



Town Council Meeting
October 19, 2023



A quorum being duly present, President Matthew Levesque called the October 19, 2023, Town Council meeting to order at 7:01 PM.

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 8 or High-Definition Channel 1072.

PRESENT: Nikolas Atsalis, Kristine Clark, Jennifer Cullum, Paul Cusack, Matthew Levesque, Jeffrey Mendes, Paul Neary (7:06 PM), Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber. **ABSENT:** Betty Ludtke, Jessica Rapp Grassetti

The Pledge of Allegiance was led by President Levesque followed by a moment of silence. He spoke about the conflicts happening abroad and asked that we keep the affected people in our thoughts and prayers.

PUBLIC COMMENT:

In-person:

Roberta Mauch urged the Council to repurpose, refurbish and or keep safe all the materials from the 307 Main Street project. She said there was no vision regarding the proposed Dockside property plan and the developer never invited the public. She felt there needs to be a turtle crossing sign at Betty's Pond Road.

Patricia O'Connor stated although she is not against the turbines cable on Dowses Beach, she had concerns with ripping up the Wianno Avenue and Osterville West Barnstable Road. She worried about the businesses along main street during the construction and wondered how they would survive.

Mark Warden spoke about the issues with property on Route 6A and Route 132. He felt the problem was created 90 years ago by the state highway. He asked for the Town to help the people who lived there.

Chuck Tuttle spoke about the Avangrid company and its 2 billion watts coming ashore at the local beaches. He talked about the October 23rd, 2023, Open Meeting of the Barnstable Voters which would discuss the turbine project and underground electricity cables. He called for a stop to the further industrialization of our villages.

Asia Graves spoke about medical marijuana and the need for better transportation and access for those that need it. She spoke about the seniors and veterans who do not have access to Boston and the need for a dispensary delivery system. She mentioned the need for affordable workforce housing.

ZOOM: No public comment at this time.

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Clark) Thanked Mark Warden and noted during her door to door campaigning this Route 6A and Route 132 issue has been mentioned. She said she would set up a meeting with the Department of Public Works to discuss this matter.

(Levesque) Thank you for coming to public comment and he encouraged anyone who had questions and wanted an in-depth account to please follow up with your town councilor.

Close response to public comment

6-minute break: 7:28 PM – 7:34 PM

JOINT MEETING WITH SCHOOL COMMITTEE

President Levesque called the Joint School Committee Meeting and Town Council Meeting to Order. Chair Mike Judge gave the roll call: Present: Kathy Bent, Peter Goode, Andre King, and Mike Judge.

Mark Milne, Director of Finance, said he would be joined in the presentation by Gareth Markwell, Deputy Finance Director. Mark Milne gave an overview of the PowerPoint presentation. He spoke about the Town's stable economy, utilizing reserves as a management tool, cash flow risks, revenue instability, and an increase in self-insured assets/activities. Gareth Markwell discussed property taxes, general fund, salary and wages, pension assessment, and health insurance. (Neary) inquired about the non-school collective bargaining agreement. (Milne) should be settled by the end of November. (Mendes) what metric do you use to determine projected building permits? (Milne) we look at historical trends and then we discuss with the building commissioner what is in the pipeline. (Clark) Glad to see there is a grant writer does the school and the town share a grant writer. (Milne) the school has its own grant writer. (Schnepf) please explain the rising interest rate and the increasing cost in our debt – where is the tipping point? (Milne) we see an upwards trend in borrowing rates with most likely one more tax rate hike and then leveling off.

School Board

(Bent) the 70/30 insurance split is that finalized and when will it be effective? (Milne) It is still under negotiation, when it does get finalized, we anticipate an effective date of July 1, 2024.

Chair Judge thought the presentation was great and he was glad we were back to in-person meetings. President Levesque thanked staff for the great presentation and agreed with Chair Judge that it was great to be back in-person for meetings.

Upon a motion duly made and seconded to adjourn the School Committee.

VOTE: PASSES 4 YES

Roll Call: Kathy Bent, Peter Goode, Andre King, and Mike Judge.

