



Town Council Meeting
October 7, 2021



A quorum being duly present, Vice President Paula Schnepf called the October 7, 2021, Town Council meeting to order at 7:00 PM.

An announcement was made by Vice President Schnepf 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, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber (7:55) **Absent:** Matthew Levesque

The Pledge of Allegiance was led by Councilor Starr. During the moment of silence, Councilor Rapp Grasseti, asked everyone to keep the families of Peter Murray and Rick Barry in our thoughts and prayers.

PUBLIC COMMENT:

Tina Carey sent an email to the Council and read it into the meeting, regarding the option of opting out of the Business Improvement District (BID). At inception, businesses were given the option of opting out, but that was later removed through the legislature. The question is are the original opt out properties grandfathered in, she asked to be put on the Town Council agenda, for the Councilors to vote on whether or not her property is grandfathered as an opt out.

Close public comment.

Council Response to Public Comment:

(Bogan) Ms. Carey I support your initiatives, however, did the amended law provide for grandfathering, if not, our hands are tied.

(Hebert) Do we have that authority?

TOWN MANAGER COMMUNICATIONS (update Exhibit A)

Planning and Development Director, Elizabeth Jenkins gave an update on the Local Comprehensive Plan (LCP). Currently, the timeline is to get the information out to the residents to include them in the planning.

Councilor questions and comments:

(Schnepf) Will you be speaking about the application process at the next meeting

(Jenkins) we are just getting started, we will have more information about this at the next meeting.

Town Manager communications continued:
Budget Action Calendar is proceeding

Asked for a dismissal of the first of two lawsuits, we have a thirty year plan
Housing and Community Development Grant
Commonwealth Community Cabinet meeting
Vineyard Wind regarding Phase One and Phase Two Projects
Sewer Expansion Construction continues
The Distribution and Composition of Per- and Polyfluoroalkyl (PFAS)

Councilor Response to Town Manager’s Report:

(Hebert) Anybody in the community that would like to be part of an advisory committee regarding PFAS, please contact the Council office, this is a serious problem. He would like to ask our state legislation to have labeling on every item that contains PFAS. (Ells) there is a proposal regarding banning packaging that contains PFAS.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of September 16, 2021 as presented.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr.

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

(Atsalis) Ribbon cutting on October 13th at the grand opening of the pickle ball court in Marstons Mills; Centerville Recreation building is open for rentals; Youth and Community Center needs workers; (Rapp Grasseti) October 13th Cotuit Historical Society, having a pie fundraiser, and open hearth cooking demonstration; Cahoon Museum open on Sundays free to the public from 1 to 4 PM. (Dagwan) Hyannis Civic Association Candidates night Tuesday October 19th, Deb Krau will be the moderator; Hyannis Open Streets event on the October the 17th fun for all ages; she sends her condolences to Rick Barry’s family. (Hebert) Sewer project on Strawberry Hill Road, affecting precincts four and three, the DPW is doing a great job, using safety precautions; the residents received a packet of information from the DPW for the resident to note the place of the “stub connector” at the property lines. (Clark) West Barnstable Civic Association Tuesday October 19th Candidates night for School Committee seats; fall walking weekend led by volunteers, times posted on the Land Acquisitions and Preservation Committee page on the town website. (Bogan) Saturday October 9th, Osterville’s Fall Fest, free ice cream and cookies, there is also a fall festival food drive of non-perishable canned and dry goods food collection.

Short Break to 8:05 PM

**2022-023 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
10/07/2021**

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Lucinda Loring, as a regular member to a term expiring 06/2024; **Disability Commission:** Brian Freeman, as a regular member to a term expiring 06/2024; John Lundborn, as a regular member to a term expiring 06/2023; **Hyannis Main Street Waterfront Historic District Commission:** Mark Despotopulos, as a regular member to a term expiring 06/2023; **Planning Board:** Tim

O'Neill, as a regular member to a term expiring 06/2022

VOTE: TO A 2ND READING ON 10/21/21-Passes 11 Yes

Roll Call: Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Neary, Schnep, Shaughnessy, Starr, Steinhilber. (Cullum off zoom)

2022-024 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

INTRO: 10/07/2021

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Disability Commission:** Paula Breagy as a regular member to a term expiring 06/2022.

VOTE: TO A 2ND READING ON 10/21/21 –Passes 12 yes

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnep, Shaughnessy, Starr, Steinhilber.

2022-025 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, § 241-21 BOARD OF HEALTH

INTRO: 10/07/2021

Upon a motion duly made and seconded it was

ORDERED: That pursuant to Section 5-1 of the Town of Barnstable Home Rule Charter, the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, § 241-21 Board of Health, Section A, is hereby amended by striking out “three” in the first sentence and inserting “five” in its place.

