



Town Council Meeting
November 16, 2023



A quorum being duly present, President Matthew Levesque called the November 16, 2023, Town Council meeting to order at 7:00 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, Jessica Rapp Grassetti, Matthew Levesque, Betty Ludtke, Paul Neary Paula Schnepf, Tracy Shaughnessy, Eric Steinhilber. **ABSENT:** Jeffrey Mendes, Gordon Starr

The Pledge of Allegiance was led by President Levesque followed by a moment of silence.

▪ Years of Service Recognition of Town Councilors

President Levesque and thanked and acknowledged all the years of service for the outgoing town councilors: Jessica Rapp Grassetti (12 years), Jennifer Cullum (12 years), Eric Steinhilber (10 years), Tracy Shaughnessy (4 years), Nickolas Atsalis (3 years) and Paul Cusack (1 year).

They received a standing ovation for their time and efforts on behalf of the residents of the Town of Barnstable.

PUBLIC COMMENT:

In-person:

Bo Chu thanked Councilor Schnepf and the other councilors for helping him find full-time housing.

Susan Battista introduced herself, the residents, which includes her daughter Eva, at 525 South Street Hyannis. They spoke about the parked cars outside their house and the fast cars driving down South Street. Regarding safety while walking near their house they suggested brighter streetlights and a crosswalk.

Roberta Mauch discussed wind farms, Main Street cameras, and enforcement of speeding limits.

Fritz Klaetke spoke about his support for the two-way Main Street. This would allow for a safer area, and it would increase the foot traffic, which would bring more dollars to the area.

Lynne Mitchell supported agenda items 2024-071 and 2024-072. She thanked the Barnstable Police Department for always making her feel safe. She urged the council to approve more housing- it is needed.

Meaghan Mort thanked the current council for their housing initiatives. She supported the agenda items and hoped the councilor would approve them tonight.

Jennifer Vecchi opposes wind power transfer stations. She felt the power lines and the toxic fuel were a bad situation for Barnstable.

Cynthia Cole thanked the councilors for all the time and effort spend on behalf of the residents of Barnstable. She supported two-way streets in Hyannis.

Frank Ward gave a synopsis of wind power in Barnstable. He discussed previous decisions and felt decisions were made with the best intentions with the information the decision makers had at that time. He had concerns about the size of the substation and the electricity brought ashore. He urged the council to move the substations somewhere else.

Ward MacLaughlin talked about the meeting on November 14th at the Cape Cod Community College. He had concerns about carcinogens and the amount of electrical wattage beneath the ground in Barnstable.

Liz Dairy opposes two-way Main Street in Hyannis. She lived here in Barnstable, and played on Main Street as a child and it makes sense to keep it one way.

Rob Brennan supports two-way Main Street. He mentioned he is a resident and investor in Main Street. He added housing is needed in this town.

Elizabeth Wurfbain thanked council for serving on the council. We need housing and two-way traffic on Main Street.

Zoom:

Ruth Dillingham supported agenda items 2024-071 and 2024-072 and encouraged everyone to support the items.

In-person:

Laura Cronin urged council to hold off making any decisions on the form-based zoning. These regulations will fundamentally change Hyannis.

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Atsalis) Main Street has suffered for decades economically we need to improve the economy on Main Street. Two-way traffic will slow the speed of cars.

(Ludtke) We need to be broad in our vision don't parcel it look at the total.

Close public comment

Jump to 2024-071

2024-071 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 MASSWORKS INFRASTRUCTURE PROGRAM GRANT IN THE AMOUNT OF \$1,800,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT FOR THE DESIGN AND IMPLEMENTATION OF THE GREAT STREETS DOWNTOWN HYANNIS PLAN INTRO: 11/16/2023

Elizabeth Jenkins, Director of Planning and Development gave the rationale. She discussed the great streets area of focus. She added South Street will be two-way as well as Main Street.

Councilor questions and comments:

(Rapp Grasseti) Excited for the Village of Hyannis. We need traffic calming measures. (Cullum) Love the project please remember Dawn and Patty Erikson and their request for accessibility on Main Street. (Jenkins) Yes accessibility is part of this project.

