



Town Council Meeting
January 4, 2024



A quorum being duly present, President Felicia Penn called the January 4, 2024, Town Council meeting to order at 7: 00 PM.

An announcement was made by President Penn 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 Channel 1072.

PRESENT: Charles Bloom, Seth Burdick, Kristine Clark, John Crow, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Felicia Penn, Paula Schnepf, Gordon Starr, Craig Tamash, Kristin Terkelsen

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

PUBLIC COMMENT:

In-person:

Tom Cambareri read a letter sent to the Town Councilors, his concerns are surrounding the cable crossing at the beaches and the commitment for monitoring the electromagnetic waves on the beaches. He is a proponent for a public information kiosk on the beach, identifying the location of the cables and posting the results of the monitoring program (Exhibit A)

Roberta Mauch has a concern regarding the cables around the Centerville River, what are we going to do about that bridge, how are we going to keep our children safe? Where is that cable going under the river.

Cheryl Powell spoke about the real estate tax increase. We did not fulfill her request for an accurate bill. Today's tax bill was based on the previous incorrect amount with interest added at the higher rate. She was told her property is part of the error. Asking to have accountability to have correct bills.

Zoom:

No one on line

Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Ludtke) Agrees we should have monitoring as recommended; a tax bill should be accurate, this error is unacceptable that we can't get these taxes right. Are we notifying everyone about this error? (Levesque) Regarding the very shocking tax bill, mistakes happen, we need to go above and beyond to correct the errors, I will be following up on this issue. (Terkelsen) personal tax issue due to the towns processes, that should not happen to anyone. (Crow) notice would be a good thing for all the people who were affected (Levesque) believes the people who were affected were notified (Milne) a notice when out to the small group of tax payers that were affected by the issue. We do get things wrong sometimes, he will follow up with the Town

Assessor, and the Tax Collector. This was problem with the program (Ludtke) did the letter go out to everyone (Milne) Everyone that was affected.

TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded) (Levesque)

The Town Manager's report has been pre-recorded and is available to Town Council and the public. The report will be prepared in written form and posted on the Town Manager's website as in the past. The Town Manager and staff will be available to answer any questions regarding the report as presented. The Town Managers communication for the period of December 21 through January 2, 2024, included an update on: (Exhibit C)

1. Update on Budget Action Calendar for FY2025
2. Update on Sewer Connection Policy approved by Board of Health
3. Update on Dog Control Regulations
4. Email sent to Patrick Johnson, Manager of External Affairs/Offshore Wind for Avangrid.
5. Update by Jim Kupfer, Assistant Director of Planning and Development.
6. Responses by Charles McLaughlin, Senior Counsel for the Legal Department

Councilor questions and comments:

(Schnepp) housing production plan what is the plan (Ells) Can I get that information to you for the next meeting (Crow) The questions I asked previously, that have been answered and are on the website where? (Ells) on the Town Website under Town Manager.

Board of Health Sewer Connection Policy: F.P. Tom Lee, Vice Chair, Board of Health:

Working on a draft policy. Penalty Phrase under MGL there is a \$200 fine for lack of connection; we need to hear from the residents for the reason why they are not connecting. The Department of Public Works (DPW) will notify the Board of Health (BOH) of the names and address. The resident needs a cost estimate of sewer connection.

Councilor questions and comments:

(Penn) make it as easy as possible for the residents so they don't have to hire lawyers (Starr) The DPW has a handbook to give to every homeowner. (Lee) The information is on the website, (Starr) why 6 months? (Lee) they have to start the process, applying for a loan, contacting a contractor (Schnepp) In our Comprehensive Wastewater Management Plan (CWMP) we have certain expectation for the hook ups, what is the percentage we need to meet (Santos) the plan is contingent on getting them all hooked up; there is not a lot of tolerance for reducing the nitrogen (Schnepp) no tolerance for the people to claim hardships (Santos) yes (Schnepp) BOH be careful how you word the policy, many people might have a financial hardship. Can we bring in the Cape Cod Aquifund for a workshop to help homeowners? At some point should this policy be part of our BOH regulations regarding sewer connections. (Ludtke) What are the lessons learned at Stewarts Creek. (Lee) 92% connected, some homes don't have to connect for another few years. (Clark) Innovative alternative systems, if they are along the sewer lines will they be penalized (Lee) We need to look at each case, what is the performance of them. (Clark) best management practices of what not to put down the drain (Lee) There is some of that information in other towns (Ells) It is on our website for water pollution control website, under the Public Works Department, we will put this front and center. (Terkelsen) when we are sending notices out to the residents they are to be connected, the BOH needs to send this information out at the same time. (Bloom) what is a sewer betterment charge that is on the tax bill (Milne) We don't know the answer of the dollar amount, because the project isn't complete yet, there is a cap of \$10,000.00. We will have that number soon. (Bloom) the resident that has the sewer betterment on his bill is in Hyannis and has been on the sewer system for years. (Milne) only the new connections to the sewer system will have the

assessment on their tax bills. (Bloom) there are some Hyannis residents that have never hooked up to the sewer system on Chestnut St., how much time do they have (Lee) can we have the address to research (Terkelsen) the penalty is it one time how does stack up? (Florence) each day is a separate offense at \$200 a day (Schnepp) Is the town going to finance the sewer connection for 30 years (Milne) we could, but it has high interest; the best option is the County's Cape Cod Aquifund program, that is the best option. (Clark) suggestion the handbook to hookup to sewers make it available on the website.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of December 21, 2023, as presented.