So that § 241-21 A., as amended, shall read as follows:

“A. Term of office. There shall be a Board of Health consisting of five regular members, one of whom shall be a physician, plus one alternate member. The alternate member shall have voting rights at meetings if there is an absence of a regular member.”

VOTE: TO A 2ND READING ON 10/21/21-Passes 12 yes

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnep, Shaughnessy, Starr, Steinhilber.

2022-026 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 STATE 911 DEPARTMENT EMERGENCY MEDICAL DISPATCH GRANT IN THE AMOUNT OF \$20,566.86 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

INTRO: 10/07/2021

Chief Sonnabend gave the rationale.

Councilor questions and comments:

(Clark) Can this training be done without overtime expenses (Sonnabend) No, have to be trained off their shift; cannot do training during calls, we have to review the calls to make sure we are maintaining a high level of performance.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes to expend a Fiscal Year 2022 State 911 Department Emergency Medical Dispatch Grant in the amount of **\$20,566.86** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security for the purpose of funding costs associated with emergency dispatch operations, and that

the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-027 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 MUNICIPAL ROAD SAFETY GRANT IN THE AMOUNT OF \$49,997.00 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 10/07/2021

Chief Sonnabend gave the rationale.

Councilor questions and comments:

(Clark) on the education for minors using a distracted mat and a drinking and driving mat, what are they? (Sonnabend) we have goggles and mats that simulates what it would be like to drive impaired (Rapp Grasseti) whatever you can do to curb the speeding on a year round basis would be good.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize to expend a Fiscal Year 2022 Municipal Road Safety Grant in the amount of **\$49,997.00** from the Commonwealth Executive Office of Public Safety and Security, Highway Safety Division for the purpose of funding the cost of traffic enforcement mobilizations, equipment and driver education for minors, and that the Town Manager be authorized to contract for and expend the grant funds for the purposes set forth herein.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-028 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 COASTAL POLLUTANT REMEDIATION GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF COASTAL ZONE MANAGEMENT IN THE AMOUNT OF \$126,915 FOR CONSTRUCTION OF STORMWATER IMPROVEMENTS ON RIVER ROAD IN MARSTONS MILLS INTRO: 10/07/2021

Dan Santos, Director of Public Works gave the rationale.

Upon a motion duly made and seconded

RESOLVED: That the Town Council does hereby authorize to expend a Fiscal Year 2022 Coastal Pollutant Remediation Grant in the amount of **\$126,915** from the Commonwealth of Massachusetts, Department of Coastal Zone Management for the purpose of constructing stormwater improvements along River Road in Marstons Mills, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-029 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY GRANT IN THE AMOUNT OF \$62,779.94 FOR RADIO REPLACEMENTS IN THE MARINE AND ENVIRONMENTAL AFFAIRS DEPARTMENT INTRO: 10/07/2021

Brian Taylor, Harbormaster for the Town of Barnstable gave the rationale.

Councilor questions and comments:

(Bogan) how old is some of the equipment? (Taylor) 10 to 12 years old nothing digital (Ells) tomorrow is national Harbormaster's day, thank you and your staff for keeping everyone safe out there!

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize to expend a Fiscal Year 2022 Commonwealth of Massachusetts Interoperable Radio System (CoMIRS) Radio Upgrade Grant from the Commonwealth of Massachusetts, Executive Office of Technology Services and Security in the amount of **\$62,779.94** for the replacement of 12 portable and 14 mobile radios and the associated programming and installation costs in the Marine and Environmental Affairs Department, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-030 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 SEAPORT ECONOMIC COUNCIL GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT IN THE AMOUNT OF \$256,800 FOR DESIGN AND PERMITTING OF THE HYANNIS HARBOR DREDGING INTRO: 10/07/2021

Dan Santos, Director of Public Works gave the rationale.

Councilor questions and comments:

(Rapp Grasseti) what was the last time it was dredged? (Santos) about 5 years ago (Clark) What is the approximate interval of dredging in that area (Santos) about 5 to 7 years, we monitor it yearly. (Starr) what happens to the dredge spoil? (Santos) part of the design, there several alternatives; these are not sediments we can reuse. (Cullum) This is an opportunity for the Civic Association to be involved moving forward.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize to expend a Fiscal Year 2022 Seaport Economic Council grant from the Commonwealth of Massachusetts, Executive Office of Housing and Economic Development in the amount of **\$256,800** for the design and permitting of the Hyannis Harbor Dredging Project, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-031 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 SEAPORT ECONOMIC COUNCIL INFRASTRUCTURE GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT IN THE AMOUNT OF \$465,600 FOR DESIGN AND PERMITTING OF THE BISMORE PARK MARINA IMPROVEMENTS
INTRO: 10/07/2021

Dan Santos, Director of Public Works gave the rationale.