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 MassWorks Infrastructure Program Grant in the amount of **\$1,800,000** from the Commonwealth of Massachusetts, Executive Office of Economic Development for the purpose of retaining consultant services for design and execution of the Great Streets Downtown Hyannis Plan to convert the roadway network from one-way to two-way travel and improve the North Street Parking Lot.

VOTE: PASSES UNANIMOUS

2024-072 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 HOUSINGWORKS INFRASTRUCTURE GRANT IN THE AMOUNT OF \$1,379,840 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES FOR SEWER IMPROVEMENTS IN SUPPORT OF HOUSING IN DOWNTOWN HYANNIS INTRO: 11/16/2023

Councilor Steinhilber and Councilor Cullum recused themselves from the agenda item and left the dais.

Elizabeth Jenkins, Director of Planning and Development 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

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2024 HousingWorks Infrastructure Program Grant in the amount of **\$1,379,840** from the Commonwealth of Massachusetts, Executive Office of Housing and Livable Communities for design and construction of a pump station and other wastewater system improvements to support the development of mixed-income housing in Downtown Hyannis.

VOTE: PASSES 9 YES 2 RECUSE (Cullum and Steinhilber)

Roll Call: Atsalis, Clark, Cusack, Rapp Grasseti, Levesque, Ludtke, Neary, Schnepf, Shaughnessy.

Councilor Steinhilber and Councilor Cullum returned to the dais – 9:13 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. Thanked Ann Quirk, Town Clerk, her staff, poll workers and volunteers who participated in the November 7, 2023, election
2. Budget action calendar fiscal year 2025 – update
3. Proposed Tax Levy shifting options for fiscal year 2024
4. Eversource Energy proposing to modify electric infrastructure – update
5. November 7, 2023 meeting with Secretary of Energy and Environmental Affairs Rebecca Tepper – update.
6. Water Resource Management planning including the Comprehensive Wastewater Management Plan – update available from Kelly Collopy, Communications Manager
7. Massachusetts Onestop for Growth Award Overview and Associated Initiatives – update available from Elizabeth Jenkins, Director of Planning and Development.
8. Review of Fiscal Year 2024 Tax levy Allocation Options – update available from Mark Milne, Director of Finance.

Councilor questions and comments:

(Ludtke) Is Stewart's Creek on track for Spring grant (Clyburn) Yes.

(Clark) What about the new dog regulations (Clyburn) Public comment will be extended to December 8th, 2023.

Break - 9:20 PM – 9:32 PM

- Presentation on the Allocation of the Tax Levy – Adoption of a Residential Exemption and Residential Factor, Lane Partridge, Director of Assessing

Lane Partridge, Director of Assessing gave an overview of the PowerPoint presentation and discussed the residential exemption and the 11,348 households that have this exemption. He mentioned the need for those that do not have the exemption to complete the paperwork and send it in to the Assessing Department by April 1. He spoke about the 2024 maximum allowable levy.

- Annual Update on Rental Registration Program – Brian Florence, Director of Inspectional Services

Brian Florence, Director of Inspectional Services discussed the short-term rentals and the Town's registration.

ACT ON PUBLIC SESSION MINUTES:

Councilor Clark suggested a language change to the November 2, 2023, minutes regarding her statement. She requested removing the language: We have a pass for shell fishing for veterans pricing similar to Town. Her recommended language was: The Town offers shellfish licenses for out-of-town veterans at the same price as residents.

Upon a motion duly made and seconded it was to accept the amended minutes of November 2, 2023, as presented.

VOTE: PASSES UNANIMOUS

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

(Atsalis) Centerville Stroll December 10th from 4 PM - 6 PM

(Clark) West Barnstable Village Lights December 3rd starting at 5:00 PM

(Schnepp) Hanover Hyannis located behind the Wilkins Health Facility there are 36 affordable units, applications at seb@housing.com

(Cullum) Massachusetts Managers Association is offering a new councilor class on December 9th

(Levesque) Village Green December 1st at 5 PM the lighting of the boat, and December 6th Barnstable Village Christmas Stroll.

2024-073 RESOLVE APPROVING THE TOWN COUNCIL STRATEGIC PLAN FOR FISCAL YEARS 2024-2025 INTRO: 11/16/2023

President Levesque gave the rationale. He discussed the Strategic Plan.