9-minute break: 8:38 PM – 8:49 PM

TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded) (Levesque) The Town Manager's report has been prerecorded and the written form will be available to all on the Town Manager's page on the website. (Exhibit A)

Update on:

1. Requested meeting of the voters - October 23, 2023, from 6:00 PM – 9:00 PM at Barnstable High School. Regarding 5 topics related to Park City Wind and Commonwealth Wind offshore wind projects.
2. 3 separate wind projects in the Town: Vineyard Wind, Park City Wind and Commonwealth Wind project – update
3. Budget action calendar for Fiscal Year 2025 – update
4. Local Comprehensive Planning Committee (LCP) – phase II update
5. Who to send questions to please send them to Mark Ells, Town Manager email: mark.ells@town.barnstable.ma.us or call (508) 862-4610.

Councilor questions and comments:

(Starr) LCP had 14 applicants for the board – very exciting.

(Schnepp) inquired about the Churchill rentals. (Clyburn) There will be a presentation at the second meeting in November.

(Levesque) Reminder October 23, 2023, Special Meeting of the Voters of Barnstable – the meeting starts at 6:00 PM – all are welcome.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of October 5, 2023, as presented.

VOTE: PASSES UNANIMOUS (1 ABSTAIN JEFFREY MENDES)

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

(Clark) Attended the Sandy Neck Board meeting and spoke with Natural Resources Director Nina Coleman regarding the Halfway house usage. They are going to explore educational opportunities that are compliant with the regulatory regulations.

(Atsalis) Spoke about the Centerville Stroll December 6th, 2023; Tommy's Place they need weekly help and help on Sundays to turn over the place for the next family.

(Schnepp) inquired about the voting deadlines. (Murphy) discussed the in-person Absentee voting in the Clerk's office until November 6th at Noon. She added the form for Vote-By-Mail was available on the Town's website and in the Clerk's Department.

- An Overview by Katie Servis, Airport Manager - American Airlines adds Routes in 2024 at Cape Cod Gateway Airport

Katie Servis, Airport Manager gave an overview of the PowerPoint presentation. She discussed the news regarding American Airlines joining JetBlue Airlines and Cape Air. American Airlines will be a seasonal air carrier. She noted this was a five-year project in which she secured a contract with a regional transportation company.

(Atsalis) Asked about the contract length (Servis) It is a one-year contract with the option to renew for up to 5 years. (Cullum) said it was a viable airport and she thanked Servis and her staff.

2024-045 APPROPRIATION ORDER IN THE AMOUNT OF \$9,800 FOR THE REDESIGN OF THE HYANNIS YOUTH AND COMMUNITY CENTER WEBSITE INTRO: 10/05/2023, 10/19/2023

Chris Gonnella, Director of Community Services gave the rationale.

Open public hearing seeing no one and no one on zoom, close the public hearing

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$9,800** be appropriated and provided from the Hyannis Youth and Community Center Enterprise Fund Reserves for the purpose of funding the cost of redesigning the operation’s website, and that the Town Manager is authorized to contract for and expend this appropriation for this purpose.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Levesque, Mendes, Neary, Schnep, Shaughnessy, Starr, Steinhilber

2024- 046 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$3,500,000 FROM THE GENERAL FUND RESERVES TO THE CAPITAL TRUST FUND INTRO: 10/05/2023, 10/19/2023

Marl Milne, Director of Finance gave the rationale.

Open public hearing seeing no one and no one on zoom, close the public hearing

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$3,500,000** be appropriated from the General Fund reserves and transferred to the Capital Trust Fund for the purpose of replenishing funds in the Capital Trust Fund that were used to fund the school portables project under Town Council Order 2023-200.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Levesque, Mendes, Neary, Schnep, Shaughnessy, Starr, Steinhilber

2024-049 AUTHORIZATION TO EXPEND A GRANT IN THE AMOUNT OF \$8,190 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF ENHANCING THE TOWN’S WASTE REDUCTION PROGRAMS INTRO: 10/19/2023

Dan Santos, Director of Public Works gave the rationale.

Councilor questions and comments:

(Cusack) Can any of this money be utilized on food composting? (Santos) Yes, the majority has been spent on food composting.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council does hereby authorize the Town Manager to contract for and expend a 2024 grant from the Massachusetts Department of Environmental Protection Recycling Dividends Program (“RDP”) in the amount of **\$8,190** for the purpose of enhancing its 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 authorized by the RDP.

