



Town Council Meeting
January 21, 2021



The January 21, 2021 meeting of the Barnstable Town Council was physically closed to the public to avoid group congregation.

A quorum being duly present, President Matthew Levesque called the January 21, 2021 Town Council meeting to order at 7:00 PM from a remote location.

An announcement was made by President Levesque 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: (On Zoom) Nikolas Atsalis, David Bogan Kristine Clark, Jennifer Cullum, Debra Dagwan, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **Absent:** Paul Neary

The Pledge of Allegiance was led by Councilor Shaughnessy followed by a moment of silence.

PUBLIC COMMENT:
No public comment

Councilor Response to Public Comment: None

TOWN MANAGER COMMUNICATIONS:
Update January 8 through January 21, 2021 (Exhibit A)

Andrew Clyburn, Assistant Town Manager provided an update on COVID vaccinations: describing a three phase plan for the rollout of the vaccinations, and shared a Town of Barnstable website, with lots of information for all. There is no current list being developed thus far. Phase one through February, phase two through April and phase three through June. First responders have been vaccinated. Encouraging everyone to use whichever path helps them to receive the vaccine. Please remain patient.

Councilor questions and comments:

(Cullum) Sharing concerns for the homeless population especially on this cold day they need to be in shelters. (Clyburn) St Joseph's House and all the other congregate facilities are scheduled to be vaccinated the first week of February. (Rapp-Grasseti) Veterans are not addressed, if you are a Veteran over the age of 85 please call the Veterans Administration, they do have the vaccine. (Clyburn) Yes, they were through the Federal plan, urge everyone to use whichever path will provide them with the vaccine. (Schnepf)

Another group not listed is some of the residents in senior housing that have received HUD housing, their paths through the Federal program. We have a number of people that are part of a vulnerable population. Is the staff being compensated for providing this vaccine (Clyburn) we are capturing the information for our Finance Director (Milne) these types of costs, rolling out the vaccine is reimbursable under the current program. (Schnepp) The vaccine is free to all.

Town Manager

- Continue to follow the Orders and Directives of our Governor
 1. Wear face coverings
 2. Wash your hands frequently
 3. Maintain proper physical distancing
 4. Stay home from work, school, sports and other activities when ill

- Proceeding with the tasks in the Budget Action Calendar for FY2022
- December 10th Special Town Council meeting to review the Fiscal Policy relative to the Comprehensive Wastewater Management Plan (CWMP)
- Accessory Dwelling Units public meeting on January 25th
- On January 20th provided the Town Council with a memo outlining the response to the Citizens Request.

Councilor questions and comments:

(Starr) On the 25th will there be a Planning Board Meeting for Accessory Dwelling as well as a regular Planning Board meeting on the 25th? (Jenkins) we wanted to host the meeting along with a the Planning Board, at 6 PM, the regularly scheduled meeting will be at 7:30, however, we are not discussing the Accessory Dwellings at that meeting. (Clark) Can you provide a frequently asked questions and answers for those who cannot attend the meetings (Jenkins) yes we have that up right now and can add a box for questions. (Schnepp) the sessions in Feb and March sounds like a great idea is there a way to publish those meetings other than the website. (Ells) I will defer to Lynne Poyant, Director of Communications to try to reach everyone by the best means possible, and will keep the Council involved step by step. Your concerns and recommendations will be heard. (Levesque) we are utilizing our website, our Enews letter, our Channel 18 and our Face book page to keep our public engaged. (Shaughnessy) Thrive magazine has a large subscriber base, that would be a great format to rollout the information also. (Ells) Yes, we will use every channel that is available to us.

Comprehensive Wastewater Management Plan (CWMP) (Exhibit B)

Dan Santos, Director of Public Works gave an update on the Comprehensive Wastewater Management Plan. He discussed the regulatory requirement to meet the Federal law for the Clean Water Act Standards. Santos is very satisfied with the product. The final step is with the Cape Cod Commission, that our plan is consistent with the requirements of the 208 section of the Clean Water Act.