Councilor questions and comments:

(Starr) will you be meeting with the user group people to find out what they need? Is this money spent in house? (Santos) we will involve user groups and the money is not spent in-house. (Schnepp) Seaport Council grants, do you have any idea how much money we have received through grants, (Santos) no, not at this time, however, it is well worth the effort.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize to expend a Fiscal Year 2022 Seaport Economic Council Infrastructure Grant from the Commonwealth of Massachusetts, Executive Office of Housing and Economic Development in the amount of **\$465,600** for the design and permitting of the Bismore Park Marina Improvements Project, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: VOTE: PASSES 12 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepp, Shaughnessy, Starr, Steinhilber.

2022-032 RESOLVE AUTHORIZING THE TOWN MANAGER TO EXECUTE A FIRST AMENDMENT TO THE HOST COMMUNITY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND VINEYARD WIND, LLC, DATED OCTOBER 3, 2018, AND TO EXECUTE A SECOND HOST COMMUNITY AGREEMENT WITH VINEYARD WIND, LLC FOR THE PROJECT CURRENTLY PENDING BEFORE THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF PUBLIC UTILITIES IN D.P.U 20-56 AND 20-57 AND WITH THE ENERGY FACILITIES SITING BOARD IN EFSB-20-01
INTRO: 10/07/2021

Town Manger, Mark S. Ells gave a general rationale.

Councilor questions and comments:

(Clark) Is this agreement available to the public to view (Ells) Not yet, as this is still in draft form.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council approves the execution and delivery by the Town Manager of a First Amended Host Community Agreement between the Town of Barnstable and Vineyard Wind, LLC, amending the Host Community Agreement between the Town and Vineyard Wind, LLC, dated October 3, 2018, substantially in the form of the draft agreement on file with the Office of the Town Council; and further approves the execution and delivery by the Town Manager of a second Host Community Agreement between the Town of Barnstable and Vineyard Wind, LLC, substantially in the form of the draft agreement on file with the Office of the Town Council, for the Vineyard Wind Project which is currently pending before the Commonwealth's Department of Public Utilities in

D.P.U. 20-56 and 20-57 and with the Energy Facilities Siting Board in EFSB 20-01.

VOTE: TO A 2ND READING ON 10/21/21 PASSES 12 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

**2022-033 ADOPTION OF THE 2020 TOWN OF BARNSTABLE PRECINCT MAP
INTRO: 10/07/2021**

Ann Quirk, Town Clerk gave the rationale.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby approves the 2020 Re-precincting Map prepared for the Town of Barnstable through the courtesy of William F. Galvin, Secretary of the Commonwealth and Census Liaison, as presented to the Town Council at this meeting; and requests that the Town Clerk forward said map, a physical boundary description of each precinct, population figures for each precinct, a list of census block numbers for each precinct, and a certified copy of this vote to the Local Election Districts Review Commission for approval.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2022-034 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I, GENERAL ORDINANCES, CHAPTER 240 ZONING BY EXPANDING THE GROUND-MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT TO INCLUDE THE PROPERTY LOCATED AT 810 WAKEBY ROAD, MARSTONS MILLS (ASSESSORS' MAP 013 PARCELS 004, 005, 052) AND BY REQUIRING A SPECIAL PERMIT FOR LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS LOCATED WITHIN ANY RESIDENTIAL DISTRICT LOCATED WITHIN THE OVERLAY DISTRICT INTRO: 10/07/2021

Upon a motion duly made and seconded it was

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

SECTION 1

That Chapter 240, Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to expand the Ground-Mounted Solar Photovoltaic Overlay District to include the parcels shown on Assessors' Map 013 as Parcels 004, 005, and 052 as shown on the maps entitled;

- "Proposed Amendment to the Town Zoning Map Expanding the Ground Mounted Solar Photovoltaic Overlay District In Marstons Mills"
- "Proposed Amendment to the Marstons Mills Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District In Marstons Mills"

Each dated October 1, 2021, as prepared by the Town of Barnstable Geographical Information System (GIS) Unit.

SECTION 2

- (1) By amending the definition of **AS-OF-RIGHT-SITING** in Section D of Article V, Section 240-44.2, Ground-Mounted Solar Photovoltaic Overlay District, by deleting the first sentence and inserting the following new sentence in place thereof:

“The ground-mounted solar photovoltaic installation may proceed without the need for a special permit, variance, amendment, waiver or other local discretionary approval, except that a special permit shall be required when located in a residential zoning district.”

