



Town Council Meeting
September 5, 2019



A quorum being duly present, President James Crocker, Jr. called the September 5, 2019, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Crocker regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: James Crocker, Jr., Jennifer Cullum, John Flores, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paula Schnepf, Eric Steinhilber, Philip Wallace

ABSENT: Britt Beedenbender, Debra Dagwan; Paul Neary, and James Tinsley, Jr.

Let the record reflect that Britt Beedenbender, Paul Neary and James Tinsley notified President Crocker they had a conflict.

PUBLIC COMMENT:

Tina Carey regarding the food and beer trucks on the village green, she received a letter from Cape Cod Beer and they will no longer provide free beverages on the village green. For the businesses on Main Street it was a slow May, June and July. A high number of food establishments on Main Street had a poor summer; still waiting for someone from Town Hall to call her.

Adam Hanson says he witnesses daily red light violations on Main Street in Hyannis, and has spoken to the police department; the response was red light cameras are illegal in Massachusetts. Please look into these issues. We need some year round businesses to bring in the people; the Town should set up a cannabis committee to bring revenue to Barnstable.

Tyler Little brought to the Council a problem in his neighborhood; the issue is with the school bus drive. He has spoken to the Assistant Superintendent, and is getting the same unsatisfactory response. Our issue is that the bus stop needs to be moved and no one is looking at it.

Bo Chu sang "Amazing Grace" for the Town Council.
Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

Thank you all for coming, we are supportive of all businesses on Main Street, we hope that having festivals on the green will bring more business to Main Street. Appreciate your service to our country; hopefully you will see some resolution to the bus issue soon. Speeding issue has come up at various civic meetings; maybe it would be wise to get

some radar guns out on the streets, this is affecting the quality of life. Federated Church holds lobster lunches every Friday as a fund raiser, the symphony that brings in thousands of people; problem with limiting who can use the village green. After road conditions and litter the number one complaint is now is speeding, we can install more radar signs, but we should ask our legislature to allow red light traffic cameras. The Superintendent is here tonight perhaps a one on one will help you. Received a call this week regarding a school bus pick up spot at an intersection which has brought many complaints; made it a point to walk down your area of Main Street there are so many restaurants for people to choose. Great job Bo.

Barnstable Economic Development Task Force: Overview and Recommendations by Elizabeth Jenkins, Director Planning and Development with Task Force Chair Alison Maloney, Matthew Eddy (Vice Chair) and Chuck Carey:

- The charge of the task force was to improve our business climate;
- People from all sectors to work together;
- what stands in the way of opening new businesses;
- what has been working well;
- What can be better?

We have spent a lot of time on the areas of focus; and have found three areas of zoning ordinances that could be updated (2020-019, 020, and 021), and to establish a Permit Coordinator Position (2020-024).

Councilor questions and comments:

Thank you for your time; expertise from many different disciplines; don't we currently have an ombudsman or outreach person in Town Hall? [We have a new Planning and Development coordinator; this is an enhancement of the site plan review position] As you look at Hyannis Harbor becoming a port of entry, please talk to Wayne Kurker, he has put many hours into this idea. We need better property information available on line [Maloney, the Town of Yarmouth has updated their website to make the history of a property available to all; every permit; copies of plans, special permits, what has happened over the years] Do we have as a town economic goals to increase the footprint, what are the goals [Jenkins, we look to and are guided by the Town Council Strategic Plan, enhancing the appearance of Barnstable, more coordinated outreach and marketing, all the work we do to diversify our mix of businesses and housing] our transportation corridors could be enhanced; more on the Assessors website is a good ask; look forward to seeing that happen. Do you work with other entities on the state level [Jenkins-again the charge of this task force was to look at barriers, enhancing services for small businesses] urge you to look for any possible potential incentives available to help bring businesses into Barnstable.

