Regional Commissioners, may borrow from time to time, on the credit of the County, such sums as may be necessary but not exceeding in the aggregate the limitation set forth by statute, and may issue bonds or notes of the County therefore, which shall bear on their face Barnstable County Facilities and Equipment Loan, County Ordinance of 2015. Each authorized issue shall constitute a separate loan, and such loans are payable within the terms and conditions prescribed by Massachusetts General Laws.
- (c) All bonds or notes issued pursuant to the ordinance shall be signed by the County Treasurer or Assistant Treasurer and countersigned by a majority of the Board of Regional Commissioners. The County may sell securities at public or private sale upon such terms and conditions as the Board of Regional Commissioners may deem proper but not for less than their par value. Indebtedness incurred under this ordinance shall, except as herein provided, be subject to Chapter thirty-five of the Massachusetts General Laws.

Adopted by the Assembly of Delegates on May 6, 2020



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E. Suzanne McAuliffe  
Speaker, Assembly of Delegates

Approved by the Board of County Commissioners \_\_\_\_\_ (date), at \_\_\_\_\_ (time).

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Ronald Bergstrom, Chairman

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Mary Pat Flynn, Vice Chairman

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Ronald Beaty, Jr.  
Commissioner

**BARNSTABLE COUNTY**

In the Year Two Thousand Twenty

**Ordinance 20-05**

Adopting an Operating Budget for the Cape Cod Commission for the Fiscal Year 2021, beginning July 1, 2020 and ending June 30, 2021. The Cape Cod Regional Government, known as Barnstable County hereby ordains;

**SECTION 1.** A budget consisting of the appropriations listed in SECTION 2 below be adopted for the Fiscal Year July 1, 2020 through June 30, 2021.

**SECTION 2.** Appropriations for said budget are as follows:

|                                       |                    |
|---------------------------------------|--------------------|
| <b>PLANNING AND DEVELOPMENT</b>       |                    |
| Cape Code Commission                  | \$5,719,095        |
| <b>Total Planning and Development</b> | <b>\$5,719,095</b> |
| <br>                                  |                    |
| <b>TOTAL FY 2021 BUDGET</b>           | <b>\$5,719,095</b> |

**SECTION 3.** No appropriation listed above may be exceeded without appropriate ordinance action to amend budget.

**SECTION 4.** The public notice for this proposed ordinance was published at least 48 hours prior to the January 29, 2020 meeting of the Board of Regional Commissioners.

**SECTION 5.** This ordinance shall take effect July 1, 2020.

Adopted by the Assembly of Delegates on May 6, 2020



E. Suzanne McAuliffe  
Speaker, Assembly of Delegates

Approved by the Board of County Commissioners \_\_\_\_\_ (date), at \_\_\_\_\_ (time).

\_\_\_\_\_  
Ronald Bergstrom, Chairman

\_\_\_\_\_  
Mary Pat Flynn, Vice Chairman

\_\_\_\_\_  
Ronald Beaty, Jr.  
Commissioner

**BARNSTABLE COUNTY**

In the Year Two Thousand Twenty

**Ordinance 20-06**

Adopting an Operating Budget for the Dredge Enterprise Fund for the Fiscal Year 2021, beginning July 1, 2020 and ending June 30, 2021. The Cape Cod Regional Government, known as Barnstable County hereby ordains;

**SECTION 1.** A budget consisting of the appropriations listed in SECTION 2 below be adopted for the Fiscal Year July 1, 2020 through June 30, 2021.

**SECTION 2.** Appropriations for said budget are as follows:

**COUNTY SERVICES**

|                              |                    |
|------------------------------|--------------------|
| Dredge                       | \$1,849,437        |
| <b>Total County Services</b> | <b>\$1,849,437</b> |

|                             |                    |
|-----------------------------|--------------------|
| <b>TOTAL FY 2021 BUDGET</b> | <b>\$1,849,437</b> |
|-----------------------------|--------------------|

**SECTION 3.** No appropriation listed above may be exceeded without appropriate ordinance action to amend budget.

**SECTION 4.** This ordinance shall take effect July 1, 2020.

Adopted by the Assembly of Delegates on May 6, 2020



E. Suzanne McAuliffe  
Speaker, Assembly of Delegates

Approved by the Board of County Commissioners \_\_\_\_\_ (date), at \_\_\_\_\_ (time).

\_\_\_\_\_  
Ronald Bergstrom, Chairman

\_\_\_\_\_  
Mary Pat Flynn, Vice Chairman

\_\_\_\_\_  
Ronald Beaty, Jr.  
Commissioner

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**

**In the year Two Thousand Twenty**

**Ordinance 20-07**

**To amend Barnstable County Ordinance 90-12 Chapter A: the Enabling Regulations Governing Review of Developments of Regional Impact Review to align it with the 2018 Regional Policy Plan.**

*BARNSTABLE COUNTY hereby ordains:*

**SECTION 1: GENERAL PROVISIONS**

(a) Source of Authority

The regulations and standards and criteria concerning review of Developments of Regional Impact (DRI) are adopted and amended pursuant to Sections 6 and 12(a) of the Cape Cod Commission (Commission) Act, Chapter 716 of the Acts of 1989, as amended (Act).

(b) Effective Date

The regulations and standards and criteria set forth herein (Enabling Regulations) shall become effective upon passage as an ordinance and upon recording with the Clerk, the Barnstable County registry of deeds and the county clerk. The Enabling Regulations set forth herein shall remain in effect until the Assembly of Delegates adopts superseding regulations by ordinance.

(c) Definitions

The definitions contained in Section 2 of the Act shall apply to these regulations. As used within these regulations and the Administrative Regulations, the following additional terms shall be defined as stated below. Defined terms used within these regulations appear capitalized to direct the user to the applicable definition.

Act: An Act establishing the Cape Cod Commission, Chapter 716 of the Acts of 1989, as amended.

Certificate of Compliance: Certificate issued by the Commission, and signed by the Executive Director or his/her designee, confirming that a project has been constructed in accordance with the Commission decision.

Change of Use: A change in the nature or purpose of the use of a developed parcel of land.

Chief Regulatory Officer: Chief Regulatory Officer of the Cape Cod Commission.

Clerk: Clerk of the Cape Cod Commission.

Concealed Antenna Monopole: Any monopole with antennas, cables and hardware concealed beneath a surface that is continuous with the surface of the supporting monopole (also known as a flagpole style monopole).

Committee on Planning and Regulation: A standing committee established by the Cape Cod Commission on August 7, 2014

County Clerk: The Clerk of Barnstable County.

Demolition: Any act of pulling down, destroying, removing, dismantling or razing a structure or commencing the work of total or substantial destruction with the intent of completing the same.

Development of Regional Impact (DRI): A development which, because of its magnitude or the magnitude of its impact on the natural or built environment, is likely to present development issues significant to or affecting more than one municipality, and which conforms to the criteria established in the applicable standards and criteria for developments of regional impact pursuant to Section 12 of the Act.

DRI review: A process pursuant to Sections 12 and 13 of the Act.

Development of Regional Impact (DRI) Exemption: An exemption pursuant to Section 12(k) of the Act from Commission review of a proposed development that literally qualifies as a Development of Regional Impact.

Discretionary Referral: A referral in accordance with Section 12(e) of the Act by a Municipal Agency or the County Commissioners of a proposed development that does not meet or exceed any of the standards and criteria (thresholds) set forth in Section 3 of these regulations.

DRI Liaison: Town representative designated to act as a liaison to the Commission and coordinate with the Commission staff on regulatory issues.

Emergency Work Determination: A determination made by a Municipality or state agency, pursuant to Section 24 of the Act, that an emergency exists and that a development is necessary for the immediate protection of the health or safety of the public, notwithstanding that ordinarily such emergency work would require referral to the Commission as a Development of Regional Impact as set forth in Section 2 below.

Executive Committee: A standing committee established by the Cape Cod Commission on April 25, 1990.

Executive Director: The Executive Director of the Cape Cod Commission.

Gross Floor Area: The sum of the area of all floors within the perimeter of a building, located either above or below ground level, except Underground Parking within the structure which is accessory to the principal use shall not be included in the total Gross Floor Area. Gross Floor Area shall be expressed in square feet and measured from the exterior face of the exterior walls, or the centerline of shared walls. It shall include all floor levels including basements, and mezzanines and attics without deduction for hallways, stairways, elevator shafts, mechanical rooms, closets, thickness of walls, columns, projections, or other similar features. Crawl spaces for plumbing, wiring, or other mechanical infrastructure or for storage and in all cases not designed for human occupancy shall not count towards Gross Floor Area. Attic spaces that consist of the following shall not count towards Gross Floor Area: 1) accessed only by a step ladder or drop-down retractable stairs, 2) with open rafters and floor joists, 3) with no means of ventilation other than ridge, peak or soffit vents, 4) with limited natural or man-made illumination, 5) not intended or designed for human occupancy. Outdoor areas used for storage, sales, service and display shall also be included in the total Gross Floor Area.

Hearing Officer(s): A person(s) designated to take testimony, open, close and continue hearings and to accept letters of withdrawal.

Jurisdictional Determination: A determination pursuant to Section 12(j) of the Act whether a development is or is not a Development of Regional Impact under Section 3 of the DRI Enabling Regulations, and as to whether the development is exempt from Commission review pursuant to Section 22 of the Act.

MEPA: Massachusetts Environmental Policy Act, M.G.L. Chapter 30, Sections 61-62H.

Occupied Area: An area that encloses a wireless facility and all equipment, including wireless communications and accessory equipment cabinets, telecommunications terminals and service enclosures, electrical transformers and service enclosures, wireless equipment buildings, foundations and mounting pads, generators, above-ground conduits, cables, and cable supports, and fenced enclosures. Below-ground cables, conduits, and enclosures may extend outside the Occupied Area so long as their penetrations above the surface are within the facility's Occupied Area. Underground utilities (telecommunications and electrical) may penetrate the surface outside the Occupied Area at a pad mounted transformer or terminal cabinet not to exceed four feet above ground, and at the utility pole from which the utility connection originates. Landscaping installed to screen the Occupied Area is not included in the Occupied Area calculation.

Outdoor Use: A use with facilities or activities that are predominantly accommodated outside, rather than within a structure. For instance, gravel mining, commercial parking lots, golf courses, marinas, and outdoor active recreation uses would generally be classified as Outdoor Uses. For all Outdoor Uses, the size of the facility shall be based on the Total Project Area.

Regional Policy Plan (RPP): Planning and regulatory document, originally adopted by Barnstable County Ordinance 91-6, and amended from time to time, that includes Barnstable County's goals, policies and standards.

Residential Dwelling Unit: Facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, whether in a complete, individual unit or a unit sharing common facilities. A Residential Dwelling Unit shall include but not be limited to bedrooms in nursing homes and congregate-care facilities.

Secretary: The Secretary of the Massachusetts Executive Office of Environmental Affairs.

Substantial Alteration: An alteration that jeopardizes an historic structure's individual continued eligibility for listing in the National Register of Historic Places, or its continued status as a contributing structure in a National Register Historic District.

Substantive Public Hearing: A hearing of a Commission subcommittee or Hearing Officer held for the purposes of taking public testimony. Hearings conducted by Hearing Officer for procedural purposes only (for example, if an incomplete application has been filed), are not Substantive Public Hearings. Public hearings held jointly with the Executive Office of Environmental Affairs (MEPA Unit) for the purposes of receiving comments on an Environmental Notification Form (ENF) shall not be considered a Substantive Public Hearing under this definition. Public hearings held jointly with the Executive Office of Environmental Affairs (MEPA Unit) for the purposes of receiving comments on an Environmental Impact Report (EIR) shall be considered a Substantive Public Hearing under this definition.

Total Project Area: The calculation of Total Project Area shall include but not be limited to outdoor storage/sales/service/display, parking areas, landscaped areas and/or any site

alteration or site disturbance associated with the proposed development including the footprint of all buildings and structures.

Underground Parking: A structure or portion of a structure designated for parking vehicles that is entirely below natural grade, except for required ingress and egress.

Wireless Communication Tower: Any guyed, monopole, or self-support tower, constructed for the purpose of supporting antenna(s) for transmitting and/or receiving radio frequency communications, including but not limited to television and/or radio broadcasting, personal wireless services as defined by the Telecommunications Act of 1996, private land mobile radio, point-to-point radio links, public safety radio services, or similar forms of electronic communication. This definition does not include amateur radio operator antennas or television antennas, which are accessory to a residential use.

## **SECTION 2: COMMISSION JURISDICTION**

### **(a) Mandatory Jurisdiction**

(i) When a Municipal Agency receives an application for a development permit, the Municipal Agency shall refer the proposed development to the Commission for review as a Development of Regional Impact (DRI) if the proposed development meets or exceeds any of the standards and criteria for DRIs set forth in Section 3 below, or as amended in accordance with Chapter H of the Cape Cod Commission Regulations of General Application, *Municipal Application for Revision of DRI Thresholds*, and as provided in Section 3(n), below.

(a) A town's Local Historical Commission shall review any proposed alteration or demolition of a National Register historic property that is outside a local historic district or the Old Kings Highway Regional Historic District. The purpose of such review shall be to determine whether the proposed project constitutes a "substantial alteration" under Section 3(a) of the Enabling Regulations. If the Local Historical Commission determines that a proposed project constitutes a "substantial alteration", the Building Inspector or other relevant municipal agency shall refer the project to the Commission for DRI review. If the Local Historical Commission finds that the proposed project does not constitute a substantial alteration, the local permitting process may proceed, provided that the Committee on Planning and Regulation does not, at its next regularly scheduled meeting, find that the proposed alteration/demolition constitutes a "substantial alteration". If a Building Inspector or municipal agency refers a demolition, alteration or partial demolition of a National Register historic property that is outside a local historic or Old Kings Highway District to the Commission, it shall be

reviewed as a DRI in accordance with Section 7(c)(viii) provided it constitutes a “substantial alteration” and is not exempt pursuant to Section 22 of the Act.

(ii) The Municipal Agency shall not refer the proposed development for review as a DRI if the project is eligible for any of the exemptions listed in Section 22 of the Act. Informal jurisdictional interpretations are available from the Commission staff to assist a Municipal Agency. Formal Jurisdictional Determinations are available pursuant to Section 12(j) of the Act and Section 9 below.

(iii) In applying the DRI standards and criteria (“thresholds”), the entire proposed project including future expansions shall be considered and not separate phases or segments thereof. Ownership by different entities does not necessarily indicate that projects are separate.

(iv) In accordance with Section 12(h) of the Act, the Commission may review proposed developments that have not been referred to the Commission by Municipal Agencies as a DRI if, at a public meeting, the Commission determines that the proposed development meets the standards and criteria for DRIs set forth in Section 3 below, or as amended in accordance with Chapter H of the Cape Cod Commission Regulations of General Application, *Municipal Application for Revision of DRI Thresholds*, and as provided in Section 3(n), below, and is not otherwise exempt by the provisions of Section 22 of the Act.