VOTE: PASSES UNANIMOUS

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

(Schnepp) save the date Ham and Bean Supper at Liberty Hall on January 27th.

10 minute break

Jump to this follow up with the staff info

2024-086 ORDER AUTHORIZING THE AWARD AND EXECUTION OF A FIVE-YEAR CONTRACT WITH AXON ENTERPRISE, INC. FOR THE PURCHASE OF BODY WORN CAMERAS AND THE ASSOCIATED LICENSING AND STORAGE OF ALL DATA TO ESTABLISH A BODY WORN CAMERA PROGRAM FOR THE BARNSTABLE POLICE DEPARTMENT INTRO: 12/21/2023,

Acting Police Chief, Jeannie Challies gave the rationale.

Councilor questions and comments:

(Tamash) is this going to be stored in house (Chief) we will be currently trying to evaluate on an in house basis.

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to M.G.L. c. 30B, § 12(b), the Town Council does hereby authorize the Town Manager to award and execute on behalf of the Town a five-year contract with Axon for the purchase of Body Worn cameras and the associated licensing and storage of all data to establish a Body Worn Camera program for the Barnstable Police Department.

VOTE: PASSES UNANIMOUS

2024-087 APPROPRIATION ORDER IN THE AMOUNT OF \$73,654 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2024 OPERATING BUDGET FOR THE PURPOSE OF FUNDING THE INITIAL OPERATING EXPENSES FOR THE HIRING OF 9 PATROL OFFICERS INTRO: 12/21/2023

Acting Police Chief, Jeannie Challies gave the rationale.

Open public hearing seeing no one and no one on zoom close public hearing.

Councilor questions and comments:

(Neary) what is a ProBook? (Challies) a laptop computer (Crow) do municipalities get discounts from manufacturers (Challies) not that I am aware of (Schnepp) will there be any costs going

into the next fiscal year (Challies) the recruits tuition for July will have to be paid later (Levesque) Great job attracting the transfers and the new recruits.

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$73,654** be appropriated and added to the Fiscal Year 2024 Police Department General Fund Operating Expense Budget for the purpose of funding the initial expenses related to hiring, training, and uniform, ammunition, and equipment purchases for 9 new police officers.

VOTE: PASSES 13 YES.

Roll Call: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Penn, Schnepf, Starr, Tamash, Terkelsen.

Update on discussions with Avangrid: Thomas LaRosa, First Assistant Town Attorney Attorneys McLaughlin and LaRosa met with Avangrid in December and again on January 2nd. The response by the Energy Facility Siting Board (EFSB) is attached as an exhibit to these minutes.

Councilor questions and comments:

(Ludtke) is this it, once it is submitted on Friday it's done (LaRosa) this sets the framework for getting the right plan in place (Ludtke) can we enhance the level of monitoring could it be enhanced? (LaRosa) Park City Wind (PCW) monitoring will happen every year for the first three years. (Neary) Is this contractually negotiated, (LaRosa) Representation back to the siting board, and we have their PCW agreements. (Neary) they could in effect come back after going to the siting board, with different ideas (LaRosa) we would work with them, the decision by the EFSB is done and will not be reopened (Terkelsen) the monitoring the first three years, of one mile increments, how often (LaRosa) monitoring once per year for three years (Terkelsen) do we have containment plans in our records for the Vineyard Wind project (LaRosa) that should be in the final design plans, I can check on that (Terkelsen) who monitors that collection of fluids (LaRosa) Avangrid (Terkelsen) what is our recourse as a town (LaRosa) they obligated to do the monitoring, that would go back to the siting board (Clark) The tests will only be once a year, will it be shared with the public (LaRosa) not sure how it would be shared (Clark) the Town of Barnstable could have a link on our website (Starr) the test for the (Electromagnetic field (EMF) every mile from the beach? (LaRosa) we already had the testing at the beach (Starr) how many spots on Craigville beach will they be testing (LaRosa) will go back to get that information (Starr) no per-and polyfluoroalkyl substances (PFAS)? (LaRosa) emergency response will not contain PFAS (Starr) the inspection process, who does it? (LaRosa) Will check to see who gives the final sign off, will confirm (Starr) will there be periodic visits to the substations? (Starr) **Sulfur hexafluoride** (SF6) to cool the transformers? (LaRosa) the EFSB did approve the use of SF6. (Ludtke) what subject matter experts did the town rely on to refute or debate Avangrid? How did we get here? (LaRosa) for years Attorney McLaughlin was directly involved (Ludtke) how did we get here, maybe something was done behind closed doors, hope we refute this and go back, we need a subject matter expert. (Schnepf) make sure that the inspections are done on full capacity to make sure it is consistent. (Crow) if there is an accident, what liability does Avangrid have for cleanup (LaRosa) under state and federal laws there is no cap on the amount, it is a strict liability (Terkelsen) the insurance policy does it have a limit on an environmental disaster (LaRosa) they provide insurance to the town, the Massachusetts General Law (MGL) Chapter 21E to clean up any leaks or spills (Tamash) regarding the monitoring that has been mentioned, can the town do some monitoring (Ells) we need to include information to our residents; certainly we can do more. One of our primary roles is protecting our residents and our water. I will bring back a report of what it could be and what the costs would be. (Mendes) what happens if there is leakage or contamination and Avangrid files bankruptcy does that town have