TOWN MANAGER COMMUNICATIONS:

Responding to public comment; the development of special events have been going on in the Town Green for a long time; the business came to us and asked us to change what was happening on Main Street. This was brought forward to the Town Council, and has not been gone before the licensing committee. As your Town Manager, I have had no business coming to me with a complaint; this is not something we are making a tremendous amount of money on; I did walk Main Street, most of the business shared with me, the same concerns but more common, when you do run these events, please have event parking and do not use up all the Main Street parking. More than 80% of the people coming to these events came for the event not to be on Main Street. We are trying to

benefit everybody, let's gather some data, make it relevant.

Update for the period August 16, 2019 through September 5, 2019 (EXHIBIT B)

Hurricane Dorian is continuing up the coast; keep a close eye on this, everyone is ready to respond (DPW, Police, and Fire)

Derek Lawson, Supervisor of the Harbormaster Division: moorings are renewed on an annual basis; 2,323 mooring permitted in Barnstable this year. Realignment to gain more mooring spaces; transient mooring rentals will be available close to Main Street;

Councilor questions and comments: Transients boat slips is there a specific number of days? [Maximum of 7 days for \$40.00 per night] Can they contact the harbormaster [yes] how many people are on the waitlist for Hyannis right now [188] how many throughout the town [about a 1,000] are you going to have transient moorings in Cotuit [yes, one, as this is a pilot program] how does this work for boatyards; [boatyards are separate, they can run their own program through their businesses] is there a way to ask people if they are going to use their mooring [current registrations for boats are required for each mooring] could regulatory help you monitor the moorings; day trippers versus overnighters, what will be your intent and your target [folks are looking to get into or travel to Hyannis, concentrating on getting the word out, it will continue to grow] Do you get two turns on a mooring [the rules and regulations are a work in progress].

Update for the period August 16, 2019 through September 5, 2019 (continued)

Budget Action Calendar for FY2021 is continuing

Town's Water Management Act

Signed access with Fish and Wildlife for the installation of test wells

Census 2020 Complete Count training on September 11th

Mass Department of Transportation has intersection improvements commencing

Councilor questions and comments:

Is there going to be a point person in the Town or will the communications about the intersection improvements go right to the State [communicate with us and we will help address any and all needs] Great job on the work done on the Indian Lakes treatments; searching for best practice has been successful. Thank you for bringing the new wells to fruition; dredging of Dead Neck and Sampson's. Is the County dredge not going to be involved? [Dan Santos, this is for the placement on the beach, it is a twofold process, the County will be doing the dredging work]

ACT ON MINUTES:

Upon a motion duly made and seconded it was voted to approve the minutes of the August 15, 2019 as written

VOTE: PASSES UNANIMOUS

COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements: Marstons Mills Village Day; HAC Annual Big Fix; HYCC's 10th Birthday; Barnstable High School's Network for Teaching Entrepreneurship (NFTE) we have many students with great ideas.

Council allowed taking 2020-017 out of order

2020-017 APPROPRIATION ORDER IN THE AMOUNT OF \$203,117 FOR THE FISCAL YEAR 2020 BARNSTABLE PUBLIC SCHOOLS OPERATING BUDGET INTRO: 08/15/19, 09/05/19

Dr. Meg Mayo Brown Superintendent of Barnstable Public Schools gave the rationale. This item is requesting supplemental funding for three positions; two for Councilor, and one Technology facilitator.

Open to public hearing seeing no one close public hearing

Councilor questions and comments:

Could you tell me how the guidance counselors versus school counselors are meeting with the children; [some of their work involves guidance; largely to support teachers in the curriculum, then additional services for students that need support; they see students as needed] There are no guidance counselors in addition to school counselors [no one is identified as a guidance counselors] Commend the bold move to help diversify the curriculum for the entire student body.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$203,117** be raised and appropriated for the purpose of funding the Fiscal Year 2020 Barnstable Public School Operating budget; and that this sum be added to the **\$69,599,861** appropriated under Town Council Order **2019-162** resulting in a total Fiscal Year 2020 Operating budget of **\$69,802,978**.