(b) Discretionary Referral

(i) A Municipal Agency, including the Board of Selectmen/Town Council, in the Municipality where the development is located, or the County Commissioners or the Board of Selectmen/Town Council in any other Municipality, may refer a proposed development that does not meet or exceed any of the standards and criteria set forth in Section 3 below, or as amended in accordance with Chapter H of the Cape Cod Commission Regulations of General Application, *Municipal Application for Revision of DRI Thresholds*, and as provided in Section 3(n), below, and is not otherwise exempt by the provisions of Section 22 of the Act to the Commission for review. The Commission may accept the referral as a development that may have regional impacts and that presents one or more of the concerns listed in Section 12(b) of the Act. The referring agencies listed above may make a full Discretionary Referral or may make a limited Discretionary Referral setting forth one or more issue areas of the RPP, such as Land Use, Water Resources, Economic Development, Transportation, Affordable Housing, Open Space Protection and Recreation, Energy, Wetlands, Wildlife and Plant Habitat, Waste Management, Coastal Resources, and/or Heritage Preservation and Community Character, to be applied by the Commission in a limited DRI review as further authorized under Section 7 below. Whenever a referring agency makes a Discretionary Referral it must forward notice to the Board of Selectmen/Town Council in the Municipality where the development is located. The Board of Selectmen/Town Council may forward comments to the Commission on any full or limited Discretionary Referral.

(ii) One single-family dwelling shall not be considered to have significant impacts on the values and purposes protected by the Act outside the Municipality in which it is located and may not be referred to the Commission pursuant to Section 2(b)(i) above unless that dwelling has been determined by the Massachusetts Historical Commission to be eligible for listing on the National Register of Historic Places. This provision shall apply to all new construction, repair, change, alteration, demolition or extension of a single-family dwelling or an accessory structure, septic system or water well relative thereto.

(iii) Developments on locations subject to prior DRI decisions shall be reviewed in accordance with Section 14.

(c) Jurisdictional Determinations

(i) Any Municipal Agency or Applicant for a development permit, whose application has not been referred to the Commission by a Municipal Agency or taken up by the Commission for review under Section 12(h) of the Act, may apply to the Commission for a Jurisdictional Determination as to whether a development is or is not a DRI under the Act, and/or as to whether the development is exempt from Commission review under Section 22 of the Act.

(d) Projects Subject to Regulation under MEPA

(i) Any proposed development for which an Environmental Impact Report (EIR) is required to be prepared under the provisions of MEPA shall be deemed a DRI. The Applicant shall file a DRI application for the proposed development to the Commission for review as a DRI. DRI Applicants who are also subject to regulation under MEPA may seek a Joint Review Process under MEPA and the Act pursuant to a November 25, 1991 Memorandum of Understanding between the two agencies.

(ii) An Applicant who is required to file an Environmental Notification Form (ENF) under MEPA shall, at the same time, file a copy of the ENF with the Clerk. If the Secretary does not require the preparation of an EIR, the Commission may review the proposed development as a DRI if, at a meeting, the Commission determines that the proposed development presents one or more of the concerns listed in Section 12(b) of the Act and is not otherwise exempt by the provisions of Section 22. Projects subject to regulation under MEPA may undergo a Joint Review Process under MEPA and the Act pursuant to a November 25, 1991 Memorandum of Understanding between the two agencies.

**SECTION 3: DEVELOPMENTS PRESUMED TO BE DEVELOPMENTS OF REGIONAL IMPACT (DRI REVIEW THRESHOLDS)**

Upon the effective date of this ordinance, the following standards and criteria (“thresholds”) shall set forth the types and classes of development presumed to be Developments of Regional Impact (DRIs) or as amended in accordance with Chapter G or H of the Cape Cod Commission Regulations of General Application, *the Growth Incentive Zone Regulations* or the *Municipal*

*Application for Revision of DRI Thresholds.* Standards and criteria contained in Section 12(c) of the Act are superseded by the thresholds contained in these regulations upon the effective date of the ordinance, or as amended in accordance with Chapter G and H of the Cape Cod Commission Regulations of General Application, *the Growth Incentive Zone Regulations or the Municipal Application for Revision of DRI Thresholds*, Any proposed development that meets or exceeds the thresholds adopted below shall be referred to the Commission as a DRI:

- (a) Any proposed Demolition or Substantial Alteration of a building, structure or site listed on the National Register of Historic Places or the State Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District.
- (b) The construction or expansion of any bridge, ramp, road or vehicular way that crosses or provides direct access to an inland pond, barrier beach, coastal bank, dune, beach or tidal wetland or waterbody (as defined by MGL Ch. 131, Section 40) except a bridge, ramp or driveway serving no more than three single-family dwelling(s).
- (c) Any development that proposes to divide parcel(s) of land totaling 30 acres or more in common ownership or control on or after September 30, 1994, including assembly and recombination of lots. This threshold shall include any development activity in conjunction with any land division of 30 acres or more not otherwise exempted from review under Section 22(e) of the Act.
- (d) Any development that proposes to divide land into 30 or more residential lots. Any development that proposes to divide land into 10 or more business, office or industrial lots.
- (e) Any of the following proposed developments: commercial, service, retail, wholesale business, industrial, private office, private health, private recreational or private educational which exceeds these criteria:
  - (i) New construction of any building or buildings (including accessory and auxiliary structures) with a Gross Floor Area greater than 10,000 square feet;
  - (ii) Additions to existing buildings that result in an increase greater than 10,000 square feet of Gross Floor Area;
  - (iii) For Outdoor Uses, new construction or development that has a Total Project Area greater than 40,000 square feet;
  - (iv) Any Demolition and replacement not resulting in a Change of Use that results in a net increase in Gross Floor Area greater than 10,000 square feet. Net increase is calculated as the difference between the existing Gross Floor Area and the proposed Gross Floor Area.

(f) Any proposed Change of Use, or Demolition and replacement resulting in a Change of Use, involving commercial, service, retail, wholesale, industrial, private office, private health, private recreational or private educational uses in excess of the following thresholds:

(i) Where the Gross Floor Area of the building(s), or that portion of a building, subject to the Change of Use, is greater than 10,000 square feet. In cases where there is a Change of Use within a portion of a building only, all areas associated with that use shall be included in the 10,000 square foot calculation, including storage areas and ancillary areas;

(ii) Any Demolition and replacement that results in a Change of Use where the Gross Floor Area is greater than 10,000 square feet.

(iii) For Outdoor Uses, where the Total Project Area is greater than 40,000 square feet.

(g) Any proposed development, including the expansion of existing developments, that is planned to create or add 30 or more Residential Dwelling Units.

(h) Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or auxiliary uses and accessory parking or storage facilities, so long as such auxiliary and/or accessory uses are greater than 10,000 square feet of Gross Floor Area or 40,000 square feet of outdoor area. For the purposes of this threshold the amount of outdoor area shall be calculated as set forth in the definition of Total Project Area.

(i) (1) Construction of any Wireless Communication Tower exceeding 35 feet in overall height, including appurtenances, from the natural grade of the site on which it is located, except for a new Concealed Antenna Monopole less than or equal to 80 feet in overall height from the natural grade of the site on which it is located that is designed to accommodate at least two carriers and with an Occupied Area limited to no more than 1300 square feet.

(2) Reconstruction of, attachment to or replacement of any existing Wireless Communications Tower, power transmission structure or utility pole for the purpose of supporting antenna(s) for transmitting and/or receiving radio frequency communications that increases its overall height above existing grade by more than 20 feet.

(j) Site alterations or site disturbance greater than two acres including but not limited to clear cutting, grading, and clearing land, unless such alteration or disturbance is conducted in conjunction with a building permit for a structure or a DRI approval or in conjunction with a municipal project.

(k) Mixed-use residential and non-residential developments with a Gross Floor Area greater than 20,000 square feet, or greater than 10,000 square feet of commercial space. For the purposes of this threshold the Gross Floor Area of Residential Dwelling Unit(s) shall be included in the Gross Floor Area calculation of the total development.

#### **SECTION 4: CHANGE OF USE DETERMINATION**

(a) For projects that exceed the thresholds in Section 3(f), an Applicant or Municipal Agency may consult with the Chief Regulatory Officer who, based on the information provided to him/her, will determine whether a project constitutes a Change of Use as defined in Section 1. Such request shall be in writing and, if a request is made by a Municipal Agency, a copy of that request shall be provided to the Applicant prior to making such determination and the Chief Regulatory Officer may request additional information of the Applicant or the Town to make his/her determination.

(b) The Chief Regulatory Officer shall determine that a project either:

(i) Does not constitute a Change of Use and may therefore continue as the same use and proceed through the local permitting process without further review by the Commission, or

(ii) Constitutes a Change of Use, and the Applicant may therefore submit an application for a DRI Review in accordance with Section 5 7 below.

(c) Such determination by the Chief Regulatory Officer shall be stated in writing and mailed to the Applicant, Municipal Agency and Chair of the Regulatory Committee.

(d) If the Applicant or Municipal Agency disagrees with the determination made under Section 4 by the Chief Regulatory Officer, the Applicant or Municipal Agency may submit an application for a Jurisdictional Determination in accordance with Section 10.

#### **SECTION 5: TRANSITIONAL EXEMPTION FROM DRI REVIEW**

(a) Projects that qualify under the provisions set forth in Section 22 of the Act shall be exempt from DRI review.

(b) For the purpose of determining if the project is exempt under Section 22(b) of the Act, a special permit or variance shall be deemed to be received upon filing with the town clerk. An Order of Conditions shall be deemed to be received upon the date of signature of the Order of Conditions, or if a Superseding Order of Conditions is rendered, then upon the date of signature of the Superseding Order of Conditions. A statement of the Secretary that the Environmental Impact Report adequately complies with MEPA is deemed to be received upon the date of signature of the Secretary's Certificate.

(c) For the purposes of determining if a project is exempt under Section 22(b) of the Act, a development will be deemed to be constructed in substantial compliance with the applicable development permit or approval on a case-by-case basis.

The determination of whether a project substantially complies with an original local permit or approval shall be based upon all of the following factors:

The proposed project is in substantial compliance if:

- (i) the proposed project and use reflect the nature and purpose of the project and use in the original local approval; and
- (ii) the changes do not result in the requirement for additional local development permit review in the form of a new permit, approval or a modification to the original approval; and
- (iii) the changes do not result in different or increased impacts, as compared with the original local approval, to the interests protected by the Act and the Regional Policy Plan.

The burden is on the project proponent to demonstrate that the change is not substantial. In order to resolve any issues regarding the requirement of DRI review, the project proponent may file an application with the Commission for a Jurisdictional Determination, as authorized by section 12(j) of the Act.

The Commission will presume that the project is no longer in substantial compliance with the original permit or approval if the project was the subject of an enforcement order or permit revocation because of non-compliance with the original approval. The applicant may present evidence to the Commission that, notwithstanding the enforcement order, the project is still in substantial compliance with the originally issued permit or approval.

## **SECTION 6: PROCEDURE FOR DEVELOPMENTS OF REGIONAL IMPACT (DRI) AND DISCRETIONARY REFERRALS**

### **(a) Procedure for Referral**

#### **(i) Developments of Regional Impact (DRI)**

A Municipal Agency referring a proposed development to the Commission for review as a DRI shall submit a DRI referral form to the Clerk. DRI referral forms may be obtained from the Commission during regular business hours.

(ii) A Municipal Agency's review of pending local development permit applications shall be suspended once a DRI referral is made. The suspension of review shall extend all constructive grant periods for Municipal Agencies for a period equal to the duration of Commission review, such periods to resume running after a final Commission decision is rendered.

#### **(iii) Discretionary Referrals**

Upon receipt by the Commission of a Discretionary Referral of a proposed DRI, the Commission may, at a public meeting, accept the referral for review as a development

that may have regional impacts and presents one or more of the concerns listed in Section 12(b) of the Act. Pursuant to Section 4(a)(12) of the Act, the Commission may delegate to the Committee on Planning and Regulation, to the Executive Director, or to the Commission staff, the responsibility to meet and make a recommendation to the Commission as to whether the Commission should accept a Discretionary Referral of a proposed development. Upon a vote of the Commission to accept a Discretionary Referral for review as a DRI, Municipal Agencies shall suspend their review of pending local development permit applications related to the project that is subject of the Discretionary Referral. The suspension of Municipal Agency review shall extend all constructive grant periods for Municipal Agencies for a period equal to the duration of Commission review, such periods to resume running after a final Commission decision is rendered.

(b) Procedure for Filing DRIs

(i) Upon receiving notice from the Commission of the proposed development's referral as a DRI, or acceptance as a Discretionary Referral, the Applicant shall file an application for DRI review. The DRI application shall be filed at an application-filing appointment. This appointment shall be scheduled at least two business days in advance with the Chief Regulatory Officer or his/her designee. The required number of copies of the application is listed on the relevant application form and attachments, as amended, as referred to in Section 2 of the Administrative Regulations. Application packages submitted will not be accepted at this appointment unless they contain the application cover sheet and its required filing materials. A pre-application meeting between the applicant and Commission staff is strongly encouraged prior to filing development plans at the local level to discuss the application requirements and the DRI review process. Applicants should bring any conceptual plans, studies or information on the property and/or development proposal to this meeting.

(ii) Simultaneously with the filing with the Commission of the number of copies specified in the relevant application form and attachments, as amended, as referred to in Section 2 of the Administrative Regulations, the applicant shall file a copy of such application and all subsequent submittals with the town clerk, building inspector, DRI Liaison, planning board, and any other Municipal Agency(ies) before which the applicant will appear.

(c) Procedure for Processing DRIs

**(i) Notification**

Upon receipt by the Commission of a mandatory referral of a proposed DRI, or upon a vote to review a project that should have been referred to the Commission for DRI review, or upon acceptance by the Commission of a Discretionary Referral from a Municipal Agency or under MEPA, the Commission shall notify, by certified mail, the Applicant, the town clerk and the building inspector of the Municipality(ies) in which the proposed development is located, and the Municipal Agency(ies) before which a development permit is pending, of the Commission's intent to review the proposed development as a DRI. Such notification will be mailed within 14 calendar days and will

include the date on which the Commission received the referral and a copy of the DRI referral form, or the date on which the Commission voted to review the project.

**(ii) Contents of Application**

All applications for DRIs shall be submitted in accordance with Section 2 of the Administrative Regulations, as amended. Any Applicant for a DRI shall file a true copy of the deed(s) or other instrument(s) of record showing ownership of the property that is the subject of the application. If the Applicant is not the owner, the owner of record of the property must endorse and acknowledge the application in writing.

**(iii) Completeness Review**

[1] Upon receipt at the application-filing appointment of a DRI application, meeting the requirements of Section 7(b) above, the Executive Director or his/her designee, will review the DRI application for completeness. In order to be complete, a DRI application shall contain all items listed in the DRI application, unless waived by the Executive Director or his/her designee. If additional data or analysis is necessary to assess the impact of the proposed development, Commission staff may schedule a meeting with the Applicant to discuss the additional information required to facilitate Commission review.

[2] A Substantive Public Hearing shall not be scheduled until a DRI application is complete.

[3] Once a DRI application is complete, a Substantive Public Hearing will be scheduled, and Commission staff shall review the application for its consistency with the Act, Regional Policy Plan (RPP), Districts of Critical Planning Concern regulations, municipal development bylaws, and certified Local Comprehensive Plans and prepare a staff report. The RPP and associated technical bulletins applicable to the Commission review of the proposed development shall be those in effect at the date of the first Substantive Public Hearing.

**(iv) Discussions with Local Officials**

While the Commission is reviewing a DRI, the Municipal Agency before which the Applicant has development permits pending may conduct informal discussions, in compliance with the provisions of the Massachusetts Open Meeting Law, MGL. Chapter 39, Section 23A-23G. Applicants shall promptly furnish the Municipal Agency with copies of all information submitted to the Commission during Commission review.