Councilor questions and comments:

(Ludtke) hoped to continue this discussion, delay the vote to include the new council in the decision.

(Cullum) believed this should be ratified as this was the Council's work and she had worked to have Diversity, Empathy, and Inclusion (DE&I) included in the document. (Shaughnessy) discussed the idea to amend this agenda item to include DE&I instead of diversity

Upon a motion duly made and seconded it was to amend this agenda item to include DE&I instead of diversity

VOTE: PASSES UNANIMOUS

(Atsalis) Agreed we should ratify this document.

Upon an amended motion duly made and seconded it was

RESOLVED: That the Town Council does hereby approve the Town Council Strategic Plan for Fiscal Years 2024-2025, a copy of which is on file in the Town Council office.

VOTE: PASSES 10 YES 1 NO (LUDTKE)

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Neary, Schnepp, Shaughnessy, Steinhilber.

Upon a motion duly made and seconded it was to move beyond 11 o'clock.

VOTE: PASSES UNANIMOUS

2024-060 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$2,500,000 IN COMMUNITY PRESERVATION ACT FUNDS TO INCREASE THE NUMBER AND AVAILABILITY OF COMMUNITY HOUSING UNITS IN THE TOWN OF BARNSTABLE INTRO: 11/02/2023, 11/16/2023

Andy Clyburn, Assistant Town Manager gave the rationale. He gave an overview with a PowerPoint presentation.

Open public hearing

In-person:

Bo Chu stated he was starting to understand the process.

no one on zoom, close the public hearing

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 amount of One Million Forty Nine Thousand Five Hundred Fifty One Dollars **(\$1,049,551)** be appropriated and transferred from the set-aside for Community Housing Funds within the Community Preservation Fund and the amount of One Million Four Hundred Fifty Thousand Four Hundred Forty Nine Dollars **(\$1,450,449)** be appropriated and transferred from the undesignated reserve in the Community Preservation Fund to the Affordable Housing/Growth & Development Trust Fund, and that the Affordable Housing/Growth & Development Trust Fund Board is authorized to contract for and expend the total appropriation of Two Million Five Hundred Thousand Dollars **(\$2,500,000)** to increase the number and availability of community housing units within the Town of Barnstable by both funding and initiating projects and programs for that purpose, subject to the oversight by the Community Preservation Committee.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grassetti, Levesque, Ludtke, Neary, Schnepf, Shaughnessy, Steinhilber

2024-061 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$1,825 IN COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS FOR THE RESTORATION AND PRESERVATION OF THE HISTORIC ARTIFACT KNOWN AS THE GERMAN POW BOTTLE INTRO: 11/02/2023, 11/16/2023

Councilor Rapp Grassetti recused herself from this agenda item. Cindy Nickerson gave an overview of the PowerPoint presentation.

Lindsey Counsell, Chair of the Community Preservation Committee gave the rationale.

Open public hearing

In-person:

Bo Chu stated he was starting to understand the process.

no one on zoom, close the public hearing

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 amount of One Thousand Eight Hundred Twenty-Five Dollars **(\$1,825.00)** be appropriated and transferred from the amount set aside for Historic Preservation within the Community Preservation Fund for the restoration and preservation of the historic artifact known as the German POW Bottle in the care of the Historical Society of Santuit and Cotuit. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

VOTE: PASSES 10 YES 1 RECUSE (Rapp Grassetti)

Roll Call: Atsalis, Clark, Cullum, Cusack, Levesque, Ludtke, Neary, Schnepf, Shaughnessy, Steinhilber

2024-062 RESOLVE RATIFYING THE TOWN MANAGER'S REAPPOINTMENTS AND APPOINTMENTS TO THE LOCAL COMPREHENSIVE PLANNING COMMITTEE INTRO: 11/16/2023