Councilor questions and comments:

(Rapp Grasseti) This is not boring, it is very exciting, is the Town of Barnstable required to have a reserve or escrow fund for these facilities (Milne) as we build this system out, we will make sure we accumulate some reserves to protect the assets. (Rapp Grasseti) About how many people attended that meeting regarding the pump station (Santos) over 40 people attended (Clark) appreciate the big picture, congratulations for making the extra

effort for this comprehensive proposal, makes me proud of Barnstable and for the citizen engagement. (Hebert) It was a great presentation and a few Councilors attended the Strawberry Hill Pump Station overview, public was very impressed with your program, you and staff gave an excellent presentation. (Shaughnessy) I am proud of the DPW from the scale of the project and the first ten years the 40% reduction, thank goodness; so impressed with the great video done for the Youth Commission. (Cullum) These complicated projects really give a chance for our staff to shine, excellent job to you and your staff. (Schnepp) Echo fellow councilors, the flow of information was comprehensive and understandable, hope this could be encapsulated for the citizens to review; Are we still pursuing and removing nitrogen that is already in our waterways (Santos) alternatives in the Marstons Mills river watershed, dredging Mill Pond and reclaim bogs; submit those as separate projects. We are pursuing how we can address current septic systems that could help reduce the amount of pollutants, with local regulations

ACT ON MINUTES:

Upon a motion duly made and seconded it was to approve the January 7, 2021 minutes, with one minor edit.

VOTE: PASSES 12 YES

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

The Farmer to Families program is now at the Transportation Center, you must register before hand, great turnout, and thanks to the Councilors that helped out to serve our community.

Commend our Director of Planning, Elizabeth Jenkins and Elizabeth Wurfbain for the Presentation at the MMA.

Five minute break

Joint Meeting of the Town Council and the Barnstable School Committee:

Chair Mike Judge opened the School Committee meeting with a roll call vote. Present: Kathleen Bent, Barbara Dunn, Stephanie Ellis, Mike Judge, and Joe Nystrom.

Director of Finance, Mark Milne shared his PowerPoint presentation and began with the Financial Report Card, explaining how the scoring is done to achieve the triple "A" rating that did continue in February of 2020. Gareth Markwell presented the Student Enrollment and School Spending Trends. A number of students have changed to Home Schooling. Mark Milne completed the presentation with the FY22 Operating Budget and Capital Program Projections (Exhibit C)

Discussion:

(Nystrom) Massachusetts Teachers Retirement System (MTRS) liabilities primarily funded by employees, why is that a liability (Milne) we have to disclose it in our financial statements, just in case it is transferred to the town from the state. It is a state liability. (Bogan) Outstanding job, Proforma projections for state aid at 3%, was that adjusted (Milne) we did adjust it down due to the pandemic, we expect it will go up again. (Atsalis) COVID Grants Awarded to Date slide why is the Housing and Urban development such a small amount that has been spent, how is that being spent (Jenkins) the majority of our first round grants went to child care, to remote learning, to food needs, the delay is in getting the funds into the bank. We still do not have all the funds in the bank from the

Federal government as soon as that money hits the bank it will be spent on small businesses (Ellis) the school district has had a sharp decrease in the enrollment, we could have a sharp decrease in the funding. We have asked for our district to be held harmless, trying to fight that through the legislative side. (Hebert) COVID grants from Housing & Urban Development (HUD) are we able to give relief to folks with their rents or mortgages, (Jenkins) we have been working through our Affordable Housing Trust Fund along with Housing Assistance to provide rental assistance to our rental customers; some of our funds may be replenished, we could help fund other CB3 money to housing, small business, and human services. (Atsalis) School enrollment, the enrollment has been going down the last four years, are questions being asked when the students are leaving the system such as an exit interview (Mayo-Brown) the Cape has seen a decline in student enrollment, not unique to Barnstable. (Atsalis) but what is the reason for wanting to leave the Barnstable School system (Mayo-Brown) smaller school settings, families moving off the Cape, families are making decision for their child's needs. (Rapp Grasseti) We are talking about the enrollment and revenue sharing I think that should go hand in hand, one of the factors, young families moving off Cape, and the world is seeing a decrease in population, my concern is about the 37/63 split, the school department has shuttered several schools, it is high time that the Manager, Superintendent, and the Finance Director talk about revenue sharing. We are going to need the monies to help with the CWMP infrastructure needs. (Clark) Echo Councilor Rapp Grasseti's comments, the closed buildings were shifted to the town, the Asset Management Committee has to deal with the schools, with the declining enrollment; are those reserves staying with the Enterprise Funds, (Milne) Yes, they cannot be transferred to the General Funds. (Dagwan) Thorough presentation by the Finance Director, I would like to see us put the effort into our students. We have children coming with different languages, trying to communicate with them; low income student population is increasing. You have to have specific types of programs to help the students. We have to continue to give as much to our students, as we do our elderly and everyone else. I don't think that now is the time to take money away from the schools. Give support to our school department.(Nystrom) to address the split, go back to Gareth's presentation, we are average, we are mandated to do so much more, it is a different ball game, and the mandates are unfunded, cutting right now would be horrendous. (Cullum) We should be fiscally responsible to look at the split. My concern is the vision we have or don't have for the future for our kids. The ratings for Barnstable Schools are not that high, we want our children to go to the Barnstable Schools because it is the best. I had the opportunity to listen to the teachers interacting with my son as he was schooled on a zoom call. (Atsalis) As Councilors, we are trying to make sure that the budget is being spent appropriately, as efficiently as possible. I am sure there is some waste and some redundancy, (Dunn) the demands of high needs students, with the pandemic, we are going to have more mental health issues, and that all comes with cost. (Ellis) Thanked Councilor Dagwan for seeing both sides of this budget; to give some perspective she explained we have a much larger group of high risk/needs children than the state average. The high risk/needs children require the commitment of the school committee and of the town council. High needs have been an upward swing for years now. (Bent) Thank you for your views, we are providing the public with more materials, we are taking steps to show the public where every dollar is spent, asks everyone to listen in to the school committee meetings. (Levesque) thank you Kathy, I appreciate those words (Cullum) my objection is not about the money, it is the vision. (Hebert) Statistics coming out of our colleges, mental health figures are incredibly high, young people are experiencing fear and anxiety, where do you see the extra money needed, thank you for what you are doing for our students. (Shaughnessy) Cobb Trust there always seems to be some income that was carried over, has there been a conversation with the Trustee, and