**(v) Timeframes**

[1] The Commission shall hold a public hearing within the following timeframes:

- (a) within 60 calendar days of receipt of a mandatory referral, or;
- (b) in the case of a Discretionary Referral, within 60 calendar days of a vote by the Commission to accept a development for review as a DRI; or

- (c) in the case of a vote of the Commission to review the project pursuant to Section 12(h) of the Act, within 60 calendar days of a vote by the Commission to review a development as a DRI.

If a DRI application is incomplete, a Hearing Officer may open the public hearing for procedural purposes only. No testimony shall be received at this hearing. At least one public hearing shall be held in one of the municipalities in which the proposed DRI is located, in accordance with Section 5(g) of the Act. The public hearing regarding review of a DRI shall be closed within 90 calendar days following its opening date, pursuant to Section 13(a) of the Act. Failure to submit a complete DRI application in a timely manner may result in a procedural denial, pursuant to Section 13. All public hearings will be noticed in accordance with Section 11(a).

- [2] Applicants shall provide requested information in a timely manner. A timely manner means that information must be submitted to the Commission at least 14 calendar days in advance of a meeting or hearing. The Commission or its designee may postpone consideration of information submitted less than 14 calendar days prior to a scheduled meeting or hearing. In addition, failure to provide information in a timely manner may result in cancellation of a meeting or hearing and may result in a procedural denial, pursuant to Section 14.

**(vi) Timeframes for Developments Subject to Review by MEPA**

Notwithstanding Section 6(v) above, the following additional timeframes apply to certain projects being reviewed by MEPA.

- [1] If the Secretary requires the preparation of an Environmental Impact Report (EIR), the project is deemed to be a DRI under Section 2(d)(i). The Commission shall hold a public hearing to review the project within 45 days of the Secretary's certification of the adequacy of the final EIR; or

- [2] If the Secretary does not require the preparation of an EIR, and the Commission has determined that the project should be subject to DRI review (in accordance to Section 2(d)(ii)), the Commission shall hold a public hearing within 90 days of the Secretary's certification that no EIR is required.

The public hearing regarding review of a DRI that was accepted for review or required to be reviewed pursuant to MEPA filings shall be closed within 90 days following its opening date, unless extended by mutual agreement with the Applicant.

**(vii) Hearing Notice**

- (a) The Commission shall provide notice of public hearings to consider a DRI as required by Sections 5(a) and 5(d) of the Act and in accordance with Section 12(a) of these regulations.

**(b) Qualification after a Missed Hearing**

Notwithstanding any general or special law to the contrary, for hearings held for review of developments of regional impact and adjudicatory hearings, a member of the Cape Cod Commission shall not be disqualified from voting in a matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he/she has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing.

**(viii) Findings for Approval**

The Commission shall review proposed DRIs for their consistency with the Act, the RPP, Districts of Critical Planning Concern (DCPC), municipal development bylaws and Local Comprehensive Plans. The Commission shall approve, or approve with conditions, a DRI and shall permit a Municipal Agency to grant a development permit for a proposed DRI if the Commission finds after a public hearing that:

[1] the probable benefit from the proposed development is greater than the probable detriment;

[2] the proposed development is consistent with the RPP and the Local Comprehensive Plan of the Municipality(ies) in which the proposed development is located if the municipality has adopted an LCP which has been certified by the Cape Cod Commission as consistent with the RPP.

[3] the proposed development is consistent with municipal development bylaws, or, if it is inconsistent, the inconsistency is necessary to enable a substantial segment of the population to secure adequate opportunities for housing, conservation, environmental protection, education, recreation or balanced economic growth;

[4] if the proposed development is located in whole or in part within a designated DCPC, it is consistent with the regulations approved or adopted by the Commission pursuant to Section 11 of the Act.

The Commission may also disapprove a proposed development that does not meet all of the criteria set forth above.

**(ix) Conditions**

[1] The Commission may set conditions for proposed developments as it deems appropriate, pursuant to Section 13(g) of the Act. Exactions for off-site improvements shall have a rational nexus to an impact attributable to the proposed development, must reasonably benefit the proposed development, and shall be proportionate to the impact created by the proposed development.

[2] Conditions attached to a DRI approval of a proposed development shall be in conformance with regulations and policies of the applicable local historic district and/or the Old King’s Highway Regional Historic District.

**(x) Decisions**

Within 60 calendar days of the close of the hearing period, the Commission shall render a written decision on the proposed development. Such 60-day limit may be extended by mutual agreement of the Commission and the Applicant.

Pursuant to Section 13(c) of the Act, the chairman of the Commission may delegate to the Committee on Planning and Regulation or other subcommittee the responsibility to review the proposed DRI, assemble the record, and make a recommendation to the Commission.

The Clerk shall file and record decisions in accordance with Section 12(b) of the Enabling Regulations.

**(xi) Failure to Pay Fee**

Failure of an Applicant to pay the filing fee specified in Section 16 Schedule of Fees, will result in a determination that the DRI application is incomplete. No Substantive Public Hearing will be held to consider such incomplete application, pursuant to Section 7(c)(iii). Pursuant to Section 15, a procedural denial of the proposed development may result if such fee is not paid by the close of the 90-day public hearing period.

**(xii) Withdrawals**

[1] An Applicant may withdraw an application for DRI review from consideration by the Commission at any time prior to a Commission vote as long as such withdrawal is in a form approved by the Commission and as long as the Applicant provides documentation that the project has also been withdrawn from consideration at the local level. Failure to withdraw in a manner approved by the Commission may result in a procedural denial of the DRI application, pursuant to Section 15.

[2] In the case of a Discretionary Referral, a request for withdrawal by a referring agency should be granted only if either: (a) the project applicant has decided not to proceed with the project, thereby obviating the anticipated regional impacts that justified Commission review; or, (b) the project applicant is legally bound to alter the project in a manner that would substantially mitigate its anticipated regional impacts, thereby rendering any further review of the project redundant and unnecessary.

**(xiii) Certificates of Compliance**

Prior to issuance of a Certificate of Use and Occupancy by a Municipal Agency, and 30 days prior to completion of the construction of the project, the Applicant shall file a written request with the Commission for a final Certificate of Compliance. The

Commission may enter and inspect the property that is the subject of a DRI approval at reasonable times and with reasonable notice to determine compliance with said DRI approval. Within 30 days of such inspection, the Commission shall issue a final Certificate of Compliance if the project is built in accordance with the DRI approval and all conditions have been met. The Municipal Agency shall not issue a Certificate of Use and Occupancy until the Commission issues its final Certificate of Compliance. If no Certificate of Use and Occupancy is required under local regulations, the Applicant shall not use and/or occupy the project until the Commission issues its final Certificate of Compliance. The Commission may also from time to time issue other Certificates at key stages of the development. All outstanding fees due the Commission shall be paid prior to issuance of any Certificate of Compliance.

**(xiv) Extension of DRI Permit**

At least six months prior to the expiration of the seven-year timeframe on an approved DRI, an Applicant, or his/her successors or assigns, may apply for an extension of the DRI timeframe for up to an additional five years. An extension of the DRI timeframe may only be requested if a project has received DRI approval but has not received local development permits, and/or if a portion of the proposed project has not been completed as defined by Section 2(e) of the Act.

The Committee on Planning and Regulation shall review information provided by the Applicant and Commission staff, and within 60 days of receipt of an applicant's written request, advertise and hold a substantive public hearing pursuant to Section 5 of the Act to consider an extension request. When appropriate, Commission staff shall notify and consult with federal, state and local officials on the extension request prior to the public hearing. An extension of the DRI timeframe shall be reviewed for its consistency with Section 13(d) of the Act including consistency with the RPP in effect at the time of the opening of the public hearing on the extension request. In reviewing the extension request, the Committee on Planning and Regulation shall determine which of the following applies:

- [1] The extension will result in a minor change or no changes to the original findings or conditions on the project. In such cases, the extension may be granted. The extension shall take effect on the date the extension is granted for a period not to exceed five years. Where applicable, the DRI decision shall be modified to reflect any increase in a payment of funds to account for inflation over the original decision period plus the duration of the extension. No local development permits may be issued after the original date of expiration of the DRI approval unless and until such extension is granted.
- [2] The extension will result in a major change(s) to the original findings or conditions of the original approval. In such cases, the extension shall not be granted, and the Applicant shall be required to seek a new DRI approval.

Within 30 days of the closing of such public hearing, the Committee on Planning and Regulation shall determine if the extension may or may not be granted. If the extension is granted, the Committee on Planning and Regulation shall specify the duration of the extension in its decision. At its discretion, the Committee on Planning and Regulation may refer the request to the full Commission.

## **SECTION 7: DEVELOPMENTS OF REGIONAL IMPACT (DRI) EXEMPTIONS**

Any Applicant may apply to the Commission for an Exemption from Commission review of a proposed project that literally qualifies as a DRI, but where the location, character and environmental effects of the development will prevent its having any significant impacts on the resources, values and purposes protected by the Act outside of the municipality in which the development is to be located. The burden shall be on the Applicant to show that the project is exempt.

### **(a) Procedure for Filing Exemptions**

(i) An Applicant seeking a DRI Exemption must file a completed application, in accordance with the relevant application form and attachments, as amended, as referred to in Section 2 of the Administrative Regulations. Any Applicant for a DRI Exemption shall file a true copy of the deed(s) or other instrument(s) of record showing ownership of the property that is the subject of the application. If the Applicant is not the owner, the owner of record of the property must endorse and acknowledge the application in writing.

(ii) An Applicant requesting a DRI Exemption may consult with the staff of the Commission prior to filing an application, for the purpose of determining the requirements of a fully completed application.

(iii) An Applicant requesting a DRI Exemption shall file an application at an application-filing appointment. This appointment shall be scheduled at least five business days in advance with the Chief Regulatory Officer of the Commission, or his/her designee. Application packages submitted will not be accepted at this appointment unless they contain the application cover sheet and its required filing materials. A pre-application meeting between the Applicant and Commission staff is strongly encouraged prior to filing of development plans at the local level to discuss the application requirements and the DRI Exemption review process. Applicants should bring any conceptual plans, studies or information on the property and/or development proposal to this meeting.

### **(b) Procedure for Processing Exemptions**

#### **(i) Completeness**

[1] Upon receipt of an application for DRI Exemption, the Executive Director or his/her designee shall determine whether the application is complete within 14 calendar days of receipt of the application by the Clerk.

[2] If the Executive Director or his/her designee determines that the application for DRI Exemption is not complete, the Commission shall so notify the Applicant with a statement indicating that the application is not a complete application and the reasons therefore. A Substantive Public Hearing shall not be scheduled until the application is deemed complete.

[3] If the Executive Director or his/her designee determines that the application for DRI Exemption is complete, the Commission shall schedule a Substantive Public Hearing and notify the Applicant or his/her representative, the town clerk and the building inspector of the Municipality(ies) in which the development is located, the DRI Liaison, the Municipal Agency(ies) before which any development permits are pending, and the property owner listed on the relevant application(s), that the Commission has accepted such application. Such notification shall include the date on which the Commission determined the application was complete.

**(ii) Timeframes**

[1] As required by Section 12(k) of the Act, the Commission shall hold and complete a public hearing to consider a complete application for DRI Exemption within 45 days after the date on which the application was deemed complete. The Committee on Planning and Regulation or other subcommittee is authorized to review the proposed development, conduct public hearings, assemble the record, and make a recommendation to the Commission. The RPP and associated technical bulletins applicable to the Commission review of the proposed development shall be those in effect on the date of the first Substantive Public Hearing.

**(iii) Notice**

The Commission shall provide notice of public hearings to consider a completed application for a DRI Exemption in accordance with Section 12(a).

**(iv) Decisions**

The Commission shall issue a written finding as to significant impacts of the proposed development within 21 calendar days of the close of the public hearing and shall issue a decision as to whether the DRI Exemption is granted. The Clerk shall file and record decisions in accordance with Section 12(b).

**(v) Expiration**

Any DRI Exemption granted by the Commission shall expire 3 years from the date of its issuance and its scope shall be strictly construed.

**(vi) Failure to Pay Fee**

Failure of an Applicant to pay the entire filing fee specified in Section 16, Schedule of Fees, will result in a determination that the DRI Exemption application submittal is

incomplete. No Substantive Public Hearing will be held to consider an incomplete application pursuant to Section 8(b)(i).

**(vii) Withdrawal of Application**

An Applicant may withdraw an application for a DRI Exemption from consideration by the Commission at any time prior to a Commission vote as long as such withdrawal is in writing and is approved by the Commission with respect to form and content. Failure to withdraw in a manner approved by the Commission may result in a procedural denial of the Exemption application, pursuant to Section 15.

**(viii) Certificates of Compliance**

Prior to issuance of a Certificate of Use and Occupancy by the Municipal Agency, and 30 days prior to completion of the work exempted under this section, the Applicant shall file a written request with the Commission for a final Certificate of Compliance. The Commission may enter and inspect the property that has been granted a DRI Exemption at reasonable times and with reasonable notice to determine consistency with said DRI Exemption. Within 30 days of such inspection, the Commission shall issue a final Certificate of Compliance if the project is built in accordance with the DRI Exemption. The Municipal Agency shall not issue a Certificate of Use and Occupancy until the Commission issues its final Certificate of Compliance. If no Certificate of Use and Occupancy is required under local regulations, the Applicant shall not use and/or occupy the project until the Commission issues its final Certificate of Compliance. The Commission may also from time to time issue other certificates at key stages of the development. All outstanding fees due the Commission shall be paid prior to issuance of a Certificate of Compliance.

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**SECTION 8: JURISDICTIONAL DETERMINATIONS**

Any Municipal Agency or Applicant for a development permit, whose application has not been referred to the Commission by a Municipal Agency or taken up by the Commission for review under Section 12(h) of the Act, may apply to the Commission for a Jurisdictional Determination as to whether a development is not a Development of Regional Impact (DRI) under the Act, and as to whether the development is exempt from Commission review under Section 22 of the Act. The burden shall be on the Applicant to show that the project is not a DRI.

**(a) Procedure for Applying for Jurisdictional Determinations**

(i) An Applicant or Municipal Agency requesting a Jurisdictional Determination must file a complete application, in accordance with the relevant application form and attachments, as amended, as referred to in Section 2 of the Administrative Regulations.

(ii) An Applicant requesting a Jurisdictional Determination should file a complete application at an application-filing appointment. This appointment should be scheduled at least five business days in advance with the Chief Regulatory Officer or his/her designee. Application packages submitted will not be accepted at this appointment unless they contain the application cover sheet and its required filing materials. A pre-application meeting between the Applicant and Commission staff is strongly encouraged prior to filing development plans at the local level to discuss the application requirements and the Jurisdictional Determination process. Applicants should bring any conceptual plans, studies or information on the property and/or development proposal to this meeting.

(b) Procedure for Processing Jurisdictional Determinations

**(i) Completeness**

[1] Upon receipt of an application for a Jurisdictional Determination, the Executive Director or his/her designee shall determine whether the application is complete within 14 calendar days of receipt of the application by the Clerk.

[2] If the Executive Director determines that the application for a Jurisdictional Determination is not complete, the Commission shall so notify the Applicant with a statement indicating that the application is not a complete application and the reasons therefore.