Elizabeth Jenkins, Director of Planning and Development gave the rationale.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby ratifies the Town Manager's reappointment of the following current members of the Local Comprehensive Planning Committee ("LCPC"): Amanda Converse, Lindsey Counsell, Mark Hansen, Meaghan Mort, Wendy Northcross, Frances Parks, Cheryl Powell, Avery Revere, Susan Rohrbach, Robert Twiss, and Jennifer Williams, and ratifies the appointment of the following individuals to serve at the pleasure of the Town Manager as members of the LCPC; provided that the structural and operational requirements of the LCPC, including, but not limited to, the number of members of the LCPC, the terms of such members and quorum requirements, shall be as established by the Town Manager:

VOTE: PASSES UNANIMOUS

2024-063 TRANSFER ORDER IN THE AMOUNT OF \$20,000 FOR THE PUBLIC WORKS DEPARTMENT OPERATING EXPENSES BUDGET INTRO: 11/16/2023

Dan Santos, Director of public Works gave the rationale.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$20,000** be transferred from the Fiscal Year 2024 Public Works Department Personnel Budget to the Fiscal Year 2024 Public Works Department Operating Expense Budget for the purpose of funding hydrogeological consulting services relative to PFAS contamination.

VOTE: PASSES UNANIMOUS

2024-064 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 GRANT IN THE AMOUNT OF \$13,600 FROM THE MASSACHUSETTS EXECUTIVE OFFICE OF ELDER AFFAIRS TO SUPPORT DIGITAL LITERACY EFFORTS OF THE BARNSTABLE ADULT COMMUNITY CENTER INTRO: 11/16/2023

Chris Gonnella, Director of Community Services 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 2023 Massachusetts Executive Office of Elder Affairs grant in the amount of **\$13,600** to support digital literacy efforts of the Barnstable Adult Community Center.

VOTE: PASSES UNANIMOUS

2024-065 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 SAFE ROUTES TO SCHOOL "SIGNS & LINES" GRANT FROM THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$10,000 FOR IMPROVING PEDESTRIAN AND BICYCLE CROSSING SAFETY ON ROUTE 28 NEAR BARNSTABLE INTERMEDIATE SCHOOL INTRO: 11/16/2023

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 Safe Routes to School "Signs & Lines" grant in the amount of **\$10,000** from the Massachusetts Department of Transportation for the purpose of improving pedestrian and bicycle crossing safety on Route 28 near Barnstable Intermediate School.

VOTE: PASSES UNANIMOUS

2024-066 RESOLVE APPROVING AN AMENDMENT TO AN EXISTING CONSERVATION RESTRICTION HELD BY THE MASSACHUSETTS DEPARTMENT OF FISH AND GAME UPON LAND OWNED JOINTLY BY THE TOWNS OF MASHPEE AND BARNSTABLE SO THAT THE CONSERVATION RESTRICTION WILL COVER AN ADDITIONAL 15.24± ACRES OF LAND FOLLOWING THE TOWN'S PURCHASE OF A HALF INTEREST IN THE 15.24± ACRES FROM THE TOWN OF MASHPEE INTRO: 11/16/2023

Kate Connolly, Assistant Town Attorney, gave the rationale.

Upon a motion duly made and seconded it was

WHEREAS, consistent with Town Council Item No. 2002-091, in June 2002 the Towns of Barnstable and Mashpee each took an undivided one-half interest in 293± acres, now part of the Santuit Pond Preserve and located in both towns; and a negotiated Conservation Restriction was taken immediately thereafter upon the 293± acre property by the Commonwealth of Massachusetts, acting by and through its Department of Fish and Game ("DFG"), which paid at that time to the towns a portion of the purchase price for the property; and

WHEREAS, at that time, in addition to the 293± acres, both towns sought to jointly acquire and protect under the same Conservation Restriction held by DFG an adjacent 15.24± acre parcel of land, being a portion of the land known as the Mills Property, located wholly within the Town of Mashpee; but this 15.24± acre parcel was not acquired at that time due to title issues that needed to be addressed; and

WHEREAS, the Barnstable Town Council voted at its October 18, 2007 meeting (Item No. 2008-022) to appropriate \$150,000.00 in Community Preservation Act ("CPA") funds, to be used in conjunction with Town of Mashpee CPA funds, "for the purpose of acquiring open space by co-purchasing with the Town of Mashpee" the 15.24± acres of the Mills Property, and to authorize the Town Manager to accept any gifts and grants, to contract for and expend the funds, and to execute and deliver any documents in connection therewith on behalf of the Town; and

