



Town of Barnstable Town Council

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

SPECIAL TOWN COUNCIL MEETING AGENDA

August 5, 2021

7:00 PM

Councillors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grasseti
Precinct 7

Debra S. Dagwan
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

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

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

The August 5, 2021 Town Council Meeting of the Barnstable Town Council shall be conducted remotely and shall be physically closed to the public. Alternative public access shall be provided as set forth below.

Alternative Public Access

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

Join Zoom Meeting <https://zoom.us/j/93995991235>
Meeting ID: 939 9599 1235 US Toll-free 1- 888 475 4499

2. Written Comments may be submitted to:

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

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

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

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

- Commander's update on Joint Base Cape Cod activities

Colonel Sean Riley - Commander ANG 102d
Lieutenant Colonel Timothy Sheehan - Commander Space Force 6SWS
Captain Robert Potter - Commanding Officer CG ASCC
Captain Sean Hannigan - Commanding Officer CG BCC
Colonel Matthew Porter - Commander ARNG Camp Edwards

6. TOWN MANAGER COMMUNICATIONS

- Comprehensive Wastewater Management Plan
Available options for General Fund Contribution
- Update on the Armory Renovation Project

Mark S. Ells, Town Manager
Mark A. Milne, CPA, Director of Finance

Councilors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

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

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

- Update on Community Meeting on Proposed Zoning Revisions in Downtown Hyannis
- Update on the Local Comprehensive Plan RFP process

7. ACT ON MINUTES (Including Executive Session)

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

9. ORDERS OF THE DAY

- A. Old Business**
- B. New Business**

10. ADJOURNMENT

NEXT REGULAR MEETING: August 19, 2021

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2022-002	Supplemental Appropriation Order in the amount of \$15,000 for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger which is serving as outside counsel to the Town with respect to two lawsuits filed against the Town by the Conservation Law Foundation (Public Hearing) (Roll Call Majority Full Council).....	4-5
B. NEW BUSINESS		
2022-008	Transfer Order in the amount of \$362,885.47 from Town Council Appropriation and Loan Order 2020-106 to Town Council Appropriation and Loan Order 2017-069 for the purpose of funding the Town Hall restroom renovations (May be acted upon) (Roll Call Majority).....	6-7
2022-009	Appointments to a Board/Committee/Commission: Comprehensive Financial Advisory Board: Ronald Fone, as a regular member to a term expiring 06/2023; Golf Committee: Jason Aubee, as a regular member to a term expiring 06/2024; Mark Bushway, as a regular member to a term expiring 06/2022; Bill Sylva, as a regular member to a term expiring 06/2022; Planning Board: Raymond Sexton, as a regular member to a term expiring 06/2022; Youth Commission: Daniel Gomes, as a regular student member to a term expiring 06/2022; Jaden Jeffries, as a regular student member to a term expiring 06/2022 (First Reading) (Refer to Second Reading 08/19/2021).....	8
2022-010	Reappointments to a Board/Committee/Commission: Old King’s Highway Historic District Commission: Jeffrey Goldstein, as an alternate member to a term expiring 06/2024 (First Reading) (Refer to Second Reading 08/19/2021).....	9
2022-011	Appropriation and Transfer Order in the amount of \$2.5 million in Community Preservation Funds to increase the number and availability of community housing units in the Town of Barnstable (Refer to Public Hearing 08/19/2021).....	10-11
2022-012	Ratification of the Town Council President’s appointments to the Appointments Committee of the Town Council (May be acted upon) (Roll Call Majority)	12-13

Approve Minutes: July 15, 2021

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-002

INTRO: 07/15/2021, 08/05/2021

2022-002 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$15,000 FOR THE PURPOSE OF PAYING OUTSIDE COUNSEL EXPENSES OF THE LEGAL DEPARTMENT

ORDERED: That the amount of **\$15,000** be raised from current year revenue and appropriated for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger, which is serving as outside counsel to the Town with respect to two lawsuits filed against the Town by the Conservation Law Foundation.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>07/15/2021</u>	<u>Refer to Public Hearing 08/05/2021</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-002

INTRO: 07/15/2021, 08/05/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Karen L. Nober, Town Attorney
DATE: July 15, 2021
SUBJECT: Supplemental Appropriation Order in the amount of **\$15,000** for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger which is serving as outside counsel to the Town with respect to two lawsuits filed against the Town by the Conservation Law Foundation