[3] If the Executive Director determines that the application for a Jurisdictional Determination is complete, then the Commission shall accept the application for a Jurisdictional Determination. The Commission shall notify the person submitting the application, the town clerk, the Regulatory Liaison and the building inspector of the Municipality(ies) in which the development is located, the Municipal Agency(ies) before which any development permits are pending, and the property owner listed on the relevant application(s), that the Commission has accepted such application. Such notification shall include the date on which the Commission determined the application was complete, notice of the date, time, and place of the public hearing to consider the application, and a statement that copies of the application are available for public inspection at the Commission's offices during normal business hours.

**(ii) Timeframes**

The Commission, or a Commission subcommittee, shall hold a public hearing to consider a complete application for a Jurisdictional Determination and shall make a determination as to the applicability of the Act to the proposed development within 21 calendar days after the date on which the Commission accepted the complete application, as required by Section 12(j) of the Act. The Commission or its designee shall make a written decision following this determination. The Commission may delegate to the Committee on Planning and Regulation or other subcommittee the responsibility to review the proposed development, conduct hearings, assemble the record, and make a recommendation to the Commission. The Commission may also delegate to the Committee on Planning and Regulation or subcommittee the authority to make a final determination on a

Jurisdictional Determination. When the Commission will not meet in time to make such delegation, the Chair of the Commission is authorized to make this delegation and the Commission staff will report such delegation to the Commission at its next meeting.

**(iii) Notice**

The Commission shall provide notice of a public hearing to consider a complete application for a Jurisdictional Determination in accordance with Section 12(a).

**(iv) Decisions**

The Clerk shall file and record decisions in accordance with Section 12(b).

**(v) Applicability**

The issuance of a determination of non-applicability shall be final unless, within 60 days of issuance, the Commission's review of the proposed development as a DRI is initiated under Section 12(e) of the Act. If the Secretary determines that an Environmental Impact Report (EIR) is required, then the determination of non-applicability shall be null and void and the project will be deemed to be a DRI. The Applicant may, upon request to the MEPA Unit, obtain a determination of whether the proposed development will be required to file an Environmental Notification Form (ENF) under MEPA. State agency projects for which an ENF is required may be deemed to be a DRI. State agency projects for which an EIR is required shall be deemed to be a DRI.

**(vi) Failure to Pay Fee**

Failure of an Applicant to pay the entire filing fee specified in Section 16, Schedule of Fees, will result in a determination that the Jurisdictional Determination application submittal is incomplete. No Substantive Public Hearing will be held to consider such incomplete application, pursuant to Section 10(b)(i).

**(vii) Withdrawals**

An Applicant may withdraw an application for a Jurisdictional Determination from consideration by the Commission at any time as long as such withdrawal is in writing and is approved by the Commission or in the instance where the Commission will not meet in time to accept said withdrawal, approval by the Chair of the Commission, with respect to form and content. An Applicant who has withdrawn an application from Commission review shall be charged the filing fee listed in the Schedule of Fees in Section 16.

**SECTION 9: EMERGENCY WORK**

(a) In an emergency situation where immediate action is necessary to protect the health and safety of the public, a Municipal or state agency may make a determination that work on a development is of an emergency nature, and may issue a development permit for work that would otherwise ordinarily require referral to the Commission as a Development of Regional Impact (DRI).

(b) A Municipality or state agency must make a site inspection before issuing a determination

that work is of an emergency nature and requires a development permit without DRI approval. The determination must include a description of the work that is allowed on an emergency basis and may not include any work beyond that necessary to abate the emergency.

(c) Work on a development to abate an emergency shall not extend more than 30 days after the occurrence of the emergency unless written approval from the Commission has been obtained by the Municipality, the state agency, or the owner of the development.

(d) Notification of the determination of emergency shall be made by the Municipality or state agency by telephone immediately if it is issued during normal business hours, or otherwise or in the case of holidays on the next working day, to the Executive Director. Notification may also be made by facsimile machine transmission. A copy of the determination of emergency and of any development permit(s) issued thereunder shall forthwith be delivered to the Commission.

(e) The Commission shall provide for review of emergency determinations in accordance with the following procedures:

(i) Upon receipt of the copy of the determination of emergency or of the development permit(s) issued, the Executive Director shall forthwith notify the Committee on Planning and Regulation.

(ii) Within five business days of notification, the Committee on Planning and Regulation shall convene to review the determination of emergency and the development permits issued thereunder. The Committee on Planning and Regulation shall have the authority to stay the work until the next regularly scheduled meeting of the full Commission.

(iii) At its next regularly scheduled meeting, the Commission shall review the Emergency Work Determination and any development permit(s) issued thereunder. If the Commission orders the work to be stayed, it shall issue its orders in writing.

(f) The Commission may on its own or by the request of any Person, review an Emergency Work Determination and any development permit(s) issued thereunder. This review shall not stay the work unless the Commission, in writing, specifically so orders.

## **SECTION 10: NOTICING, DECISIONS AND APPEALS**

### **(a) Noticing**

(i) Developments of Regional Impact (DRI)

The Commission shall provide notice of public hearings for DRIs and DRI Exemptions subject to the timeframes listed in Section 7(c)(v) in accordance with Sections 5(a) and 5(d) of the Act as follows:

[1] by publication in a newspaper of general circulation throughout Barnstable County, once in each of two successive weeks, the first publication to be not less than 14 calendar days before the day of the hearing;

[2] the Commission may also publish a courtesy hearing notice in a second newspaper of general circulation in the municipality(ies) in which the DRI is located.

[3] by posting notice in a conspicuous place in the Commission's offices not less than 14 calendar days before the day of the hearing;

[4] by making copies of all documents subject to notice and hearing available for public inspection at the Commission's office during normal business hours;

[5] by mailing notice at least 14 calendar days before the day of the hearing to the Assembly of Delegates, County Commissioners, Board of Selectmen/Town Council, town clerk, building inspector, planning board, board of appeals and conservation commission of each Municipality in which the proposed project or a portion thereof is located, to any other town agency which makes a written request for such notice and to the Governor's committee;

[6] by mailing notice at least 14 calendar days before the day of the hearing to the Applicant and to each abutter to the proposed DRI, based on a list of abutters provided by the Applicant and certified by the tax assessor of the Municipality or Municipalities in which the DRI or a portion thereof is located. Abutters shall include owners of land directly opposite on any public or private street or way and owners of land located within 300 feet of any boundary of the proposed project; and

[7] by mailing notice at least 14 calendar days before the day of the hearing to any person who makes a written request for notification relating to specific geographic areas of Barnstable County, provided such written request has been received by the Commission at least 20 calendar days but not more than two years before mailing of such notice.

(iii) Jurisdictional Determinations

The Commission shall provide notice of public hearings for Jurisdictional Determinations in accordance with all but Sections [2] and [6] of the requirements of Section 12(a)(i) above.

(iv) The Applicant, except a Municipality, shall bear the cost of providing notice of the Commission public hearing that are required by this section. The fee for publishing notice of a public hearing is specified in the Schedule of Fees as provided in Section 16.

(b) Filing and Recording of Decisions

(i) The Commission shall file its written decisions with the Clerk and by certified mail with the Applicant, the town clerk, and the building inspector of the Municipality(ies) in which the proposed development is proposed, and by mail with the Municipal Agencies and the DRI Liaison of the Municipality(ies) in which the proposed development is located. The written decision that the Commission files may include a copy of the plan of the proposed development that was the subject of a decision of the Commission.

(ii) Notices of such decisions shall be published in a newspaper of general circulation in Barnstable County, including a brief summary of the contents of the decision and a statement that copies of the decision are available for public inspection at the Commission's office during normal business hours. In addition, the Commission shall publish notice of its written decisions in its official publication, The REPORTER, as required by Section 5(i) of the Act.

(iii) The Commission shall issue a decision in a form suitable for recording in the Barnstable County registry of deeds. The decision shall be recorded in the Barnstable County registry of deeds after the appeal period has elapsed and no appeal has been filed or, if such appeal has been filed, after it has been dismissed or denied. The Commission shall retain proof of such recording, including the recording information (either book and page or instrument number, date and time). No development (as the term is defined in the Act) shall begin on a proposed Development until the decision has been recorded. The Applicant shall bear the expense of recording and shall provide to the Clerk all information necessary to effectuate the recording of the decision.

(c) Appeals

All appeals of Commission DRI decisions shall be made in accordance with the provisions of Section 17 of the Act.

**SECTION 11: MODIFICATIONS TO APPROVED PROJECTS**

(a) Filing Requirements and Procedure for Filing

(i) An Applicant who has obtained a favorable decision from the Commission or a successor in interest to a favorable and transferable Commission decision may apply for a decision modification.

(ii) Applicants shall file a written request with the Commission seeking a meeting with the Committee on Planning and Regulation for consideration of a modification request. Such written request shall include the name and Commission file number of the approved project, copies of all local approvals for the project, and any other information, including plans showing the proposed modification, if applicable, which the Applicant deems relevant to the requested modification. The Commission staff will place the modification request on the Committee on Planning and Regulation's schedule as soon as practicable.

(iii) Any and all modifications to findings and conditions of an approved Development of Regional Impact shall be processed through this section.

(iv) Proposals for revisions to approved Developments of Regional Impact (DRI) and DRI Exemptions shall be reviewed by the Commission's Executive Director, to determine which modification category listed in Section 13(c) is applicable to the proposed modification.

(ii) When making the determination on the modification, the Committee on Planning and Regulation, Executive Director, or designee as applicable, shall consider the following factors: proposed Changes of Use; changes to the site plan; changes to impacts to resources protected by the Act and/or the Regional Policy Plan (RPP); changes in the number or character of units, floor area or outdoor commercial area; changes to architectural design or building facade; changes to the findings or conditions of the Commission's original decision; and, other factors that the committee deems relevant to the determination.

(iii) Following its respective determination, the Executive Director or designee, , the Commission, or Committee on Planning and Regulation, as applicable, shall issue a written modification decision.

(c) Modification Categories

The Executive Director shall determine which of the following categories apply to each modification request:

**(i) Minor Modification #1**

Includes revisions that are a result of more restrictive conditions imposed by a local board or technical corrections or changes that the Executive Director or his/her designee determine are de minimus changes to the project. Such Minor Modifications shall be approved by the Executive Director or his/her designee and reported to the Committee on Planning and Regulation and do not require further review by the Commission. The Executive Director shall issue a written determination to that effect and send copies to the Applicant, Municipal Agency and the town clerk, building inspector and DRI Liaison of the Municipality(ies) in which the proposed development is located. Upon the approval of a Minor Modification #1, the project proponent may apply for, and Municipal Agencies may issue, local development permits consistent with the approved modification. Minor Modifications #1 shall be governed by the RPP in effect at the time of the original approval.

**(ii) Minor Modification #2**

Includes a substantially similar proposal to the original project but involves a minor Change of Use, a minor change to the site plan, or small change to the findings or a condition of the original approval which does not affect the intent or outcome of the

finding or condition. A proposed change shall not result in different or increased impacts to the resources protected by the Act and/or the RPP. Such a minor modification may be approved by the Committee on Planning and Regulation and does not require further review by the Commission. The Committee on Planning and Regulation shall issue a written decision and send copies to the Applicant, Municipal Agency and the town clerk, building inspector and DRI Liaison of the Municipality(ies) in which the proposed development is located. Upon the Committee on Planning and Regulation's approval of a Minor Modification #2, the project proponent may apply for and Municipal Agencies may issue a local development permit consistent with the approved modification. Minor Modifications #2, as determined by the Committee on Planning and Regulation, shall be governed by the RPP in effect at the time of their original approval.

**(iii) Major Modification**

Includes a similar proposal to the original project but involves a major Change of Use or changes to the site plan, findings, or conditions of the original approval, any of which would result in different or increased impacts to the resources protected by the Act and/or the RPP. Major Modifications may be limited to those subject areas where different or increased impacts have been identified.

Major Modifications shall be reviewed by the Commission or its designee. Proposed Major Modification applications shall be submitted to the Clerk and shall proceed through the DRI review or DRI Exemption review process consistent with Sections 12, 13 or 23 of the Act, as applicable, and the Commission's regulations.

[1] Major Modifications to approved DRIs shall be reviewed by the Commission or its designee for consistency with Section 13(d) of the Act including consistency with the RPP in effect at the time of the opening of the public hearing on the modification request. If the applicant fails to proceed continuously and expeditiously through the DRI review process the Commission reserves the right to review the proposal for compliance with a subsequent RPP.

[2] Major Modifications to approved DRI Exemptions shall be reviewed by the Commission or its designee for consistency with Sections 12(k) of the Act and/or other sections of the Act, as applicable. The Commission shall consider the impacts of the original development proposal together with the impacts of the proposed modification, taking into account any mitigation already provided. If the rationale for granting the original Exemption no longer exists, the proposed modification shall be reviewed as a DRI per Sections 12 and 13 of the Act. Such modifications shall be reviewed for consistency with the RPP in effect at the time of the opening of the public hearing on the modification request. If the applicant fails to proceed continuously and expeditiously through the DRI or Exemption review process the Commission reserves the right to review the proposal for compliance with a subsequent RPP.

**(iv) New Project**

Includes a substantially different proposal compared to the original project. Such proposals shall not be considered a modification but instead shall be considered a new DRI or Exemption submittal. New Projects shall be reviewed by the Commission or its designee. Proposed New Projects shall be submitted to the Clerk and shall proceed through the DRI review or Exemption review process consistent with Sections 12 and 13 23 of the Act, and the Commission’s regulations. Any project that itself meets or exceeds the standards and criteria for DRI review set forth in Section 3 shall be considered a new DRI. New DRIs shall be reviewed for consistency with the RPP in effect at the time of the opening of the public hearing on the new DRI application. If the applicant fails to proceed continuously and expeditiously through the DRI review process the Commission reserves the right to review the proposal for compliance with a subsequent RPP.

(d) Applicants for projects that are determined to be Minor Modifications shall file revised plans with the Clerk for recording at the Barnstable County registry of deeds. The applicant shall be responsible for all filing fees at the registry of deeds.

(e) The approval of a modification shall not extend the seven-year time period of validity of the originally issued DRI approval, nor shall it extend the time period of validity for DRI Exemptions with respect to the issuance of local development permits in reliance on said approval.

**SECTION 12: DEVELOPMENTS ON LOCATIONS SUBJECT TO PRIOR DRI DECISIONS**

The proponent of a proposed development or portion of development as that term is defined by the Act that does not meet or exceed any of the thresholds identified in sections 2(d) or 3, has not been referred in conjunction with section 2(b), and which was subject to a prior Cape Cod Commission Development of Regional Impact decision for which the DRI permit has expired and for which no conditions are applicable or remain outstanding, may seek a certification from the Committee that the proposed development does not require DRI review is not a DRI. The Chief Regulatory Officer or his/her designee shall advise the Committee whether a proposed development meets or exceeds a DRI threshold, whether the DRI permit has expired, and whether there remain outstanding any applicable conditions from a prior decision; if neither predicate applies, such a development is eligible for a certificate pursuant to this section. If the Committee on Planning and Regulation finds that the proposed development substantially complies with the applicable goals of the RPP and has no significant adverse impact upon the purposes and values identified in Section One of the Act, the Committee may authorize such a certificate.