- (2) By inserting the following definition of **HAZARDOUS PRODUCT** in said Section D immediately after the definition of **GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION**:

“HAZARDOUS PRODUCT

Any chemical or combination of chemicals which, in any form, is listed by trade name, chemical name, formula or otherwise as a product which is a hazard to public drinking water supplies if concentrations beyond a certain level are achieved therein.

‘Hazardous product’ shall also include any product for which there is any listing, declaration, or announcement in any form issued by the United States Environmental Agency, the Massachusetts Department of Environmental Protection, or by any other government agency having direct or indirect jurisdiction over public water supplies that such product is such a hazard or is a product known as an “emerging contaminant” suspected as being capable of being a carcinogen.”

SECTION 3

By amending Subsection (1) of Section E of Article V, Section 240-44.2 by adding the following sentence to the end of such subsection:

“Any ground-mounted, large-scale solar photovoltaic installation with 250 kw or larger of rated nameplate capacity located in a residential zoning district shall also be required to obtain a special permit from the Planning Board in accordance with Subsection (3).”

SECTION 4

By further amending Section E of Article V, Section 240-44.2 by adding the following new Subsection (3):

“(3) Special Permit Provisions.

A Special Permit shall be granted by the Planning Board if the Planning Board determines the following criteria have been met.

- (a) Site Plan Approval in accordance with subsections (1) and (2).
- (b) Adequate measures to contain and suppress noise and sound as deemed appropriate by the Planning Board, including, but not limited to, minimum 75-foot setback from all residential abutter property lines to the Ground-Mounted Solar Photovoltaic Installation.
- (c) Vegetative and/or hardscape screening with coniferous planting and earth berms of sufficient height, as determined by the Building Commissioner, to screen adjoining residential properties from the Ground-Mounted Solar Photovoltaic Installation.
- (d) Federal Aviation Administration (FAA) approval of Solar Glare Study, if such a study is deemed necessary by the FAA.

- (e) Cape Cod Commission approval as required.
- (f) Full disclosure of all hazardous products proposed to be used at any time at a project site shall be provided in writing to the Planning Board with the Special Permit application; no application for a special permit shall be considered complete until such disclosure is submitted to the Planning Board. No such hazardous materials shall be deployed or used at any time at a project site without approval of the Special Permit by the Planning Board.
- (g) Use, storage and containment of hazardous materials shall comply with all Federal, State, Regional, and local codes and regulations, including building, fire, and health codes.
- (h) Compliance with any other criteria found by the Planning Board as necessary to protect the public health, safety or welfare, which may include, without limitation, the revocation of any prior permits and previous uses that benefit the project site.”

SECTION 5

By amending Section I of Article V, Section 240-44.2 by deleting Section I in its entirety and inserting the following new Section I in its place:

- “I. Dimensional requirements. Ground-mounted solar photovoltaic installations are subject to the front, side and rear yard setbacks as set forth in the underlying zoning district(s), except that any ground-mounted, large-scale solar photovoltaic installation with 250 kw or larger of rated nameplate capacity located in a residential zoning district shall maintain a minimum 75-foot setback from all abutting residential property lines to contain noise as sound, as required by Subsection (3) (b).”

SECTION 6

By amending Section L of Article V, Section 240-44.2 by adding the following subsections after subsection 2(c):

- “(3) Federal Aviation Administration (FAA) approval of Solar Glare Study is required, if such a Study is deemed necessary by the FAA.
- (4) The project proponent shall provide full disclosure of all hazardous products proposed to be used at any time at a project site shall be provided in writing to the Building Commissioner with the Site Plan Review application; no application for Site Plan Review shall be considered complete until such disclosure is submitted to the Building Commissioner. No such hazardous materials shall be deployed or used at any time at a project site without Site Plan approval.
- (5) Use, storage and containment of hazardous materials shall comply with all Federal, State, Regional, and local codes and regulations, including building, fire, and health codes.
- (6) The project shall demonstrate compliance with any other criteria found by the Building Commissioner as necessary to protect the public health, safety or welfare, which may include, without limitation, the revocation of any prior permits and previous uses that benefit the project site.”

VOTE: TO THE PLANNING BOARD PASSES 12 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

Adjourned at 8:54 PM

Respectfully submitted,

Ann M Quirk

Town Clerk/Town of Barnstable

NEXT MEETING: October 21, 2021

Exhibits:

A Town Manager Update