VOTE: PASSES UNANIMOUS

2024-050 AUTHORIZATION TO EXPEND A FEDERAL FISCAL YEAR 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$33,316 FROM THE U.S. DEPARTMENT OF JUSTICE INTRO: 10/19/2023

Acting Police Chief Jean Challis gave the rationale.

Councilor questions and comments

(Schnepp) Asked about the tabletop exercises? (Challis) Explained an active shooter training at the mall or at a school scenario would be prepared for that particular venue.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Federal Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice in the amount of **\$33,316** for the purpose of funding specific policing services, programs and purchases under a disparate certification allocation that includes the Towns of Barnstable and Falmouth; and that, in accordance with the terms and conditions of the grant, the Barnstable Police Department shall serve as grant administrator and fiscal agent and shall distribute the grant funds on a reimbursement basis as follows: up to \$21,715 to the Town of Barnstable for public safety training and strategic planning services and up to \$11,601 to the Town of Falmouth for the purchase of an all-terrain vehicle for its police department.

VOTE: PASSES UNANIMOUS

2024-051 RESOLVE THAT THE TOWN COUNCIL PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE A SECTION OF COUNTY HIGHWAY AT THE INTERSECTION OF OLD STAGE ROAD, PARK AVENUE, AND MAIN STREET IN CENTERVILLE VILLAGE INTRO: 10/19/2023

Charlie MacLaughlin, Senior Attorney gave the rationale.

Upon a motion duly made and seconded it was

RESOLVED: That pursuant to General Laws Chapter 82, Section 5, the Town Council petition the County Commissioners of Barnstable County to formally discontinue section of County Highway at the intersection of Old Stage Road, Park Avenue, and Main Street, Centerville Village, as described in 1928 Barnstable County Taking, being recorded in the Barnstable County Registry of Deeds in Book 450, Page 64, dated February 3, 1928, and as also shown on a Plan of Land recorded in said Registry in Plan Book 22, Pages 85-93.

The site is shown on a sketch plan of land entitled, "Town of Barnstable, MA, Department of Public Works, 382 Falmouth Road, Hyannis, Massachusetts 02601, Centerville Village Sewer Expansion Project, Plan and Profile – Craigville Beach Rd., STA 174+25 to STA 175-83" as prepared by Stantec Consulting Services, Inc. which plan is attached hereto.

It is the intent thereby to render said sections of the County highway a Town way by operation of G.L. c.82, §5; and further, that said petition request that the discontinued section of said County highway remain a public way, and that the Town Manager be authorized to execute and deliver any documents on behalf of the Town necessary to effectuate this resolve.

VOTE: PASSES UNANIMOUS

2024--052 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 COASTAL RESILIENCY GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS COASTAL ZONE MANAGEMENT OFFICE IN THE AMOUNT OF \$92,579 FOR THE DESIGN AND PERMITTING OF THE SANDY NECK BEACH FACILITY COASTAL RESILIENCY PROJECT INTRO: 10/19/2023

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 authorize the Town Manager to contract for and expend a Fiscal Year 2024 Coastal Resiliency Grant in the amount of **\$92,579** from the Commonwealth of Massachusetts Coastal Zone Management Office for the purpose of funding design and permitting of the Sandy Neck Beach Facility Coastal Resiliency Project.

VOTE: PASSES UNANIMOUS

2024- 053 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND ATLANTIC APARTMENTS, LLC FOR ELEVEN (11) NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 171 MAIN STREET AND 16 SCHOOL STREET, HYANNIS INTRO: 10/19/2023

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby votes to authorize the Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Atlantic Apartments, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00, for eleven (11) market rate residential units located at 171 Main Street and 16 School Street, Hyannis, 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 Executive Office of Housing and Livable Communities for approval.

VOTE: REFER TO SECOND READING ON 11/02/2023 - PASSES UNANIMOUS

2024-054 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND DUNROVIN TOO, LLC FOR EIGHT (8) NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 68 YARMOUTH ROAD, HYANNIS, MA INTRO: 10/19/2023

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby votes to authorize a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Dunrovin Too, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00, for eight (8) market rate residential units located at 68 Yarmouth Road, Hyannis, 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 Executive Office of Housing and Livable Communities for approval.