Upon making this finding, the Committee on Planning and Regulation may authorize the Executive Director to issue a certificate in recordable form that the proposed development is not a DRI. The certificate shall describe the proposed development in specific detail or by schematic plans attached to the certificate.

### **SECTION 13: PROCEDURAL DENIALS**

(a) Developments of Regional Impact (DRI) or DRI Exemption requests may be procedurally denied, without prejudice, when one or more of the following occur:

- (i) the Applicant fails to submit a complete DRI application;
- (ii) the Applicant will not sign an extension agreement to extend the Commission's 60-day DRI decision time or other administrative deadline for the purpose of submitting additional information requested by the Commission pursuant to Section 12(g) of the Act;
- (iii) the Applicant fails to submit information requested by a Commission subcommittee or Hearing Officer in a timely manner;
- (iv) the Applicant is participating in the voluntary Joint Review Process before MEPA and the Commission, and the applicant fails to submit information requested by the Commission or its subcommittee or a Hearing Officer and/or fails to submit information requested by the Secretary in a timely manner;
- (v) other instances where the project fails to progress continuously and expeditiously through required regulatory processes and the Commission determines that a procedural denial without prejudice may be properly granted; or
- (vi) the Applicant fails to pay the entire filing fee specified in Section 16, Schedule of Fees.

(b) For the purposes of applying the standards set forth above, the Commission or its designee shall determine a time frame for submission of information in a timely manner on a case-by-case basis.

(c) The Commission shall notify the Applicant in writing of a pending procedural denial and provide the Applicant with an opportunity to address a DRI subcommittee or standing committee regarding the status of the project.

### **SECTION 14: SCHEDULE OF FEES**

(a) Pursuant to Section 6(d) of the Act, the Commission shall charge the following fees:

(i) **Filing Fees**

For all projects, in addition to the fee outlined below, if the Executive Director of the Commission determines that it will require the services of an outside consultant, verbatim

transcript or other additional resources to assist in any aspect of the project evaluation, the project Applicant will deposit with the Commission an amount of money estimated to cover 100% of these services. If this initial estimate is insufficient to adequately review the project proposal, the applicant will provide the additional funds necessary. Any funds not expended at the conclusion of the review will be returned to the Applicant.

[1] **Development of Regional Impact Applications:**

(a) **Residential Developments** - \$11,620 base fee, plus \$348 per lot or unit

(b) **Non-Residential Developments**

- Buildings: Fifty-eight (58) cents per square foot of gross floor area as defined in Section 1

- Outdoor Space: Fifty-eight (58) cents per square foot (including but not limited to outdoor display areas, swimming pools, tennis courts, and miniature golf courses)

**Other Non-Residential Developments** - \$11,620 base fee plus:

- Divisions of Land: \$348 per lot

- Gravel Pits, Mining and Extraction Activities, Ground Mounted

Photovoltaic/Solar Arrays and Golf Courses:

\$348 per acre

- Wireless Communication Towers: \$58 per linear foot of tower/monopole height above ground level

- Water dependent uses including but not limited to docks, piers and revetments: Twenty-nine (29) cents per square foot

- Utilities and other linear development: Fifty-eight (58) cents per linear foot

(c) **Mixed Use Projects** - the applicable residential and non-residential per lot/unit/foot fee set forth above. The residential base fee is not applied to Mixed Use Projects.

(d) **Historic Properties** –

Single Family or Accessory Building - \$467

Other - \$2,907

(e) **Other** - For other types of land uses not covered above, \$11,620 base fee plus (to be determined as needed, based upon similar uses in the fee schedule above.)

(~~fg~~) **Discretionary Referral** – fee based on DRI review fee as described above.

**[4] Development of Regional Impact Exemption:**

\$ 2324. Should the exemption request be denied, the exemption filing fee may be applied to the full DRI review fee if a DRI review is initiated within six months of the date of the exemption request denial.

**[5] Development Agreements:** Fee shall equal the applicable DRI review fee. The Applicant may request payment in two phases with 50% of the entire fee due upon application and 50% of the entire fee due prior to the Commission noticing a hearing for consideration of execution of a final Development Agreement.

**[6] Request for Jurisdictional Determination:** \$1,161

**[7] Modifications** to Approved DRIs and Exemptions as categorized under Section 12 above:

- Minor Modifications #1 -- No fee
- Minor Modifications #2 -- \$2,324
- Major Modification #

Equal to regular DRI review fee

**[8] Extensions:** \$2,324 per request

**[9] Section 12 certificate request - \$2324**

(ii) **Reduction in Application Fee** – the Applicant may request that DRI review fee established above, up to

a maximum discount of 65% (), based upon the criteria below

[1] The development is located in a Community Activity Center, Growth Incentive zone, or similar area as designated by the Commission

[2] The project is Redevelopment – 15% reduction

[3] The Applicant provides documentation of non-profit organization status pursuant to 26 U.S.C. §501(c)(3) or charitable trust status – 10% reduction

[4] The project is a division of land for estate purposes or for a conservation donation – 10% reduction

(iii) **Fee for Actual Costs of Publishing and Mailing Notice of Public Hearing**

[1] Public Hearing to Consider a Request for a Jurisdictional Determination

[2]

- [3] Public Hearing to Consider a Request for a Development of Regional Impact Exemption
- [4] Public Hearing to Consider a Development of Regional Impact
- [5]
- [6] Public Hearing to Consider a Development Agreement

(iv) **Fee for Actual Costs of Copying** - Applicant shall submit appropriate number of copies of written material as described in application form. If not submitted, fee of \$0.20 per page of text, \$5.00 per oversized copy such as map/plan/etc., or actual cost of reproduction will apply.

(v) **Fee for Actual Costs of Recording Documents at the Barnstable County Registry of Deeds/Registry District of the Land Court.**

(vi) **Fee for Post Decision Monitoring Costs** – For projects approved with a requirement for monitoring by Cape Cod Commission staff, a fee based on an estimate of staff time required shall be specified in the final decision.

(vii) **Fee for Establishing an Escrow Agreement/Account** – 1% of the Escrow Fund with a minimum fee of \$291 and a maximum fee of \$1,161.

(viii) **Fee for Transcript** – In cases where the Executive Director or Commission determine that a verbatim transcript of public hearing sessions of the DRI should be made for the project record, the applicant shall bear the costs of such transcript and pay to the Commission such costs prior to the close of the public hearing on the project.

(viii) The fees established in this section shall be adjusted annually using the Consumer Price Index (CPI). The base period for the adjustment is the year in which this provision becomes effective. The CPI used will be for All Urban Consumers (CPI-U) for the Boston-Brockton-Nashua, MA-NH-ME-CT (Series All Items, Index Base Period 1982-84=100) as determined by the U.S. Department of Labor, Bureau of Labor Statistics (BLS) unless and until major CPI revisions or changes in the CPI index base period are made by the BLS at which time the revised CPI and base period will be used. The revised fee amounts shall become effective on July 1 of each year and shall be rounded to the nearest dollar or cent, as appropriate.

(b) Municipalities within Barnstable County and federal agencies, in those instances where such or federal agency is an Applicant for a proposed development shall be exempt from the fees charged by the Commission. In those instances where such municipality or federal agency is requesting a DRI modification, the modification fee shall be waived.

In the instance where an Applicant is seeking a reduction in an application fee per relevant sections of the Act, the Executive Committee is authorized to consider such requests.

Pursuant to the provisions in the Schedule of Fees: Section 16 (viii) of *Chapter A Enabling Regulations Governing Review of Developments of Regional Impact*, the fees established in Section 16 have been adjusted for Fiscal Year 2020 based on the annual Consumer Price Index and rounded to the nearest dollar or cent as appropriate. The adjustment to the Schedule of Fees: Section 16 is effective July 1, 2019.

Adopted by the Assembly of Delegates on May 6, 2020



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E. Suzanne McAuliffe  
Speaker, Assembly of Delegates

Approved by the Board of Regional Commissioners on May 13, 2020



Ronald Bergstrom  
Chairman, Board of Regional Commissioners

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

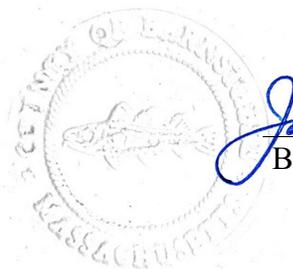
At a regular meeting of the Barnstable County Board of Regional Commissioners, on the thirteenth day of May, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, motion by Commissioner Beaty to approve Ordinance 20-07, To amend Barnstable County Ordinance 90-12 Chapter A: the Enabling Regulations Governing Review of Developments of Regional Impact Review to align it with the 2018 Regional Policy Plan, pursuant to Section 3 – 8 of the Barnstable County Home Rule Charter, 2nd by Commissioner Flynn, approved 3-0-0

Ronald Bergstrom, Chair:                        Y    

Mary Pat Flynn, Vice Chair:                    Y    

Ronald R. Beaty, Commissioner:             Y    

A true copy, Attest, May 13, 2020



*Janice O'Connell*  
Barnstable County Regional Clerk



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CAPE COD  
COMMISSION

## Memorandum

**DATE:** APRIL 7, 2020

**TO:** SUZANNE MCAULIFFE  
SPEAKER, BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

**CC:** BARNSTABLE COUNTY BOARD OF REGIONAL COMMISSIONERS

**FROM:** KRISTY SENATORI, EXECUTIVE DIRECTOR, CAPE COD COMMISSION  
JESSICA WIELGUS, COMMISSION COUNSEL  
JON IDMAN, CHIEF REGULATORY OFFICER, CAPE COD COMMISSION

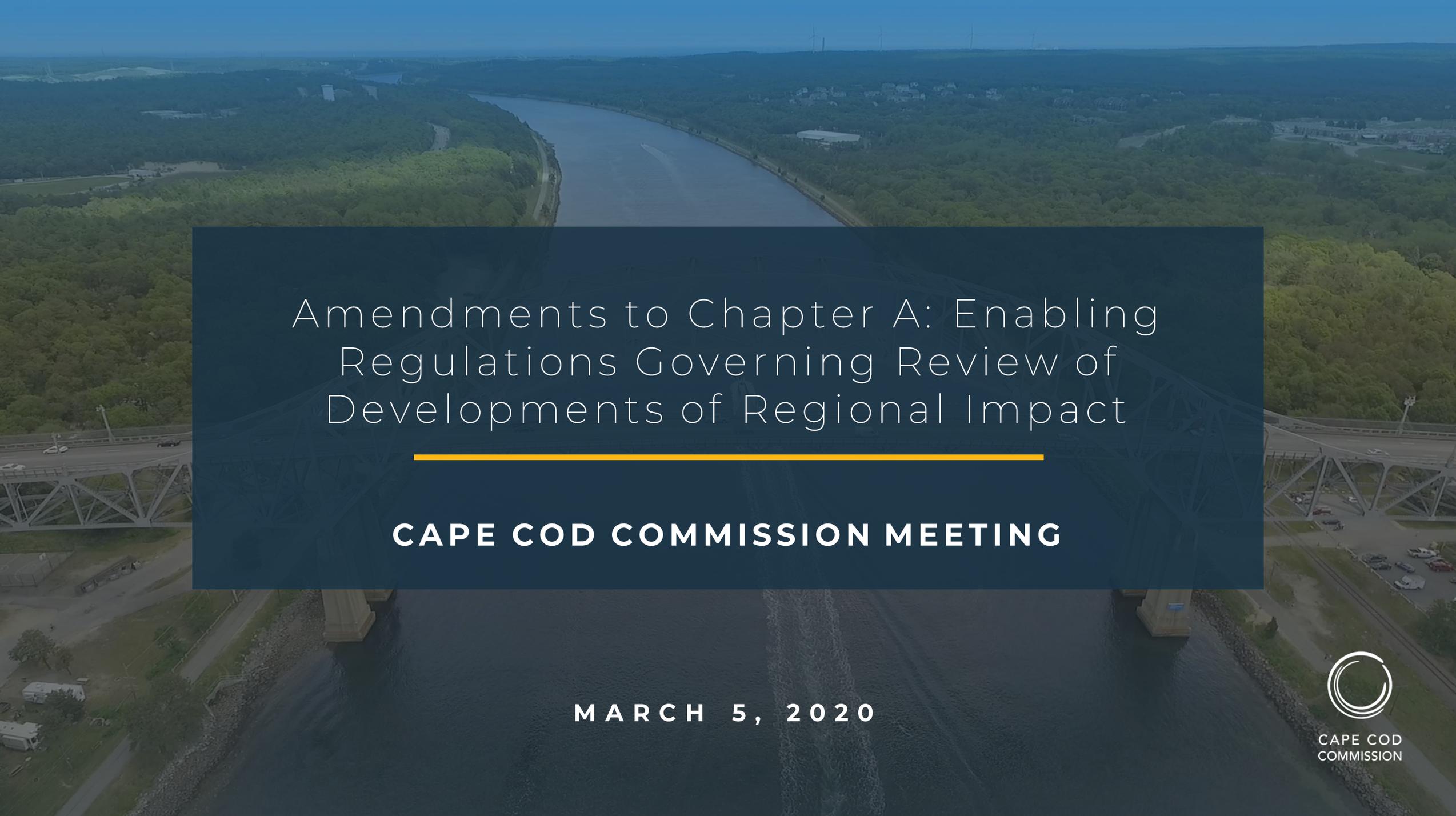
**RE:** AMENDMENTS TO BARNSTABLE COUNTY ORDINANCE 90-12

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On behalf of the Cape Cod Commission, attached for your review and consideration is a redlined document containing technical amendments to Barnstable County Ordinance 90-12, also known as Chapter A of the Code of Cape Cod Commission Regulations: Enabling Regulations Governing Developments of Regional Impact.

These amendments, which are technical in nature, address the immediate need of aligning the Enabling Regulations with the recently adopted 2018 Regional Policy Plan. Essentially, these amendments do the following: remove repetitive/unnecessary process; remove outdated definitions and references to terms; removed individual GIZ decision detail; and bring it into consistency with the 2018 Regional Policy Plan.

At its meeting on March 5, 2020, the Cape Cod Commission unanimously voted to forward these technical amendments to the Assembly of Delegates for its adoption as an ordinance. Also included in this packet is the power point presentation that was given to the Cape Cod Commission. We respectfully request that the Assembly of Delegates and Barnstable County Commissioners adopt the amendments as a Barnstable County ordinance.