VOTE: PASSES 9 YES

2020-012 APPROPRIATION AND TRANSFER ORDER FOR \$30,000.00 FOR THE OUTBOARD ENGINE REPLACEMENT ON THE HARBORMASTER PATROL BOAT INTRO: 08/15/2019, 09/15/19

Open public hearing

Derek Lawson, Superintendent of the Harbormaster Division gave the rationale

Close the public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$30,000** be appropriated for the replacement of an outboard engine for the Harbormaster's south side patrol boat and that to meet this appropriation that **\$30,000** be transferred from the waterways improvement fund.

VOTE: PASSES 9 YES

2020-013 APPROPRIATION ORDER IN THE AMOUNT OF \$136,055 COMMUNITY PRESERVATION FUNDS FOR HISTORIC PRESERVATION AND RESTORATION OF ANNUAL TOWN REPORT VOLUMES YEARS 1868 TO 1994 INTRO: 08/15/19, 09/15/19

Rationale given by Lindsey Counsell, Chair of the Community Preservation Commission; Ann Quirk, Town Clerk gave the information regarding the use of the Annual Town Reports.

Open public hearing seeing no one close public hearing

Councilor questions and comments:

Will these be completely searchable, [yes, on laser fiche] how long do you anticipate the project to take [if something comes up, we can get the information on a pdf from the people doing the work] this is exciting, what happened to 1870, 74, and 80 [we no longer

allow borrowing from the Town Clerk's office] I will support this; what happens to the documents [they will be bound and in my office, which is required by law] Will these be available to everyone at any given moment [that is our intent, it will be open to the town initially] can I sit at home and look this up on my computer [eventually, in the big picture that is the intent]

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Thirty-six Thousand and fifty-five dollars and NO/100 **(\$136,055.00)** be appropriated and transferred from the amount set aside for historic preservation in the Community Preservation Fund to be expended for the preservation of historic assets consisting of Annual Town Reports for years 1868 to 2016 including without limitation scanning, de-acidification and encapsulation in mylar; and that the Town Manager is authorized to expend the amounts appropriated for the stated purposes subject to oversight by the Community Preservation Committee.

VOTE: PASSES 9 YES

<p>2020-015 APPROPRIATION ORDER OF \$242,822.00 FOR THE REHABILITATION AND RESTORATION WORK TO THE PAINE BLACK HOUSE, 2135 MEETINGHOUSE WAY, WEST BARNSTABLE, MA INTRO: 08/15/19, 09/05/19</p>
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Rationale given by Lindsey Counsell, Chair of the Community Preservation Commission, who introduced Town Architect, Mark Marinaccio to cover a power point presentation; this is to complete the work at the Paine Black House which is on the national register.

Councilor questions and comments:

Is this going out to bid [this structural work will be bid out] the final use of this house will be used for meetings, once complete how often is it going to be used, who is going to take care of the property; is this it? Have you done your final assessments on the project? [Marinaccio-yes] [Counsel, Property and Risk Management will be involved in this property and the Burgess property going forward for scheduling] Will this and the Burgess House be available to rent for events maybe for weddings? [David Anthony, Property and Risk Management the Meetinghouse Farm group will help and the Marstons Mills Village Association will help us understand who may want to use/rent these properties] I don't know if the meeting spaces are large enough [Anthony, three major rooms, allows for a more accessible space, 10 to 20 people, smaller rooms could have static historical displays, take the historical asset and make it more of learning capability] The Burgess House is a fragile asset, not as accessible, this is an interesting challenge. Encourage continued communication with the Marstons Mills Village Association; the chairs in the Burgess house are antiques; we could educate our youth on how Barnstable started out, how we are protecting the history of Barnstable. I will support this item. West Barnstable Civic Associations is looking forward to this project being completed; board of directors would like to meet there; historical reenactments; cooking with wood; a location to sell honey; a farmers market; extremely rare trees on the property; this is a wonderful gem; worth the time and money.