BACKGROUND: In February 2021, the Conservation Law Foundation (“CLF”) filed a lawsuit against the Town of Barnstable alleging violation of the federal Clean Water Act for operating the Town’s wastewater treatment facility without obtaining a National Pollutant Discharge Elimination System permit for discharges from the facility to groundwater. In June 2021, CLF filed a second lawsuit against the Town alleging violations of the Massachusetts Title 5 regulations of septic systems. CLF has not yet served the Town in either lawsuit. The law firm of Anderson & Kreiger has been representing the Town in both of these matters and has been engaged in ongoing discussions with CLF to determine whether the parties can reach a settlement in both lawsuits, ideally before litigation proceeds too far. The requested supplemental appropriation is intended to cover the costs of continued settlement negotiations with CLF. If CLF serves these complaints and the Town is required to defend these matters, then additional funding will be required and another appropriation request will be made as necessary.

FISCAL IMPACT: The relief and penalties sought by CLF in these two complaints would have a substantial financial impact on the Town, and it is therefore critically important that the Town continue to have the benefit of representation by counsel with significant experience and expertise in these types of matters.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Supplemental Appropriation Order.

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-008
INTRO: 08/05/2021**

2022-008 TRANSFER ORDER IN THE AMOUNT OF \$362,885.47 FOR THE TOWN HALL RESTROOM RENOVATIONS PROJECT

ORDERED: That Town Council appropriation order number 2017-069 for the Town Hall Restroom Renovations project be increased by the amount of **\$362,885.47** from \$897,335 to \$1,260,220.47 for the purpose of funding the Town Hall Restroom Renovations Project; and that to provide for this increase, that the remaining available funds under Town Council appropriation and loan order 2020-106 in the amount of \$362,885.47 be transferred.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-008
INTRO: 08/05/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: August 05, 2021
SUBJECT: Transfer Order in the amount of **\$362,885.47** from Town Council Appropriation and Loan Order 2020-106 to Town Council Appropriation and Loan Order 2017-069 for the purpose of funding the Town Hall restroom renovations.

BACKGROUND: The Department of Public Works recently bid the Town Hall Restroom Renovation Project. Funding available for the project will only allow awarding of the base bid, which will leave portions of the project undone; primarily the creation of a women's restroom in the basement. However, as part of the bid process, we did request alternate bids for the basement work to be awarded if bids came in below the appropriated amount or if additional funding became available.

The Town is planning to cease occupying 200 Main Street over the next year and to dispose of the asset. As such we do not need to expend funds previously appropriated for a project to repair the roof. This transfer order will allow DPW to award the entire restroom renovation project.

FINANCIAL IMPACT: The projects appropriated under Town Council appropriation and loan orders 2017-069 and 2020-106 are both associated with municipal building improvements and have been funded with the issuance of municipal bonds. The unexpended bond proceeds under appropriation and loan order 2020-106 will be used to fund the municipal building improvement authorized under appropriation and loan order 2017-069 instead. The annual debt service on both loans have been included in the Fiscal Year 2022 operating budget and in the Town's long-range financial planning so that there is no additional impact on the operating budget.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works; Mark Marinaccio, AIA, Town Architect

B. NEW BUSINESS (First Reading) (Refer to Second Reading 08/19/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-009
INTRO: 08/05/2021**

2022-009 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Comprehensive Financial Advisory Board:** Ronald Fone, as a regular member to a term expiring 06/2023; **Golf Committee:** Jason Aubee, as a regular member to a term expiring 06/2024; Mark Bushway, as a regular member to a term expiring 06/2022; Bill Sylva, as a regular member to a term expiring 06/2022; **Planning Board:** Raymond Sexton, as a regular member to a term expiring 06/2022; **Youth Commission:** Daniel Gomes, as a regular student member to a term expiring 06/2022; Jaden Jeffries, as a regular student member to a term expiring 06/2022

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
08/19/2021)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-010
INTRO: 08/05/2021**

2022-010 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoints the following individual to a multiple-member Board/Committee/Commission: **Old King's Highway Historic District Commission:** Jeffrey Goldstein, as an alternate member to a term expiring 06/2024

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to Public Hearing 08/19/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-011
INTRO: 08/05/2021**

2022-011 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$2.5 MILLION IN COMMUNITY PRESERVATION FUNDS TO INCREASE THE NUMBER AND AVAILABILITY OF COMMUNITY HOUSING UNITS IN THE TOWN OF BARNSTABLE