Amendments to Chapter A: Enabling  
Regulations Governing Review of  
Developments of Regional Impact

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**CAPE COD COMMISSION MEETING**

**MARCH 5, 2020**



**CAPE COD  
COMMISSION**

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**PURPOSE OF  
AMENDMENTS:**

To Align the  
Enabling  
Regulations  
with the 2018  
Regional  
Policy Plan

C A P E C O D  
**REGIONAL**  
P O L I C Y P L A N

F R A M I N G T H E F U T U R E

CAPE COD COMMISSION | 2018

# 2018 REGIONAL POLICY PLAN

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- 2018 RPP contemplated amendments to the Commission's DRI Enabling & Other Regulations
- 1<sup>st</sup> step today – Technical amendments to address immediate need of aligning the enabling regulations
- Next step – Begin public process to discuss DRI threshold & other substantive changes

---

**PURPOSE OF  
AMENDMENTS**

To Align the  
Enabling  
Regulations  
with the 2018  
Regional  
Policy Plan

Removed repetitive/unnecessary  
process

Removed outdated definitions and  
references to terms

Removed individual GIZ decision  
detail

Edited to retain consistency with  
2018 RPP

# 2018 REGIONAL POLICY PLAN

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- Contains all the flexibility needed in the DRI review process itself
- Eliminates need for additional process:
  - Limited review/Scoping of DRI
  - Hardship Exemptions

---

## PURPOSE OF AMENDMENTS

Removed repetitive/  
unnecessary  
process:  
Limited  
Review/Scoping

From the Regulatory section of the RPP:  
*"The Commission **determines the applicability and materiality** of the RPP's goals and objectives to a project **on a case by case basis**. As the RPP has broad, general application to DRIs and other regulatory matters of regional significance, **not every goal or objective may apply, be material, relevant or regionally significant, or apply in the same way or with the same focus or extent to every project or designation**, given the specific facts and circumstances present in any given project."*

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## PURPOSE OF AMENDMENTS

Removed repetitive/  
unnecessary  
process:  
Hardship

*From the Regulatory section of the RPP:  
“the Commission **may factor into its decision-making any hardship claimed and demonstrated by an applicant that would render such full and literal compliance or consistency impracticable**”*

# 2018 REGIONAL POLICY PLAN

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- Action item of 2018 RPP is to streamline the process
- Adjudicatory hearing process for energy DRI projects removed - additional unnecessary process

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## PURPOSE OF AMENDMENTS

Removed repetitive/  
unnecessary  
process:  
Adjudicatory  
Hearing  
procedure

An aerial photograph of a coastal town, likely in Cape Cod, Massachusetts. The image shows a mix of residential and commercial buildings, parking lots, and green spaces. In the background, a large suspension bridge spans across a body of water. The sky is blue with scattered white clouds. A semi-transparent white box is overlaid on the center of the image, containing text.

*The 2018 Regional Policy Plan seeks to, consistent with the Cape Cod Commission Act, **streamline, accelerate and coordinate** the planning and approval process*

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## PURPOSE OF AMENDMENTS

Removed outdated definitions and references to terms

“Minimum performance standards”

“Limited DRI Review”, “change of use”

“scoping checklist”, “Regulatory Committee”

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## PURPOSE OF AMENDMENTS

Removed individual GIZ decision detail

Section 3 of Enabling Regulations:  
Sets forth DRI review thresholds

A category included - areas that have been modified by Chapter H or the Growth Incentive Zone ("GIZ") regulations

Unnecessary to include specifics from individual GIZ decisions in the regulations.

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## PURPOSE OF AMENDMENTS

Edited to retain consistency with 2018 RPP

Other edits made to unify document

Include amendments to table of contents, section titles, section references

Request that Commission support technical corrections/edits

# STAFF RECOMMENDATION

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Vote to submit the proposed amendments to  
Chapter A: Enabling Regulations Governing  
Review of DRI's to the Assembly of Delegates  
for adoption by ordinance



# Amendments to Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact

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**CAPE COD COMMISSION MEETING**

**MARCH 5, 2020**



**CAPE COD  
COMMISSION**

**Contract # 460-20-003**  
**ATTACHMENT B - Amendment 1**

This amendment number 1 (“the Amendment”) made this 13th day of May 2020 by Barnstable County (the “County”) and Groundwater Treatment and Technology. (the “Contractor”) (collectively the “Parties”) amends the Contract for Services made and entered into by the Parties on August 29, 2019 (the “Contract”).

**Whereas**, the parties wish to increase the contract amount and term to cover expenses to the end of the fiscal year; and

**Whereas**, Section 7 of the Contract, entitled “Changes,” allows for the Parties upon mutual agreement to amend the Contract by executing a written amendment.

**Now Therefore**, in consideration of the mutual promises and covenants contained herein and in the Contract, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

1. Increasing the not to exceed amount to \$54,500
2. Extend contract end date to June 30, 2020

All remaining terms and conditions shall continue in full force and effect.

**In Witness Whereof**, the Parties have caused this Amendment to be executed by their respective duly authorized officers as of the date first written above.

**FOR THE COUNTY:**

BARNSTABLE COUNTY COMMISSIONERS:

DocuSigned by:

*Ronald Bergstrom*

B47187903E8A4F6  
Ronald Bergstrom

**FOR THE CONTRACTOR:**

DocuSigned by:

*Joseph Landyn*

F9F5989105B043C...

Name:

6/1/2020

Date

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

At a regular meeting of the Barnstable County Board of Regional Commissioners, on the thirteenth day of May, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, motion by Commissioner Beaty to authorize the execution of an amendment to a contract with Groundwater Treatment & Technology, executed August 29, 2020, in the amount of \$44,500.00, for a Water Treatment System at the County's Fire Rescue Training Academy, for a period through March 1, 2020, to increase the maximum amount of the contract to \$54,500, and extend the period of performance through June 30, 2020, 2nd by Commissioner Flynn, approved 3-0-0

Ronald Bergstrom, Chair: Y

Mary Pat Flynn, Vice-Chair: Y

Ronald R. Beaty, Commissioner: Y

A true copy, Attest, May 13, 2019

 *Janice O'Connell*  
Barnstable County Regional Clerk

AGREEMENT BETWEEN

Barnstable County  
3195 Main Street  
Barnstable, MA 02630

and

Ground/Water Treatment & Technology  
627 Mt. Hope Road  
Wharton, NJ 07885

THIS AGREEMENT is made this 29<sup>th</sup> day of August 2019 by and between Ground/Water Treatment & Technology (hereinafter referred to as Contractor), and Barnstable County.

WITNESSETH, that the Contractor and County for the consideration hereinafter named agree as follows:

WHEREAS: Barnstable County requested quotes for a temporary water treatment system.

WHEREAS: The vendor was the responsive, responsible bidder offering the lowest price.

WHEREAS: The contract is awarded in accordance with Massachusetts General Law Chapter 30B

NOW THEREFORE, the County and the Contractor do mutually agree as follows:

1. Employment of Contractor. The Vendor hereby agrees to perform the services hereinafter set forth in the Scope of Services. Contractor hereby agrees to hold the County harmless from any claims regarding worker's compensation benefits, unemployment compensation benefits, retirement benefits, or any other benefit normally attributable to the status of "employee" and Contractor specifically agrees to pay for all damages incurred by the County or Town, including costs, benefits, and reasonable attorney fees in the event the Contractor files such claim.
2. Scope of Services. The contractor shall perform the scope of services included herein as Attachment A.
3. Time of Performance. Contract shall begin upon execution of this agreement until March 1, 2020 unless an extension is given in writing by the County.
4. Payment. The County shall compensate the Contractor for services provided per attachment A.

Upon acceptance of the Contractor's invoice, payment will be made within thirty (30) days. If an invoice is not accepted by the County within fifteen (15) days, it shall be returned to the Contractor with a written explanation for the rejection. At the end of each County fiscal year Contractor must submit any outstanding invoices for services performed or delivered during the fiscal year (July 1-June 30) to the County no later than July 31<sup>st</sup> of the year when the resources were prepared.

5. Termination or Suspension of Contract for Cause. If through any sufficient cause, the Customer or the County shall fail to fulfill or perform its duties and obligations under this Contract, or if either party shall violate or breach any of the provisions of this Contract, either party shall thereupon have the right to terminate or suspend this Contract, by giving written notice to the other party of such termination or suspension and specifying the effective date thereof. Such notice shall be given at least fifteen (15) calendar days before such effective date.

6. Termination for Convenience of County. The County shall have the right to discontinue the work of the Contractor and cancel this contract by written notice to the Contractor of such termination and specifying the effective date of such termination. In the event of such termination or suspension

of this Contract, the Contractor shall be entitled to just and equitable compensation for satisfactory work completed, for services performed and for reimbursable expenses necessarily incurred in the performance of this Contract up to and including the date of termination or suspension.

7. Changes. The County may, from time to time, require changes in the Scope of Services to be performed hereunder. Such changes, including any increase or decrease in the amount of the Customer costs, which are mutually agreed upon by the Town and the Customer, shall be incorporated in written amendments to this Contract.

8. Non-Discrimination in Employment and Affirmative Action. The Customer shall take affirmative action to ensure that qualified applicants and employees are treated without regard to age, race, color, religion, sex, marital status, sexual orientation, national origin, disability, or Vietnam Era Veteran status. The Customer agrees to comply with all applicable Federal and State statutes, rules and regulations prohibiting discrimination in employment including but not limited to: Title VII of the Civil Rights Act of 1964, as amended; Massachusetts General Laws Chapter 1518§(1); the Americans with Disabilities Act of 1990; and all relevant administrative orders and executive orders including Executive Order 246.

9. Subcontracting. None of the services to be provided to the County pursuant to this Contract shall be subcontracted or delegated in whole or in part to any other organization, association, individual, corporation, partnership or other such entity without the prior written approval of the Towns. No subcontract or delegation shall relieve or discharge the Customer from any obligation or liability under this Contract except as specifically set forth in the instrument of approval. If this Contract is funded in whole or in part with federal funds, Contractor further agrees to comply with the provisions of the Office of Management and Budget Circular A-110, as amended, with respect to taking affirmative steps to utilize the services of small and minority firms, women's business enterprises and labor surplus area firms. All subcontracts shall be in writing and shall contain provisions which are functionally identical to, and consistent with, the provisions of this Contract. The County shall have the right to obtain a copy of the subcontract upon request.

10. Interest of Members of County and Others. No officer, member or employee of the County, and no member of its governing body of the locality or localities in which the Project is situated or being carried out who exercises any functions or responsibility in the review or approval of the undertaking or carrying out of the Project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly financially interested or has any personal or pecuniary interest, direct or indirect, in this Contract or the proceeds thereof.

11. Interest of Contractor. The Contractor covenants that it presently has no interest and shall not acquire any interest directly or indirectly which would conflict in any manner or degree with the performance of its services hereunder.

12. Assignability. The Contractor shall not assign any interest in this Contract and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the County thereto; provided, however that claims for money due or to become due the Contractor from the County under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the County.

13. Recordkeeping, Audit, and Inspection of Records. The Contractor shall maintain books, records, and other compilations of data pertaining to the requirements of the Contract to the extent and in such detail as shall properly substantiate claims for payment under the Contract. All such records shall be kept for a period of seven (7) years or for such longer period as is specified herein. All retention periods start on the first day after final payment under this Contract. If any litigation, claim, negotiation, audit or other action involving the records is commenced prior to the expiration of the applicable retention period, all records shall be retained until completion of the action and resolution of all issues resulting therefrom, or until the end of the applicable retention period, whichever is later. If this contract is funded in whole or in part with state or federal funds, the state or federal grantor agency, the County or any of its duly authorized representatives or designees, shall have the right at reasonable times and upon reasonable notice, to examine and copy, at reasonable

expense, the books, records and other compilations of data of the Contractor which pertain to the provisions and requirements of this Contract. Such access shall include on-site audits, review and copying of records.

14. Findings Confidential. Any reports, information, data, etc., given to or prepared or assembled by the Contractor under this Contract which the Towns requests to be kept as confidential shall not be made available to any individual or organization by the Contractor without the prior written approval of the County or Towns.

15. Publication, Reproduction and Use of Material. No material produced in whole or in part under this Contract shall be subject to copyright in the United States or in any other country. The County shall have the unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data or other materials prepared under this Contract.

16. Political Activity Prohibited. None of the services to be provided by the Contractor shall be used for any partisan political activity or to further the election or defeat of any candidate for public office.

17. Anti-Boycott Warranty. During the term of this Contract, neither the Contractor nor any "affiliated company" as hereafter defined, shall participate in or cooperate with an international boycott, as defined in Section 999 (b) (3) and (4) of the Internal Revenue Code of 1954, as amended by the Tax Reform Act of 1986, or engage in conduct declared to be unlawful by Sections 2 and 3 of Chapter 151E, Massachusetts General Laws. As used herein, an "affiliated company" shall be any business entity of which at least 51% of the ownership interested is directly or indirectly owned by the Contractor or by a person or persons or business entity or entities which directly or indirectly own at least 51% of the ownership interests of the Contractor.

18. Choice of Law. This Contract shall be construed under and governed by the laws of the Commonwealth of Massachusetts. The Contractor and the agents thereof, agree to bring any federal or state legal proceedings arising under this Contract, in which the County or Towns are a party, in a court of competent jurisdiction within the Commonwealth of Massachusetts. This paragraph shall not be construed to limit any rights a party may have to intervene in any action, wherever pending, in which the other is a party. All parties to this contract and covenant agree that any disputes be litigated in the District or Superior courts in Barnstable County.

19. Force Majeure. Neither party shall be liable to the other nor be deemed to be in breach of this Contract for failure or delay in rendering performance arising out of causes factually beyond its control and without its fault or negligence. Such causes may include, but are not limited to: acts of God or the public enemy, wars, fires, floods, epidemics, strikes, or unusually severe weather. Dates or times of performance shall be extended to the extent of delays excused by this section, provided that the party whose performance is affected notifies the other promptly of the existence and nature of such delay.

20. Compliance with Laws. The Contractor shall promptly comply with all applicable laws, rules, regulations, ordinances, orders and requirements of the Commonwealth and any state or federal governmental authority relating to the delivery of the services described in this Contract subject to section 18 above. Unless otherwise provided by law, the Contractor shall promptly pay all fines, penalties and damages that may arise out of or are imposed because of the Contractor's failure to comply with the provisions of this section and, shall indemnify the County or Towns against any liability incurred as a result of a violation of this section. If the Contractor receives federal funds pursuant to this Contract, Contractor understands and agrees to comply with all federal requirements including but not limited to audit requirements. Not-for-Profit entities that receive federal funds from the County or Towns must comply with the audit requirements outlined in the Office of Management and Budget OMB Circular A-133.

21. Headings, Interpretation and Severability. The headings used herein are for reference and convenience only and shall not be a factor in the interpretation of the Contract. If any provision of this Contract is declared or found to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under that provision. The remainder of the Contract shall be enforced to the fullest extent permitted by law.

22. Waiver of Liability. The Contractor and the County hereby covenant and agree to waive any and all claims against Barnstable County and release Barnstable County from any liability arising out of the Scope of Services described in the attached "Attachment A".

23. Vendors shall submit invoices within 60 days of completing the work.

24. Limitation of Liability. Notwithstanding the above, GWTT's liability shall be limited to, whether liability is grounded in contract, tort, law, equity, strict liability, warranty, or otherwise, the greater of (a) its fee or (b) available insurance coverage required hereunder.

25. Neither party shall be responsible to the other for special, incidental or consequential damages, including loss of use and loss of profit.

26. Non-solicitation: If GWTT operates or services the Equipment and/or is involved in providing services of any kind to the Purchaser with regard to the Project, the County agrees that for one (1) year period immediately following the completion of or cessation of the performance of such services by GWTT, the County will neither initiate discussions with any executive or employee of GWTT regarding employment with the County or an affiliate, nor directly or indirectly induce or attempt to induce any executive or employee of GWTT to work for the County or an affiliate.