VOTE: REFER TO SECOND READING ON 11/02/2023 - PASSES UNANIMOUS

2024-055 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND CCR HOLDING, LLC FOR TEN (10) NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 50 YARMOUTH ROAD, HYANNIS INTRO: 10/19/2023

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby votes to authorize a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and CCR Holding, LLC pursuant to the Housing Development Incentive Program M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 for ten (10) market rate residential units located at 50 Yarmouth Road, Hyannis, 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 Executive Office of Housing and Livable Communities for approval.

VOTE: REFER TO SECOND READING on 11/02/2023 - PASSES UNANIMOUS

2024-056	APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
10/19/2023	

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:** Janet Kraemer, as a regular member to a term expiring 06/30/2026; **Licensing Authority:** Jessica Sylver as an Associate member to a term expiring 06/2024

VOTE: REFER TO SECOND READING ON 11/02/2023- PASSES UNANIMOUS

2024-057	ACQUISITION OF AN EASEMENT FOR SEWER PURPOSES WITHIN MAYWOOD AVENUE AND NEWTON AVENUE IN HYANNIS PORT INTRO: 10/19/2023
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Charlie MacLaughlin, Senior Attorney gave the rationale. He explained the sewer is not available at this property. Owners want to connect to the sewer system at their own expense. No cost to Town.

Councilor questions and comments:

(Cusack) Is there a nominal cost spent on the design plans from a town employee?

(MacLaughlin) Yes. (Starr) Extending sewer will this allow others to connect? (Ells) This is extending the sewer not a connection. The owner occurs all costs. (Clark) Commend the family for making this happen and saving the town money.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes the Town Manager, on behalf of the Town, as part of a negotiated transaction to take or acquire for sewer purposes a perpetual easement within the private rights of way of Newton Avenue and Maywood Avenue in Hyannis Port, and accept the ownership of all or a portion of sewer infrastructure to be constructed within the easement area and Hyannis Avenue by the owners of the properties at 8 Newton Avenue and 25 Maywood Avenue in Hyannis Port, subject to review and approval by the Director of Public Works and the Town Attorney. The Town Manager is authorized to negotiate, accept, sign, deliver and record documents for the purposes necessary to effectuate this resolve and complete this transaction.

VOTE: PASSES UNANIMOUS

2024-058	RESOLVE DELEGATING TO THE TOWN COUNCIL PRESIDENT THE AUTHORITY TO DESIGNATE A MODERATOR TO PRESIDE OVER AND REGULATE THE SPECIAL TOWN COUNCIL MEETING/OPEN MEETING OF THE VOTERS SCHEDULED FOR OCTOBER 23, 2023
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Karen Nober, Town Attorney, gave the rationale. She explained the citizen petition was received, it needed 300 certified signatures it has 358 certified signatures. The Town is looking to identify the moderator. She mentioned if nine councilors show up to this meeting then we will need to post the meeting to be compliant with Open Meeting Law. (Levesque) The meeting will

commence with the 5 topics as identified from the petition, with a half an hour time segment for each topic. There will be time left to discuss. (Cusack) Will this be on channel 8? (Poyant) No Channel 8 will broadcast the Planning Board meeting. The meeting will be recorded, and it will be on YouTube. There will be no remote participation during this meeting. (Atsalis) Will there be representation from the state? (Ells) We have reached out to our representatives, and everyone has acknowledged.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby delegate to the Town Council President the authority to designate a moderator to preside over and regulate the proceedings of the Special Town Council Meeting/Open Meeting of the Voters to be held on October 23, 2023, pursuant to Section 8-9 of the Town Charter.

VOTE: PASSES UNANIMOUS

VOTED TO ADJOURN:

VOTE: PASSES UNANIMOUS

Adjourned at 9:49 PM

Respectfully submitted,

Janet E. Murphy
Assistance Town Clerk

NEXT MEETING: November 2, 2023

Exhibits

A Town Manager's update