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the amount of One Million Sixty One Thousand Three Hundred and Thirty Two Dollars (\$1,061,332) be appropriated and transferred from the amount set-aside for Community Housing Funds within the Community Preservation Fund and the amount of One Million Four Hundred Thirty Eight Thousand Six Hundred and Sixty Eight Dollars (\$1,438,668) be appropriated and transferred from the budget reserve in the Community Preservation Fund to the Affordable Housing/Growth & Development Trust Fund, and that the Affordable Housing/Growth & Development Trust Fund Board is authorized to contract for and expend the total appropriation of Two Million Five Hundred Thousand Dollars (\$2,500,000) to increase the number and availability of community housing units within the Town of Barnstable by both funding and initiating projects and programs for that purpose, subject to oversight by the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-011
INTRO: 08/05/2021

SUMMARY

TO: Town Council
FROM: Lindsey Counsell, Chair of Community Preservation Committee
THROUGH: Mark S. Ells, Town Manager
DATE: August 5, 2021
SUBJECT: Appropriation and Transfer Order in the amount of **\$2.5 million** in Community Preservation Funds to increase the number and availability of community housing units in the Town of Barnstable

BACKGROUND: At the July 19, 2021, Community Preservation Committee (CPC) meeting, the nine members voted unanimously for recommendation to the Town Council through the Town Manager, the Affordable Housing Growth & Development Trust Fund Board's request for \$2.5 million dollars in Community Preservation funds. Administered by the Trust, the purpose of the project is to increase the number and availability of community housing in Barnstable by both funding programs and projects and initiating same. This funding request represents a portion of the total project budget of \$3,416,059.55 with \$197,231 in matching funds provided by the Trust and \$718,828.45 uncommitted from the FY 2020 allocation of \$2.5M.

Since February 2020 the Trust has expended and/or committed \$1,794,569.11 of CPA funds allocated to the Trust to address Barnstable's community housing needs. The Trust is seeking additional funds to be able to continue to focus on increasing Barnstable's affordable housing stock and respond to the heightened and ongoing housing affordability crisis which has been exacerbated by the pandemic, utilizing the Trust's unique flexibility to create, acquire, preserve, and support community housing. The Trust expects to continue to fund a variety of projects such as development activities including gap funding, land acquisition, new construction, redevelopment of existing structures or buildings, and conversion of market rate units to affordable housing units. Additionally, the Trust plans to fund pre-development work to determine the viability of residential development on a site; seek partnerships for first time homebuyer's programs; and research potential use of Town-owned parcels for development of affordable housing. The project meets the criteria of the Community Preservation Act and is consistent with the Local Comprehensive Plan, the Housing Production Plan, and the Town Council Strategic Plan.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund. \$1,061,332 of this request will be provided from the set-aside in the Community Preservation Fund for Community Housing and \$1,438,668 will be provided from the Community Preservation Fund's budget reserve which has a current available balance of \$1,872,562.

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

STAFF ASSISTANCE: Mark A. Milne, CPA, Director of Finance

VOLUNTEER STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee and its members

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-012
INTRO: 08/05/2021**

2022-012 RESOLVE RATIFYING APPOINTMENTS TO THE APPOINTMENTS COMMITTEE

RESOLVED: That the Town Council does hereby approve and ratify the Town Council President’s 2021 appointments of Councilors Jessica Rapp Grassetto, Eric Steinhilber, Paul Neary, David Bogan and Tracy Shaughnessy to the Appointments Committee of the Town Council.

SPONSOR: Matthew Levesque, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-012
INTRO: 08/05/2021

SUMMARY

TO: Town Council
FROM: Matthew Levesque, Town Council President
THROUGH: Karen L. Nober, Town Attorney
DATE: August 5, 2021
SUBJECT: Ratification of the Town Council President's appointments to the Appointments Committee of the Town Council

BACKGROUND: As set forth in Chapter 37 of the Code of the Town of Barnstable, the Appointments Committee is a standing committee of the Town Council. With respect to the appointment of committee members, Section 37-3 provides as follows:

The Councilors serving on the Appointments Standing Committee will be appointed by the President of the Council from a list of names of those Councilors who wish to serve on the Appointments Committee. The total Council will be apprised of the names of those Councilors who are willing to serve. The full Council will have the final vote on all appointments to the Appointments Committee.

It has been a longstanding practice for the Town Council President to appoint the committee members, and this year's appointments were made consistent with such practice. However, upon review, it is clear that Chapter 37 contemplates that such appointments require the approval of the full Council. Accordingly, this agenda item requests ratification of the appointments made by the Town Council President in 2021, with the expectation that going forward, the appointments process for the Appointments Committee will be in conformance with the requirements of Chapter 37.

FISCAL IMPACT: None

STAFF ASSISTANCE: Karen L. Nober, Town Attorney