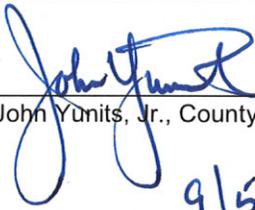
27. The parties agree not to divulge to any third party nor to use for any purpose other than GWTT's or County's performance hereunder, any business or technical information of or relating to a party that is disclosed to or acquired by the other party during the term of this Agreement. In the event that a party receives a subpoena or other judicial process that might require the disclosure of such information, such party shall immediately notify the other party in writing and afford the other party the opportunity to challenge the disclosure, and, if a party does challenge the disclosure, the other party will not make the disclosure unless and until the challenge is rejected by a court.

28.

IN WITNESS WHEREOF, the County and Contractor have executed this Agreement this 29<sup>th</sup> day of August in the year Two Thousand and Nineteen.

**FOR THE COUNTY:**

BARNSTABLE COUNTY COMMISSIONERS:

  
\_\_\_\_\_  
John Yunis, Jr., County Administrator

Date

9/5/19

**FOR THE CONTRACTOR:**

DocuSigned by:  
  
F9F5989165B643C...

Date  
9/5/2019 | 9:17 AM EDT

## **Attachment A Scope of Services**

### **Introduction:**

The scope of this contract includes a temporary water treatment system designed to treat a maximum of 30 gpm of water generated from a groundwater recovery well at the Barnstable County Fire Training Academy.

The raw water is expected to contain PFAS compounds which must be reduced to levels below 20 ppt prior to discharge. For the purpose of this contract a treatment system within a shipping style container, including an equalization tank, transfer pump, duplex bag filters, activated carbon adsorbers, and a flow meter will be provided. The entire treatment system will be installed within a 20' long enclosed Conex box. The use of the Conex box will provide security and protection from weather conditions, minimizing the potential for freezing during winter months. The system shall be delivered to the site location pre-piped and tested, requiring minimal set up time.

The pump provided in the proposed treatment system will turn on and off automatically based on pump control floats installed in the influent equalization tank. A high-level float switch will also be included to signal an alarm condition. The high-level switch can also be used to shut off the source water pump(s) via a dry contact relay (provided by Others).

The source water pump(s) and associated influent piping, a source of 240 volt, single-phase electrical power, lifting equipment during mobilization/demobilization, labor to assist during mobilization/demobilization, union coverage of any kind, and a source of clean water to hydrate the carbon absorbers at least 24 hours prior to startup will be provided by others.

### Treatment System Components — 30 GPM

1. One (1) enclosed 20' Conex box containing the following major components:
  - One (1) 1,000 gallon capacity polyethylene influent equalization tank
  - One (1) electric transfer pump supplied with an automatic float control panel
  - Two (2) I-bag filter housings, parallel operation
  - Two (2) non-Code carbon adsorbers plumbed in series, each pre-loaded with 40 cubic feet of virgin carbon media (i.e., Evoqua AC1230CX, Calgon F400, or equal), total carbon supply approximately 2,640 pounds
  - One (1) two-inch diameter, non-resettable, mechanical flow meter with totalizer
  - One (1) 240 volt, 1 phase, 100 amp local disconnect with 25' of feed wire
  - Electric heater, lights, ventilation fan, utility outlets
  - Interconnecting piping and/or flexible hose within the treatment Conex box

Pricing Schedule — Prices WILL NOT include any applicable sales tax

|   |                  |
|---|------------------|
| Mobilization, including:<br>Project documentation including a submittal package, an O&M manual and operator logs<br>Shop preparation, truck loading and supply of misc materials<br>Truck delivery to the Hyannis jobsite<br>Initial supply and shop installation of a total of 80 cubic feet of virgin, activated carbon media | \$ 18,750        |
| Monthly Rental Rate (1 month minimum)   | \$ 2,750/mo      |
| Demobilization, not included  | To be Determined |

Optional Items/Services

|  |                                      |
|--|--------------------------------------|
| Ba Filters 5-100 micron  | \$ 5.00 each + deliver               |
| On-Site Technical Assistance, non-Union GWTT Technician, including service truck and hand tools (if necessary), 7:30 am — 4:00 pm, Monday — Friday | \$ 100.00 per hour, portal to portal |
| Overtime hours, non-Union GWTT Technician  | \$ 125.00 per hour, portal to portal |
| Additional Materials   | \$ Cost + 21%                        |

Exclusions

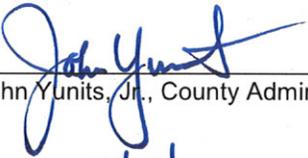
1. Supply of dewatering pumps, hoses, etc. to convey water to the influent tank
2. Supply of spill containment pads
3. Suitable lifting equipment such as a crane or heavy duty forklift to unload and load the treatment equipment
4. Unloading, installation or assembly of any items delivered to the jobsite • A one (1) man crew for approximately one (1) day will be required (by others) during mobilization and for one (1) day during demobilization
5. Supply or installation of piping/hose/fittings from the flow meter to the discharge location
6. Level and stable ground to support the treatment equipment
7. Electrical power supply, generators, and/or electrical distribution panels • Per NEC, the generator or electrical distribution panel will be required within 25' of the treatment system o The power requirements are 240V/1 phase/ 100 Amps
8. Union craft labor of any kind
9. Operation and maintenance of the treatment equipment
10. Supply of clean water to hydrate the carbon units at least 24 hours prior to start-up
11. Winterization of the treatment system
12. Controls or instrumentation such as autodialers, alarms, horns, etc except as detailed above
13. Permits

14. Discharge fees
15. Removal, analysis and/or disposal of carbon media
16. Disposal of TSCA regulated substances
17. Disposal of spent bag filters
18. Cleaning of the rental equipment at the end of the rental period

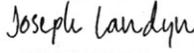
Based on current availability, the proposed rental equipment will be delivered within four (4) to six (6) weeks from Execution of the agreement. If the proposed equipment is not available Contractor will make every effort to provide equipment that is functionally equivalent to that described above with no impact on performance or price.

**FOR THE COUNTY:**

BARNSTABLE COUNTY COMMISSIONERS:

  
\_\_\_\_\_  
John Yunits, Jr., County Administrator  
  
9/5/19  
\_\_\_\_\_  
Date

**FOR THE CONTRACTOR:**

DocuSigned by:  
  
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9/5/2019 | 9:17 AM EDT

**Contract # 460-20-003**  
**ATTACHMENT B - Amendment 1**

This amendment number 1 (“the Amendment”) made this 13th day of May 2020 by Barnstable County (the “County”) and Groundwater Treatment and Technology. (the “Contractor”) (collectively the “Parties”) amends the Contract for Services made and entered into by the Parties on August 29, 2019 (the “Contract”).

**Whereas**, the parties wish to increase the contract amount and term to cover expenses to the end of the fiscal year; and

**Whereas**, Section 7 of the Contract, entitled “Changes,” allows for the Parties upon mutual agreement to amend the Contract by executing a written amendment.

**Now Therefore**, in consideration of the mutual promises and covenants contained herein and in the Contract, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

1. Increasing the not to exceed amount to \$54,500
2. Extend contract end date to June 30, 2020

All remaining terms and conditions shall continue in full force and effect.

**In Witness Whereof**, the Parties have caused this Amendment to be executed by their respective duly authorized officers as of the date first written above.

**FOR THE COUNTY:**

BARNSTABLE COUNTY COMMISSIONERS:

DocuSigned by:

*Ronald Bergstrom*

B47187903E8A4F6  
Ronald Bergstrom

**FOR THE CONTRACTOR:**

DocuSigned by:

*Joseph Landyn*

F9F5989105B043C...

Name:

6/1/2020

Date

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

At a regular meeting of the Barnstable County Board of Regional Commissioners, on the thirteenth day of May, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, motion by Commissioner Beaty to authorize the renewal of a contract with Groundwater Treatment Technologies, for technical assistance to monitor and maintain the groundwater pump and treat system at the County Fire Rescue Training Academy, for a period through March 26, 2020, with two (2) one-year options to renew pending appropriation, for an additional one-year period through March 26, 2021, 2nd by Commissioner Flynn, approved 3-0-0

Ronald Bergstrom, Chair: Y

Mary Pat Flynn, Vice-Chair: Y

Ronald R. Beaty, Commissioner: Y

A true copy, Attest, May 13, 2019

 *Janice O'Connell*  
Barnstable County Regional Clerk

## AGREEMENT BETWEEN

Barnstable County  
3195 Main Street  
Barnstable, MA 02630

And

Groundwater Treatment & Technology, LLC  
627 Mount Hope Road  
Wharton, NJ 07885

THIS AGREEMENT is made this **27<sup>th</sup>** day of **March** 2019 by and between (hereinafter referred to as Contractor), and Mary Pat Flynn, Ron Beaty and Ron Bergstrom as they are the Commissioners of Barnstable County, but without any personal liability.

WITNESSETH, that the Contractor and County for the consideration hereinafter named agree as follows:

WHEREAS: Barnstable County issued an Invitation for Bids for technical assistance to monitor and maintain the groundwater pump and treat system at the Barnstable County Fire Training Academy.

WHEREAS: This service was bid in accordance with MA General Law Chapter 30B.

WHEREAS: The Contractor is a responsive and responsible bidder.

NOW THEREFORE, the County and the Contractor do mutually agree as follows:

1. Employment of Contractor. The Vendor hereby agrees to perform the services hereinafter set forth in the Scope of Services. Contractor hereby agrees to hold the County harmless from any claims regarding worker's compensation benefits, unemployment compensation benefits, retirement benefits, or any other benefit normally attributable to the status of "employee" and Contractor specifically agrees to pay for all damages incurred by the County or Town, including costs, benefits, and reasonable attorney fees in the event the Contractor files such claim.
2. Scope of Services. The Contractor shall perform the scope of services set forth in the Barnstable County Invitation for Bids dated December 10, 2018 and the Contractor's proposal dated January 11, 2019 incorporated herein as Appendix A.
3. Time of Performance. One year from execution of the contract, with two one-year options to renew pending appropriation.
4. Payment. The County shall compensate the Contractor for services provided in their bid and incorporated herein as Appendix A.

Upon acceptance of the Contractor's invoice, payment will be made within thirty (30) days of receipt of Contractor's invoice. If an invoice is not accepted by the County within fifteen (15) days, it shall be returned to the Contractor with a written explanation for the rejection. At the end of each County fiscal year Contractor must submit any outstanding invoices for services performed or delivered during the fiscal year (July 1-June 30) to the County no later than July 31<sup>st</sup> of the year when the resources were prepared.

5. Termination or Suspension of Contract for Cause. If through any sufficient cause, the Customer or the County shall fail to fulfill or perform its duties and obligations under this Contract, or if either party shall violate or breach any of the provisions of this Contract, either party shall thereupon have the right to terminate or suspend this Contract, by giving written notice to the other party of such termination or suspension and specifying the effective date thereof. Such notice shall be

given at least fifteen (15) calendar days before such effective date.

6. Termination for Convenience of County. The County shall have the right to discontinue the work of the Contractor and cancel this contract by written notice to the Contractor of such termination and specifying the effective date of such termination. In the event of such termination or suspension of this Contract, the Contractor shall be entitled to just and equitable compensation for satisfactory work completed, for services performed and for reimbursable expenses, necessarily incurred in the performance of this Contract up to and including the date of termination or suspension.

7. Changes. The County may, from time to time, require changes in the Scope of Services to be performed hereunder. Such changes, including any increase or decrease in the amount of the Customer costs, which are mutually agreed upon by the Town and the Customer, shall be incorporated in written amendments to this Contract.

8. Non-Discrimination in Employment and Affirmative Action. The Customer shall take affirmative action to ensure that qualified applicants and employees are treated without regard to age, race, color, religion, sex, marital status, sexual orientation, national origin, disability, or Vietnam Era Veteran status. The Customer agrees to comply with all applicable Federal and State statutes, rules and regulations prohibiting discrimination in employment including but not limited to: Title VII of the Civil Rights Act of 1964, as amended; Massachusetts General Laws Chapter 1518§(1); the Americans with Disabilities Act of 1990; and all relevant administrative orders and executive orders including Executive Order 246.

9. Subcontracting. None of the services to be provided to the County pursuant to this Contract shall be subcontracted or delegated in whole or in part to any other organization, association, individual, corporation, partnership or other such entity without the prior written approval of the Towns. No subcontract or delegation shall relieve or discharge the Customer from any obligation or liability under this Contract except as specifically set forth in the instrument of approval. If this Contract is funded in whole or in part with federal funds, Contractor further agrees to comply with the provisions of the Office of Management and Budget Circular A-110, as amended, with respect to taking affirmative steps to utilize the services of small and minority firms, women's business enterprises and labor surplus area firms. All subcontracts shall be in writing and shall contain provisions which are functionally identical to, and consistent with, the provisions of this Contract. The County shall have the right to obtain a copy of the subcontract upon request.

10. Interest of Members of County and Others. No officer, member or employee of the County, and no member of its governing body of the locality or localities in which the Project is situated or being carried out who exercises any functions or responsibility in the review or approval of the undertaking or carrying out of the Project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly financially interested or has any personal or pecuniary interest, direct or indirect, in this Contract or the proceeds thereof.

11. Interest of Contractor. The Contractor covenants that it presently has no interest and shall not acquire any interest directly or indirectly which would conflict in any manner or degree with the performance of its services hereunder.

12. Assignability. The Contractor shall not assign any interest in this Contract and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the County thereto; provided, however that claims for money due or to become due the Contractor from the County under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the County.

13. Recordkeeping, Audit, and Inspection of Records. The Contractor shall maintain books, records, and other compilations of data pertaining to the requirements of the Contract to the extent and in such detail as shall properly substantiate claims for payment under the Contract. All such records

shall be kept for a period of seven (7) years or for such longer period as is specified herein. All retention periods start on the first day after final payment under this Contract. If any litigation, claim, negotiation, audit or other action involving the records is commenced prior to the expiration of the applicable retention period, all records shall be retained until completion of the action and resolution of all issues resulting therefrom, or until the end of the applicable retention period, whichever is later. If this contract is funded in whole or in part with state or federal funds, the state or federal grantor agency, the County or any of its duly authorized representatives or designees, shall have the right at reasonable times and upon reasonable notice, to examine and copy, at reasonable expense, the books, records and other compilations of data of the Contractor which pertain to the provisions and requirements of this Contract. Such access shall include on-site audits, review and copying of records.

14. Findings Confidential. Any reports, information, data, etc., given to or prepared or assembled by the Contractor or the County under this Contract which the other party requests to be kept as confidential shall not be made available to any individual or organization by the Contractor or the County without the prior written approval of the other party.

15. Publication, Reproduction and Use of Material. No material produced in whole or in part under this Contract shall be subject to copyright in the United States or in any other country. The County shall have the unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data or other materials prepared under this Contract.

16. Political Activity Prohibited. None of the services to be provided by the Contractor shall be used for any partisan political activity or to further the election or defeat of any candidate for public office.

17. Anti-Boycott Warranty. During the term of this Contract, neither the Contractor nor any "affiliated company" as hereafter defined, shall participate in or cooperate with an international boycott, as defined in Section 999 (b) (3) and (4) of the Internal Revenue Code of 1954, as amended by the Tax Reform Act of 1986, or engage in conduct declared to be unlawful by Sections 2 and 3 of Chapter 151E, Massachusetts General Laws. As used herein, an "affiliated company" shall be any business entity of which at least 51% of the ownership interested is directly or indirectly owned by the Contractor or by a person or persons or business entity or entities which directly or indirectly own at least 51% of the ownership interests of the Contractor.