WHEREAS, in 2010, after having resolved the above-referenced title issues, the Town of Mashpee purchased the 15.24± acre Mills Property with the intent of conveying a one-half interest in the property to the Town of Barnstable in consideration of the above-referenced \$150,000.00, and protecting the 15.24± acres under the Conservation Restriction taken in 2002 by DFG upon the 293± acres; and

WHEREAS, pursuant to Chapter 149 of the Acts of 2013, the Massachusetts Legislature authorized the Town of Mashpee to convey an interest in the 15.24± acres to the Town of Barnstable, subject to the Town of Barnstable's contribution toward the purchase price as agreed upon between the towns, provided that the interest in the property is held by the Town solely for open space, conservation and passive recreation purposes, and also authorized DFG to obtain a Conservation Restriction over the 15.24± acres consistent with the original Conservation Restriction taken in 2002 upon the 293± acres;

THEREFORE BE IT RESOLVED: That, in connection with the Town's planned acquisition of a one-half interest in the 15.24± acres from the Town of Mashpee as authorized and with the funds appropriated under Town Council Item No. 2008-022, the Town Council hereby approves amending the existing Conservation Restriction recorded in the Barnstable County Registry of

Deeds in Book 15305, Page 123, and held by DFG upon the 293±-acre property co-owned by the Towns of Barnstable and Mashpee, in order to make the 15.24± acres subject to the Conservation Restriction in accordance with Chapter 149 of the Acts of 2013; and authorizes the Town Manager, on behalf of the Town of Barnstable, to negotiate, accept, sign, deliver and record any documents necessary to effectuate this resolve and to complete this transaction.

VOTE: PASSES UNANIMOUS

**2024-067 ALLOCATION OF TAX LEVY FY 24 – RESIDENTIAL EXEMPTION INTRO:
11/16/2023**

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby votes to adopt a Residential Exemption of twenty percent (20%) for Fiscal Year 2024.

VOTE: REFER TO PUBLIC HEARING ON 12/07/2023 – PASSES UNANIMOUS

**2024-068 ALLOCATION OF TAX LEVY FISCAL YEAR 2024 – TAX FACTOR INTRO:
11/16/2023**

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby votes to classify the Town of Barnstable under M.G.L. c. 40, § 56, the Classification Act, at a Residential Factor of 1 (one) for the Fiscal Year 2024.

VOTE: REFER TO PUBLIC HEARING ON 12/07/2023 – PASSES UNANIMOUS

2024-069 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$15,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL’S CULTURAL DISTRICT GRANT PROGRAM FOR THE BARNSTABLE VILLAGE CULTURAL DISTRICT INTRO: 11/16/2023

Elizabeth Jenkins, Director of Planning and Development 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 \$15,000 grant from the Massachusetts Cultural Council’s Cultural District Investment Grant program for the purpose of providing financial assistance to encourage the development and success of these districts and to foster local cultural preservation in accordance with M.G.L. c. 10, sec. 58A, the Massachusetts Cultural Districts statute.

VOTE: PASSES UNANIMOUS

2024-070 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$15,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL’S CULTURAL DISTRICT GRANT PROGRAM FOR THE HYANNIS HYARTS CULTURAL DISTRICT INTRO: 11/16/2023

Elizabeth Jenkins, Director of Planning and Development 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 grant in the amount of **\$15,000** from the Massachusetts Cultural Council’s Cultural District Investment Grant program for the purpose of providing financial assistance to encourage the development and success of these districts and to foster local cultural preservation in accordance with M.G.L. c. 10, sec. 58A, the Massachusetts Cultural Districts statute.

VOTE: PASSES UNANIMOUS

Jump to Town Manager's review:

- Town Manager Performance Review
Mark Ells, Town Manager received a 4.9 rating out of 5.

**VOTED TO ADJOURN:
VOTE: PASSES UNANIMOUS**

Adjourned at 11:38 PM
Respectfully submitted,

Janet E. Murphy
Assistance Town Clerk

NEXT MEETING: December 7, 2023

Exhibits
A Town Manager's update