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$242,822.00 be appropriated for the purpose of rehabilitation and restoration work at the Paine Black House, 2135 Meetinghouse Way, West Barnstable, MA, and that to fund this appropriation, that pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Seventy-seven

Thousand and seventy-eight dollars and NO/100 (\$177,078.00) be transferred from the amount set aside for historic preservation in the Community Preservation Fund, including without limitation the interior door and fireplace rehabilitation and restoration, ADA bathroom and access ramp, subject to oversight by the Community Preservation Committee, and that Sixty Five Thousand Seven Hundred and Forty Four and no/100 (\$65,744.00) be transferred from the Capital Trust Fund, and that the Department of Public Works is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: PASSES 9 YES

2020-018 APPROPRIATION AND TRANSFER ORDER OF \$330,400 FOR THE TOWN-WIDE REAL ESTATE REVALUATION UPDATE INTRO: 09/05/2019

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$330,400** be appropriated and transferred from the Town's Stabilization Fund for the purpose of funding the town's real estate revaluation project

VOTE: TO A PUBLIC HEARING ON 9/19/19

Five minute recess...

2020-019 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE II SECTION 9 TO REMOVE SEASONAL RESTRICTIONS ON THE ERECTION OF TENTS AS TEMPORARY ACCESSORY STRUCTURES TO EXISTING PERMANENT BUSINESSES INTRO: 09/05/2019

Upon a motion duly made and seconded it was

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

SECTION 1: That Chapter 240, Article II, §9 "Temporary uses" of the Zoning Ordinance is hereby amended as follows:

1. Amend §240-9D(4) as follows:

a. Strike the phrase "only during the period beginning May 1 until October 31" so that it reads as follows:

(4) Subject to annual approval by the Building Commissioner, a tent may be erected and used as a temporary accessory structure to an existing permanent business. The tent shall conform to all parking requirements and bulk or dimensional requirements of this chapter.

VOTE: TO THE PLANNING BOARD-unanimous

2020-020 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE VII SIGN REGULATIONS TO ELIMINATE THE LOCATION HARDSHIP REQUIREMENT FOR A-FRAME SIGNS IN HYANNIS VILLAGE BUSINESS DISTRICT INTRO: 09/05/19

Upon a motion duly made and seconded it was

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

SECTION 1

That Chapter 240, Article VII, Section 60 "Definitions" of the Zoning Ordinance is hereby

amended to strike the definition for “LOCATION HARDSHIP SIGN”

SECTION 2

That Chapter 240, Article VII, Section 61 “Prohibited Signs” of the Zoning Ordinance is hereby amended as follows:

2. Amend §240-61(H) as follows:

a. Strike the phrase “with the exception of a location hardship sign in the HVB” and replace it with “with the exception of A-Frame Signs expressly permitted herein” so that it reads as follows:

(H) Any portable sign, with the exception of A-Frame Signs expressly permitted herein, including any sign displayed on a stored vehicle, except for temporary political signs.

SECTION 3

That Chapter 240, Article VII, Section 71 “Signs HVB District” of the Zoning Ordinance is hereby amended as follows:

1. Amend §240-71(E) as follows:

a. Strike the phrase “location hardship sign” and replace it with “A-Frame Sign” so that it reads as follows:

(E) Open/closed sign, business trade figure or symbol, or A-Frame Sign: Subject to § 240-85, Permit required; identification stickers.

2. Amend §240-71(E)(3) as follows:

a. Strike the phrase “location hardship sign” and replace it with “A-Frame Sign”; and
b. Strike the phrase “provided that a special permit is obtained from the Planning Board subject to the provisions of § 240-125C herein and”; so that it reads as follows:

(E)(3) A-Frame Sign. These signs are allowed in the HVB District, subject to the following criteria and performance standards.