any recourse (LaRosa) potential bankruptcy has other rules, the Department of Environmental Protection (DEP) would be the front line to address that issue (Crow) The corporation is an LLC which is a limited liability company, are they able to go after the parent company. (LaRosa) yes, an LLC structure insulates the liability. (Crow) is there any accommodation for the damaged companies (LaRosa) basically you have the company to follow the laws with the siting board and the state (Crow) a significant spill, the liability would be so large, the citizens may have to pay, (Mendes) just to clarify the DEP will cover it (LaRosa) the DEP do have processes from the Attorney General's office to advance the clean-up. (Mendes) I don't want the town to pay for it. (Levesque) ask them to put in some form of writing that the state will fill the gap, we should not be responsible,

(Ells) Have had the discussions, the EFSB has the authority to supersede our authority. (Terkelsen) is there any precedence set, do we have some examples or is this just a new area (Levesque) there are off shore wind projects in other parts of the world, find out if there have been disasters, what has happened. (Crow) the subject matter experts, can we ask Town Manager Ells (Ells) we had a subject matter expert throughout the process, there will be as built at the end of this project. We relied on the state of Massachusetts. (Penn) A letter is going to be presented to the EFSB, tomorrow by noon (LaRosa) the final decision has been made and is closed.

Review of Town Charter: Karen L. Nober, Town Attorney

- The Town Charter
- Home Rule
- Adopt or Amend
- Structure
- Provisions
- Measures
- Town Manager Responsibilities
- Organization
- Elected Town Offices
- Citizen's Relief Mechanisms

Review of Fiscal Policy and Financial Procedures: Mark Milne, Finance Director

- Annual Fiscal Policy considerations
- Financial Procedures
- Budget Cycle
- Budget Calendar
- Budget Action Calendar Tasks
- Deadlines for Budget Approval
- Capital Budget
- Operating Budget
- Role of the CFAC

Councilor questions and comments:

(Ludtke) Annual audit, who does that (Milne) an outside agency does the audit. (Ludtke) do we audit at the department level (Milne) not for this audit, this is the financial statements, (Ludtke) have we done an internal audit previously (Milne) we have done several internal audits by using an independent group. (Ludtke) seems like an opportune time to look at the DPW and the Police Department, specifically with CWMP. Why can we only delete but never increase? (Milne) you do have the authority to increase, but it requires the Town Manager's recommendation to identify the funding source. (Ludtke) does every department head submit a

decision package every year (Milne) usually every year (Levesque) recognized the Finance Director and working with the Comprehensive Financial Advisory Committee (CFAC) empower and educate them kudos to you to benefit our town. (Milne) they are my sounding board.

Notes from the President:

- Moving the start time to 6 PM, for January 18th
- Working with staff to have agendas available by the Friday preceding the Town Council meeting.
- Working to create Town Council Subcommittees, open to the public, but no votes
- Housekeeping:
 - Town Council Rules
 - Possible Charter review
 - Regulatory review and enforcement
 - Review of standing committees
 - Communications
 - Working with staff to create the use of consent agendas.

VOTED TO ADJOURN:

VOTE: PASSES UNANIMOUS

Adjourned at 10:01 PM

Respectfully submitted,

Ann M. Quirk
Town Clerk

NEXT MEETING: January 18, 2024

Exhibits

- A. Letter from Thomas Cambareri
- B. Letter and documents from Cheryl Powell
- C. Town Manager Update
- D. Letter to the EFSB-Condition "T" Compliance Filing
- E. Local Comprehensive Plan
- F. Town Charter
- G. Fiscal Policy