18. Choice of Law. This Contract shall be construed under and governed by the laws of the Commonwealth of Massachusetts. The Contractor and the agents thereof, agree to bring any federal or state legal proceedings arising under this Contract, in which the County or Towns are a party, in a court of competent jurisdiction within the Commonwealth of Massachusetts. This paragraph shall not be construed to limit any rights a party may have to intervene in any action, wherever pending, in which the other is a party. All parties to this contract and covenant agree that any disputes be litigated in the District or Superior courts in Barnstable County.

19. Force Majeure. Neither party shall be liable to the other nor be deemed to be in breach of this Contract for failure or delay in rendering performance arising out of causes factually beyond its control and without its fault or negligence. Such causes may include, but are not limited to: acts of God or the public enemy, wars, fires, floods, epidemics, strikes, or unusually severe weather. Dates or times of performance shall be extended to the extent of delays excused by this section, provided that the party whose performance is affected notifies the other promptly of the existence and nature of such delay.

20. Compliance with Laws. The Contractor shall promptly comply with all applicable laws, rules, regulations, ordinances, orders and requirements of the Commonwealth and any state or federal governmental authority relating to the delivery of the services described in this Contract subject to section 18 above. Unless otherwise provided by law, the Contractor shall promptly pay all fines, penalties and damages that may arise out of or are imposed because of the Contractor's failure to comply with the provisions of this section and, shall indemnify the County or Towns against any liability incurred as a result of a violation of this section. If the Contractor receives federal funds

pursuant to this Contract, Contractor understands and agrees to comply with all federal requirements including but not limited to audit requirements. Not-for-Profit entities that receive federal funds from the County or Towns must comply with the audit requirements outlined in the Office of Management and Budget OMB Circular A-133.

21. **Headings, Interpretation and Severability.** The headings used herein are for reference and convenience only and shall not be a factor in the interpretation of the Contract. If any provision of this Contract is declared or found to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under that provision. The remainder of the Contract shall be enforced to the fullest extent permitted by law.

22. **Waiver of Liability.** The Contractor and the County hereby covenant and agree to waive any and all claims against Barnstable County and release Barnstable County from any liability arising out of the Scope of Services described in the attached "Exhibit A".

23. **Vendors shall submit invoices within 60 days of completing the work.**

24. **Limitation of Liability.** Notwithstanding the above, GWTT's liability shall be limited to, whether liability is grounded in contract, tort, law, equity, strict liability, warranty, or otherwise, the greater of (a) its fee or (b) available insurance coverage required hereunder.

25. **Neither party shall be responsible to the other for special, incidental or consequential damages, including loss of use and loss of profit.**

26. **Non-solicitation:** If GWTT operates or services the Equipment and/or is involved in providing services of any kind to the Purchaser with regard to the Project, the County agrees that for one (1) year period immediately following the completion of or cessation of the performance of such services by GWTT, the County will neither initiate discussions with any executive or employee of GWTT regarding employment with the County or an affiliate, nor directly or indirectly induce or attempt to induce any executive or employee of GWTT to work for the County or an affiliate.

27. **The parties agree not to divulge to any third party nor to use for any purpose other than GWTT's or County's performance hereunder, any business or technical information of or relating to a party that is disclosed to or acquired by the other party during the term of this Agreement. In the event that a party receives a subpoena or other judicial process that might require the disclosure of such information, such party shall immediately notify the other party in writing and afford the other party the opportunity to challenge the disclosure, and, if a party does challenge the disclosure, the other party will not make the disclosure unless and until the challenge is rejected by a court.**

IN WITNESS WHEREOF, the County and Contractor have executed this Agreement this 27<sup>th</sup> day of March in the year Two Thousand and Nineteen.

**FOR THE COUNTY:**

BARNSTABLE COUNTY COMMISSIONERS:

Ronald Bergstrom  
Ron Bergstrom  
Mary Pat Flynn  
Mary Pat Flynn  
Ron Beaty  
Ron Beaty

03/27/19  
Date

**FOR THE CONTRACTOR:**

**GROUND/WATER TREATMENT & Technology, LLC**

Dennis S. Fedor  
Dennis S. Fedor, President & CEO  
Date 3/18/19

COUNTY OF BARNSTABLE  
PURCHASING  
DEPARTMENT OF FINANCE

**Elaine Davis**  
Chief Procurement Officer

SUPERIOR COURT HOUSE  
P.O. BOX 427  
BARNSTABLE, MASSACHUSETTS 02630

Phone: (508) 375-6637  
Fax: (508) 362-4136  
Email:  
edavis@barnstablecounty.org

January 25, 2019

**MEMORANDUM**

**TO:** County Commissioners  
**FROM:** Elaine Davis, Chief Procurement Officer  
**RE:** Notice of Bid Award

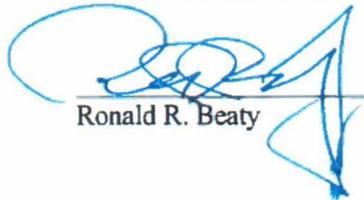
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Barnstable County issued an Invitation for Bids from qualified contractors to provide technical assistance to monitor and maintain the groundwater pump and treat system at the Barnstable County Fire Training Academy. One bid was received from Ground/Water Treatment and Technology, LLC.

Please award the contract to Ground/Water Treatment and Technology, LLC. as the sole bidder who is responsive and responsible at the prices submitted in their bid and attached to this memo. The term of the contract will be one-year form execution of the contract with two one-year options to renew pending appropriation.

Thank you.

County Commissioners:

  
Ronald R. Beaty

  
Ronald Bergstrom

  
Mary Pat Flynn

\_\_\_\_\_  
Date

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

At a regular meeting of the Barnstable County Board of Regional Commissioners, in the East Wing Conference Room, in the Old Jail Building, on the twenty-seventh day of March, A.D. 2019, motion by Commissioner Beaty to authorize the execution of a contract with Groundwater Treatment & Technology, LLC to provide technical assistance to monitor and maintain the groundwater pump and treat system at the County Fire Rescue Training Academy, for a period from the execution of the contract, with two (2) one-year options to renew pending appropriation, as presented, 2nd by Commissioner Flynn, approved 3-0-0

Ronald Bergstrom, Chair: Y

Mary Pat Flynn, Vice-Chair: Y

Ronald R. Beaty, Commissioner: Y

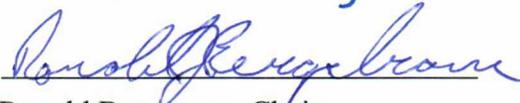
A true copy, Attest, March 28, 2019

  
*Janice O'Connell*  
Barnstable County Regional Clerk

**DISCHARGE OF MORTGAGE**

**Barnstable County**, acting by and through the Cape Cod Commission, the holder of a mortgage by **Michael C. Rollins**, to **Barnstable County**, acting by and through the Cape Cod Commission, dated March 10, 2010 recorded with the Barnstable County Land Court Registry in Document No. 1028135 acknowledges satisfaction of the same.

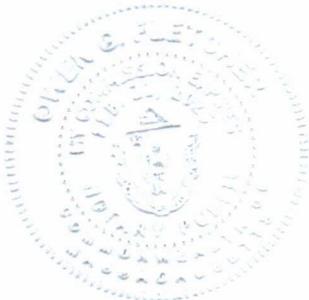
**In Witness Whereof**, Barnstable County has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by **Ronald Bergstrom, Chair, Barnstable County Commissioners** hereto duly authorized by a vote of the Barnstable County Commissioners, this 18<sup>th</sup> day of May, 2020.

  
Ronald Bergstrom, Chair  
Barnstable County Commissioners

**COMMONWEALTH OF MASSACHUSETTS**

BARNSTABLE, ss. May 18, 2020

On this 18<sup>th</sup> day of May, 2020, before me, the undersigned notary public, personally appeared **Ronald Bergstrom, as Chair, Barnstable County Commissioners**, proved to me through satisfactory evidence of identification, which were personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 02/21/25

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

At a regular meeting of the Barnstable County Board of Regional Commissioners, on the thirteenth day of May, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, motion by Commissioner Beaty to authorize the discharge of a mortgage by Michael C. Rollins to Barnstable County, acting by and through the Cape Cod Commission, dated March 10, 2006, and recorded with the Barnstable County Land Court Registry as Document Number 1028135, 2nd by Commissioner Flynn, approved 3-0-0

Ronald Bergstrom, Chair:                        Y    

Mary Pat Flynn, Vice-Chair:                    Y    

Ronald R. Beaty, Commissioner:               Y    

A true copy, Attest, May 13, 2019

 *Janice O'Connell*  
Barnstable County Regional Clerk



**BARNSTABLE COUNTY  
COMMUNITY SEPTIC MANAGEMENT  
LOAN PROGRAM**

3195 MAIN STREET/ P.O.BOX 427  
BARNSTABLE, MASSACHUSETTS 02630



Phone: (508) 375-6610

Fax: (508) 375-6854

[www.barnstablecountysepticloan.org](http://www.barnstablecountysepticloan.org)

**MEMORANDUM**

**DATE:** May 8, 2020  
**TO:** Board of Regional Commissioners  
**FROM:** Community Septic Management Loan Program  
**SUBJECT:** Certificates for Dissolving Septic Betterments

---

Please execute Certificates for Dissolving Septic Betterments certifying that the betterment assessments upon the hereinafter described parcels of real estate in the Notices of Betterment Assessment recorded in Barnstable County Registry of Deeds or Barnstable Registry District of the Land Court as listed below, stating that betterments to be assessed pursuant to a betterment agreement for septic improvements, in accordance with General Laws, Chapter 111, Section 127B 1/2 have, together with any interest and costs thereon, been paid or legally abated.

Approved:

Board of Regional Commissioners

  
Ronald Bergstrom, Chair

5/13/2020  
Date

## CERTIFICATES FOR DISOLVING SEPTIC BETTERMENTS FOR 05/13 /20

| Barnstable Registry District of the Land Court |                             |   | Barnstable County Registry Of Deeds  |                                      |                     |                     |   |   |
|--|-----------------------------|---|--------------------------------------|--------------------------------------|---------------------|---------------------|---|---|
| Notice of Betterment Assessment Document No.   | Deed Reference Document No. | Deed Reference Certificate of Title No. | Notice of Betterment Assessment Book | Notice of Betterment Assessment Page | Deed Reference Book | Deed Reference Page | Owner(s) Named in Betterment Assessment | Location of Property  |
| X  | X                           | X                                       | 21563                                | 7                                    | 4422                | 218                 | Alton B. Sherman<br>Margaret Sherman    | Assessors Map 186<br>Parcel 19<br>314 Bay Lane<br>Centerville (Barnstable)                          |
| X  | X                           | X                                       | 24836                                | 329                                  | 15271               | 319                 | Martin Silva, Jr.<br>Marie A. Silva     | Assessors Map 12, Section 08<br>Parcel 029, Lot 290<br>71 Cairn Ridge Road<br>Hatchville (Falmouth) |
| X  | X                           | X                                       | 25446                                | 258                                  | 16706               | 170                 | Ronald B. Holmes, Jr.<br>Holly Holmes   | Assessors Map 80<br>Parcel 3 5<br>19 Idlewood Drive<br>South Yarmouth (Yarmouth)                    |
| X  | X                           | X                                       | 25716                                | 314                                  | 2888                | 136                 | Jackson J. Santos                       | Assessors Map 271<br>Parcel 160<br>55 Arrowhead Drive<br>Hyannis (Barnstable)                       |
| X  | X                           | X                                       | 25894                                | 261                                  | 2403                | 348                 | Barbara A. Swimm                        | Assessors Map 172<br>Parcel 137<br>128 Cedric Road<br>Centerville (Barnstable)                      |
| X  | X                           | X                                       | 26218                                | 203                                  | 15542               | 137                 | Charles J. Arditto III                  | Assessors Map 23<br>Parcel 1215<br>32 Crowes Purchase Road<br>West Yarmouth (Yarmouth)              |
| X  | X                           | X                                       | 27386                                | 243                                  | 21584               | 337                 | Leo J. Paulding<br>Victoria V. Paulding | Assessors Map 26<br>Parcel 4<br>3 Glacier Path<br>East Sandwich (Sandwich)                          |
| X  | X                           | X                                       | 29658                                | 77                                   | 28346               | 99                  | Sam Y. Jaxtmer                          | Assessors Map 118<br>Parcel 114<br>59 Fire Station Road<br>Osterville (Barnstable)                  |

| Barnstable Registry District of the Land Court |                             |   |                                      | Barnstable County Registry Of Deeds  |                     |                     |   |   |
|--|-----------------------------|---|--------------------------------------|--------------------------------------|---------------------|---------------------|---|---|
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| X  | X                           | X                                       | 29142                                | 29                                   | 5610                | 282                 | Paul J. Marsh<br>Kathleen M. Marsh        | Assessors Map 125<br>Parcel 187<br>23 Outward Reach<br>Yarmouth                         |
| X  | X                           | X                                       | 29250                                | 314                                  | 10962               | 159                 | Christopher M. Johnson                    | Assessors Map 189<br>Parcel 151<br>21 Wlms Way<br>Centerville (Barnstable)              |
| X  | X                           | X                                       | 30848                                | 133                                  | 2647                | 26                  | Laise M. Speakman<br>f/K/a Laise M. James | Assessors Map 106<br>Parcel 167<br>187 Union Street<br>Yarmouth Port (Yarmouth)         |
| X  | X                           | X                                       | 32050                                | 207                                  | 3941                | 50                  | Michael B. O'Neil<br>Cheryl H. O'Neil     | Assessors Map 118<br>Parcel 1041<br>194 Pond Street<br>Osterville (Barnstable)          |
| X  | X                           | X                                       | 32173                                | 301                                  | 4911                | 284                 | James D. Hyde<br>Ellen J. Hyde            | Assessors Map 42<br>Parcel Et-1<br>1 Princess Street<br>Harwich                         |
| X  | X                           | X                                       | 32346                                | 95                                   | 14323               | 203                 | Timothy S. Holmes<br>Jennifer K. Holmes   | Assessors Map 4<br>Parcel 142-0<br>16 Quarter Master Drive<br>Brewster                  |
| X  | X                           | X                                       | 32643                                | 191                                  | 14232               | 69                  | James P. Patruno<br>Deborah A. Patruno    | Assessors Map 34.2<br>Parcel 155-3<br>440 County Road<br>Bourne                         |
| X  | X                           | X                                       | 32732                                | 187                                  | 31728               | 162                 | All Realty Corporation                    | Assessors Map 128<br>Parcel 121-0<br>5-7 Great Western Road<br>East Sandwich (Sandwich) |
| X  | X                           | X                                       | 32760                                | 224                                  | 18283               | 210                 | Iain R. Crawford                          | Assessors Map 95<br>Parcel 131<br>7 Yachtsman Circle<br>Mashpee                         |

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

At a regular meeting of the Barnstable County Board of Regional Commissioners, on the thirteenth day of May, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, motion by Commissioner Beaty to authorize the Chair to execute Certificates for Dissolving Septic Betterments, as presented, 2nd by Commissioner Flynn, approved 3- 0-0

Ronald Bergstrom, Chair:                      Y  

Mary Pat Flynn, Vice Chair:                  Y  

Ronald R. Beaty, Commissioner:           Y  

A true copy, Attest, May 13, 2020



*Janice O'Connell*  
Barnstable County Regional Clerk