3. Amend §240-71(E)(3)(a) as follows:

a. Strike subsection [1] in its entirety, which reads “Applications for location hardship signs shall demonstrate through visual evidence substantial obstruction or other substantial location hardship as defined herein.”; and

b. In subsection [2], strike the phrase “location hardship sign” and replace it with A-Frame sign and strike the word “frontage”

c. In subsection [3], strike the phrases “the Planning Board and” and “that is the subject of the special permit application”

d. Strike subsection [4] in its entirety, which reads “Where the location hardship sign is within the Hyannis Main Street and Waterfront Historic District a certificate of appropriateness shall be obtained prior to and submitted with the application for special permit.”

e. In subsection [5], strike the phrase “location hardship sign” and replace it with “A-Frame Sign”

- f. In subsection [5][b], strike the phrase “the Planning Board and”
- g. Renumber the remaining subsections [1] through [3];

So that §240-71(E) (3) (a) reads as follows:

(a) Criteria.

- [1] One A-Frame Sign is permitted per each business.
- [2] Evidence demonstrating to the satisfaction of the Building Commissioner that explicit written permission has been given by the owner(s) of the property proposed for placing the sign.
- [3] Where the A-Frame Sign is proposed on Town property, the following additional criteria shall be met:
 - [a] Proof of receipt of a license from the Town Manager or designee for the sign at the proposed location.
 - [b] Proof of insurance consistent with this license from the Town Manager or designee shall be provided to the Building Commissioner prior to placing any approved sign.

4. Amend §240-71(E)(3)(b) as follows:

a. Strike the phrase “location hardship signs” in subsection [1] and replace it with the phrase “A-Frame Signs”.

5. Amend §240-71(E)(3)(b)[1] as follows:

a. Strike the phrase “two feet by four feet” in subsection [1] and replace it with “eight square feet per side and four feet in height”, so that it reads as follows:

Shall not exceed eight square feet per side and four feet in height

VOTE: TO THE PLANNING BOARD-unanimous

2020-021 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, TO UPDATE AND STANDARDIZE REQUIREMENTS FOR EXTERIOR LIGHTING INTRO: 09/05/2019
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Upon a motion duly made and seconded it was

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

SECTION 1

That Chapter 240, Article III District Regulations, Section 24.1.3 “Hyannis Village Business District” subsection (D) “Site Development Standards” of the Zoning Ordinance is hereby amended as follows:

3. Amend §240-24.1.3D(6) as follows:

a. Strike the subsection in its entirety and replace it with “Exterior Lighting shall comply with the requirements in Section 240-24.1.11.”

SECTION 2

That Chapter 240, Article III District Regulations, Section 24.1.11 “Site Development Standards” subsection (A) (7) “Lighting” of the Zoning Ordinance is hereby amended as follows:

1. Amend §240-24.1.11(A)(7) as follows:

a. Strike the subsection in its entirety and replace it with the following:

(7) Exterior Lighting.

(a) Any outdoor lighting shall be directed onsite only.

(b) Light fixtures shall have a total cutoff of all light at less than 90 degrees and a beam cutoff of less than 75 degrees. Attached building or wall pack lighting should be screened by the building's architectural features or contain a 45 -degree cutoff shield.

(c) For commercial or mixed use developments, trespass of light at the property boundary shall not exceed 0.1 foot candles. Where commercial or mixed use developments abut a residential district, trespass of light at that boundary shall not exceed 0.05 foot candles. For developments that are exclusively residential, trespass of light at property boundaries shall not exceed 0.05 foot candles. At driveways, lighting may be up to 0.5 foot candles at the property line adjacent to a roadway. Electric service for lighting on posts or poles shall be placed underground.

(d) In no case shall exterior or outdoor lighting cause glare that impacts motorists, pedestrians or neighboring premises.

SECTION 3

That Chapter 240, Article IX "Site Plan Review", Section 103 "Site Development Standards" of the Zoning Ordinance is hereby amended as follows:

2. Amend §240-103(E) as follows:

a. Strike the phrase "All illumination shall be directed and/or shielded so as not to shine beyond the perimeter of the site or interfere with traffic" and amend the subsection to include the following subsections:

(1) Any outdoor lighting shall be directed onsite only.