to see this money used to do a lot more for the kids. (Mayo-Brown) last week the Assistant Superintendent had that conversation of what/how could that funding be used for the children? (Levesque) just because someone says that we should review the split, it does not mean we want to take the money away from the system. I have children in the system; we just need to find ways to consistently do things better. We all have to work together. We are all in this together; we want the very best for the children.

School Committee Chairman Judge stated this has been a productive meeting with much more communication between the members; we are all elected officials trying to do the best for the Town of Barnstable and the students of the town. This conversation needs to happen in public, we are asking the tough questions. Upon a motion duly made and seconded it was to adjourn the Barnstable School Committee meeting with a roll call vote at 10:20 PM.

2021-063 APPROPRIATION ORDER IN THE AMOUNT OF \$85,000 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 NOTICES OF INTENT TO SUE RECEIVED FROM THE CONSERVATION LAW FOUNDATION INTRO: 01/07/2021, 01/21/2021

Open to a public hearing, seeing no one close public hearing
Karen Nober, Town Attorney gave the rationale. The appropriation is needed to cover expenses for the law firm of Anderson & Kreiger; the outside counsel would handle the two Notices of Intent to Sue from the Conservation Law Foundation regarding septic systems putting nitrogen into the region's waters.

Councilor questions and comments:

(Atsalis) Do they have extensive experience with these types of litigation, (Nober) yes, very often avoiding litigation is a win (Hebert) read an email from Gary Lopez regarding Lewis Bay (Exhibit D) (Hebert) This Council is committed to reducing the pollutants, we are way ahead on that process, I will support this item (Ells) we had anticipated looking at our nutrient load leaving the wastewater treatment facility separate from this lawsuit, we do need to prepare, we feel strongly that this is the support we need. (Hebert) I am totally in favor of this item. (Nober) resisting responding so we don't get into litigation strategy without going into executive session.

Upon a motion was duly made and seconded it was

ORDERED: That the sum of **\$85,000** be 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 Notices of Intent to Sue received from the Conservation Law Foundation; and that to meet this appropriation, that \$85,000 be transferred from the General Fund Reserves.

VOTE: PASSES 12 YES

2021-065 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$10,400 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF ENHANCING THE TOWN'S WASTE REDUCTION PROGRAMS INTRO: 01/21/2021

Dan Santos, Director of Public Works gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby accept a grant in the amount of **\$10,400** from the Massachusetts Department of Environmental Protection for the purpose of enhancing the Town's Waste Reduction Programs through the acquisition of recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other related expenses; and that the Town Manager be authorized to contract for and expend the grant funds made available for these purposes.

VOTE: PASSES 12 YES

**2021-066 APPROVING THE NAMING OF THE DEPARTMENT OF PUBLIC WORKS ADMINISTRATION BUILDING AT 382 FALMOUTH ROAD HYANNIS, MA, AS THE CAPTAIN ROBERT L. O'BRIEN PUBLIC WORKS ADMINISTRATION BUILDING
INTRO: 01/21/2021**

Town Manager, Mark Ells gave the rationale, and Bud Breault gave his tribute to Bob O'Brien and asked the Council to support this item.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby approve the naming of the Department of Public Works Administration Building at 382 Falmouth Road Hyannis, MA, as the Captain Robert L. O'Brien Public Works Administration Building