(2) Light fixtures shall have a total cutoff of all light at less than 90 degrees and a beam cutoff of less than 75 degrees. Attached building or wall pack lighting should be screened by the building's architectural features or contain a 45 -degree cutoff shield.

(3) For commercial or mixed use developments, trespass of light at the property boundary shall not exceed 0.1 foot candles. Where commercial or mixed use developments abut a residential district, trespass of light at that boundary shall not exceed 0.05 foot candles. For developments that are exclusively residential, trespass of light at property boundaries shall not exceed 0.05 foot candles. At driveways, lighting may be up to 0.5 foot candles at the property line adjacent to a roadway. Electric service for lighting on posts or poles shall be placed underground.

(4) In no case shall exterior or outdoor lighting cause glare that impacts motorists, pedestrians or neighboring premises.

VOTE: TO THE PLANNING BOARD - unanimous

2020-022 ACCEPTANCE OF SEWER EASEMENT FOR 100 MERCHANTS WAY, HYANNIS, MA INTRO: 09/05/2019

Upon a motion duly made and seconded it was

RESOLVED: That the Town Manager is authorized to accept, execute, deliver and record on behalf of the Town an exclusive permanent right and easement from Cape Cod Aggregates Corp. to install, inspect, operate, maintain, change the size of, replace and repair a utility sewer and associated pipes, mains, manholes, equipment, other sewer infrastructure and appurtenances thereto, on, over and under Merchants Way and Business Lane in Hyannis to be held under the care, custody and control of the Department of Public Works,

VOTE: TO A SECOND READING 9/19-unanimous

2020-023 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$155,538 FROM THE COASTAL POLLUTANT REMEDIATION GRANT PROGRAM TO DESIGN AND CONSTRUCT STORMWATER BEST MANAGEMENT PRACTICE (BMP) FOR THE THREE BAYS AREA INTRO: 09/05/19

Rationale given by Dan Santos, Director of Public Works

Councilor questions and comments:

Where are these two high priority projects [just adding to the 10 projects underway; there just adding to those projects] Are you continuing to work with AAPC, any projects that are near water that we don't impede the public's way to water

Upon a motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a grant of **\$155,538** from the Massachusetts Office of Coastal Zone Management to support the continuation of the stormwater remediation Best Management Practice (BMP) program implementation in the Three Bays Area and does hereby authorizes the Town Manager to contract for and expend said funds for that purpose.

VOTE: PASSES 9 YES

2020-024 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$15,000 FOR THE FISCAL YEAR 2020 PLANNING & DEVELOPMENT DEPARTMENT OPERATING BUDGET INTRO: 09/05/2019

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$15,000** be appropriated for the purpose of funding the Fiscal Year 2020 Planning and Development Department Operating Budget; and that this sum be added to the **\$2,130,304** appropriated under Town Council Order **2019-164** resulting in a total Fiscal Year 2020 operating budget of **\$2,145,304**

VOTE: TO A PUBLIC HEARING ON 9/19 - UNANIMOUS

2020-025 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$549,000.00 FOR THE PURPOSE OF ACQUIRING REAL PROPERTY CONSISTING OF APPROXIMATELY .32 ACRES OF LAND (32/100), MORE OR LESS, IN BARNSTABLE SHOWN ON ASSESSORS MAP 208 AS PARCEL 048 TO BE ASSOCIATED WITH THE CONSTRUCTION OF A NEW SEWER INFRASTRUCTURE INTRO: 09/05/2019

Upon a motion duly made and seconded it was

ORDERED: The Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under chapter 79 of the General Laws of Massachusetts, or otherwise

acquire for sewer, infrastructure, and related purposes a parcel of land located at 310 Main Street, Barnstable (Centerville) Massachusetts, described as Town of Barnstable Assessors' Map 208, Parcel 048 described in a deed recorded with Barnstable County Registry of Deeds in Book 27508, Page 175, that the sum of **\$549,000.00** be appropriated for the purpose of funding this acquisition, including the payment of costs incidental or related thereto, and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$549,000.00**, under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and that the Town Manager is authorized to accept any grants or gifts in relation thereto.

VOTE: TO A PUBLIC HEARING ON 9/19 - UNANIMOUS

**2020-026 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$283,900.00 FOR THE PURPOSE OF ACQUIRING REAL PROPERTY CONSISTING OF APPROXIMATELY .65 ACRES OF LAND (65/100), MORE OR LESS, IN BARNSTABLE SHOWN ON ASSESSORS MAP 209 AS PARCEL 019 TO BE ASSOCIATED WITH THE CONSTRUCTION OF NEW SEWER INFRASTRUCTURE
INTRO: 09/05/2019**

Upon a motion duly made and seconded it was

ORDERED: The Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under chapter 79 of the General Laws of Massachusetts, or otherwise acquire for sewer, infrastructure, and related purposes a parcel of land located at 1456 Falmouth Road, Route 28, Barnstable (Centerville) Massachusetts, described as Town of Barnstable Assessors' Map 209, Parcel 019 described in a deed recorded with Barnstable County Registry of Deeds in Book 7120, Page 285, that the sum of \$283,900.00 be appropriated for the purpose of funding this acquisition, including the payment of costs incidental or related thereto, and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$283,900.00**, under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and that the Town Manager is authorized to accept any grants or gifts in relation thereto.

VOTE: TO A PUBLIC HEARING ON 9/19 - UNANIMOUS

**2020-027 AUTHORIZING THE TOWN MANAGER TO DRAFT AND BRING FORWARD TO THE TOWN COUNCIL SPECIAL LEGISLATION TO AUTHORIZE THE TOWN OF BARNSTABLE TO OWN, MANAGE, OR CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY, OR BOTH, FOR THE MANAGEMENT OF WATER/WASTEWATER UTILITIES
INTRO: 09/05/2019**

Substitute motion:

Upon a motion duly made and seconded it was

RESOLVED: That the Town Manager, in coordination with the Town Council, draft for approval of the Town Council special legislation to authorize the Town of Barnstable to own, manage, or contract with any public or private entity, or both, for the management of water and/or wastewater facilities

VOTE: PASSES 9 YES

MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE, LEASE, OR VALUE, OR THE POSSIBLE TAKING BY EMINENT DOMAIN, OF CERTAIN ROADWAYS IN THE VILLAGE OF HYANNIS, MA

Upon a motion duly made and seconded it was to

move to go into Executive Session under M.G.L. c. 30A, § 21 (6) to discuss the purchase, exchange, lease, or value, or the possible taking by eminent domain, of certain roadways in the village of Hyannis, MA if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town and not to reconvene in open session.

The Chair declares the Executive Session is necessary for the litigating position of the town and is well warranted.

VOTE: PASSES 9 YES

Town Attorney, Ruth Weil, asked that we correct the motion due to an error made in drafting the motion.

One minute break

MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE, LEASE, OR VALUE, OR THE POSSIBLE TAKING BY EMINENT DOMAIN, OF CERTAIN ROADWAYS IN THE VILLAGE OF HYANNIS, MA

Upon a motion duly made and seconded it was to

move to go into Executive Session under M.G.L. c. 30A, § 21 (6) to discuss the purchase, exchange, lease, or value, or the possible taking by eminent domain, of certain roadways in the village of Hyannis, MA if the Chair declares that an open meeting may have a detrimental effect on the **negotiating** position of the Town and not to reconvene in open session.”

The Chair declares that an open meeting will have a detrimental effect on the negotiating position of the town and we will not reconvene in open session.

VOTE: PASSES 9 YES

Respectfully submitted,

Ann M. Quirk
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: September 19, 2019

EXHIBITS:

- A. Cape Cod Beer letter to Hyannis Main Street
- B. Town Manager Update
- C. Moorings PowerPoint