VOTE: PASSES 12 YES

**2021-067 APPROPRIATION ORDER IN THE AMOUNT OF \$45,000 FOR THE PURPOSE OF ACQUIRING AN EASEMENT ON A PORTION OF THE PROPERTY LOCATED AT 528 CRAIGVILLE BEACH ROAD, BARNSTABLE (CENTERVILLE) MASSACHUSETTS SHOWN ON ASSESSORS MAP 246 AS PARCEL 071 TO BE ASSOCIATED WITH THE CONSTRUCTION OF NEW SEWER INFRASTRUCTURE
INTRO: 01/21/2021**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$45,000** be appropriated for the purpose of acquiring an easement and other costs incidental thereto, and to fund this appropriation, that **\$45,000** be transferred from the available balance in the Sewer Construction and Private Way Maintenance and Improvement Special Revenue Fund; and that 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, an easement on a portion of the parcel of land located at 528 Craigville Beach Road, Barnstable (Centerville) Massachusetts, as show on the Plan entitled "Sewer Easement Plan, 528 Craigville Beach Road, Village of Centerville, Barnstable Massachusetts", prepared by, and on file with, the Barnstable Department of Public Works.

VOTE: Refer to a public hearing on 2-4-2021-Unanimous

2021-068 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND PEARL STREET HOLDINGS, LLC FOR 9 NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 39 PEARL STREET, HYANNIS, MA INTRO:

01/21/2021

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Pearl Street Holdings, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for nine (9) new market rate residential units located at 39 Pearl Street, Hyannis, MA (Assessor's Map 308, Block 089), substantially in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Department of Housing and Community Development for approval.

VOTE: Refer to a public hearing on 2-4-2021-Unanimous

2021-069 APPROVAL OF AN AMENDMENT TO THE HOUSING DEVELOPMENT INCENTIVE PROGRAM ZONE AND PLAN TO INCLUDE 850 FALMOUTH ROAD & 3 WHITEHALL WAY IN HYANNIS, MA FOR SUBMISSION TO THE MASSACHUSETTS DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD) INTRO: 01/21/21

Elizabeth Jenkins, Director of Planning and Development gave the rationale utilizing a PowerPoint program and introduced Attorney David Lawlor representing the developers.

Councilor questions and comments:(Shaughnessy) what can you tell us about this development, how many units (Lawler) 53 multi-family units, 43 market rate and 10 affordable, this will come before you again on the fourth, at that time Attorney Kenny will be presenting to you on the fourth. The zoning request will be two issues. Take the smaller parcel, and turn it into the MAH district. The second zoning issue is to allow through a special permit of the Planning Board. Cost of new construction is so high we cannot make this work with the current formula. We need have a multi-tiered approach, the numbers do not add up. The only way the math works is to adjust the zoning.

Upon a motion duly made and seconded it was to go beyond 11 Pm

VOTE: PASSES 12 YES

(Shaughnessy) This has been an eyesore for such a long time; thank you and Mr. Telman for investing in the property. (Hebert) Thank you for taking a chance I support this project. (Starr) Who will negotiate the TIE agreement (Jenkins) there is an application, a pre-application, and a proforma review and it is presented to the Town Council for approval, then it is signed off by the Town Manager. (Rapp Grassetti) thank you for your investment in our town, why is there something in our packet from the TIE committee (Jenkins) Two items tonight that applied to the Housing Development Incentive Program (HDIP), the first one is for an actual TIE agreement for a separate project; this request before you is to expand the HDIP zone to include these parcels should the council approve this tonight it will go to the Council for your review.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council, pursuant to M.G. L. Chapter 40V and Massachusetts Regulations 760 CMR 66.00, hereby approves the Housing Development Incentive Program (HDIP) Zone and Housing Development Zone Plan amendment for the Town of Barnstable, dated January 14, 2021, to include 850 Falmouth Road and 3

Whitehall Way in Hyannis, MA; and further authorizes the Town Manager to forward said Housing Development (HD) Zone and Housing Development (HD) Zone Plan Amendment for certification to the Massachusetts Department of Housing and Community Development (DHCD) for its approval and endorsement and acknowledges that upon the approval and endorsement of said Zone designation and Zone Plan Amendment by DHCD, the Town will be authorized to negotiate tax increment exemptions from property taxes in the designated HD Zone for a period not to exceed twenty (20) years for projects that meet the guidelines set forth under M.G. L. Chapter 40V and the regulations set forth in 760 CMR 66.00.

VOTE: PASSES 12 YES

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 11:06 PM

Respectfully submitted,

Ann M Quirk
Town Clerk/Town of Barnstable

NEXT MEETING: February 4, 2021

Exhibits:

- A. Town Manager update.
- B. CWMP Calendar of Public Engagements
- C. Update on the Financial Condition of the Town
- D. Email from Gary Lopez