



Town Council Meeting
February 1, 2024



A quorum being duly present, President Felicia Penn called the February 1, 2024, Town Council meeting to order at 6: 00 PM.

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

Vice-President Tamash announced a new tradition for the Town Council and the Town of Barnstable. He explained a veterans would lead the Pledge of Alliance at each Town Council meeting. He noted he had asked Major Greg Quilty, United States Marine Corps (USMC) (retired) (ret) who had served all over the world and was the Barnstable District Director of Veterans Services, to create a roster of Barnstable veterans. He invited Major Greg Quilty to lead us in tonight's Pledge of Allegiance. Major Greg Quilty asked that everyone stand and face the flag for the Pledge of Allegiance.

PUBLIC COMMENT:

In-person:

Doctor Emory Anderson supported the offshore wind projects. He felt the wind projects coming ashore were based on good science. He stressed it was good information, not hearsay but unbiased information. The right thing to do, we can do this but do it carefully.

Peter Sampou felt the verifiable facts were important, not false misleading information. He felt the wind projects were based on science.

Eileen Elias Chairman from No Place for Hate, spoke about the need for affordable housing to support our school and Cape Cod Healthcare workers. Thanked Councilor Levesque for all his help. She urged Council to make affordable housing a priority.

Gary Peters from Save Dowses Beach, spoke about the event held last week. It was a summit event attended by the public, Councilors, and other public officials. It discussed the scientific information regarding wind projects, and the risk of contamination of our sole source aquifer which would endanger the water supply of all Cape Cod.

Russell Norris supported the wind projects. He felt wind was clean and not a fossil fuel, and wind can generate electricity. He said the turbine technology dates back to 1991 in Denmark. He added Barnstable was a good place for wind projects.

Joanne O'Connor felt the villages were under siege from dark money. She spoke about the dark money influencing elections.

Cliff Carroll felt the comments regarding dark money linked to fighting the wind farms were insulting. He spoke about the substations for the wind projects being bigger than Kmart. The

substations will be built on top of our aquifer. He added there was no emergency plan or emergency funding should there be an issue from the Park City Wind's substations.

Susanne Conley attended the wind summit last week. She felt the wind turbines will not help global warming.

Maryanne did not support big wind companies. She felt it was a lot of bullying by the wind companies. She urged Council to listen to the residents as Dowses Beach is all we have in Osterville. She hoped there would be more independent study.

Peter Hansen attended the wind summit. He felt the damage to the environment was due to the construction of wind projects and the power cables. He urged the Council to stop the Park City Wind project as it was a public hazard.

Andrew Desrosiers discussed the two group one believed the planet would be safe utilizing the wind technologies, and the other group that felt it was too dangerous and we did not need it. He felt there should be limited bureaucracy in his daily life. He wanted to have the choice to decide for himself which technology he would use.

Larry Morin, who practiced law for 50 years, felt the summit event was incredible. He noted legislation may be the only way to solve this wind project issue. He added there needed to be independent factual information regarding the wind projects.

Roberta Mauch spoke about the Close to the Wind Facebook page. She urged residents to get the facts. She added please respect nature in the wild.

Matthew Ribeiro Da Silva from Sturgis School discussed the well-being of the beaches. He spoke about the need for more trash cans and not just in the summertime.

Jacob Ghella from Sturgis School talked about the lack of parks and playgrounds. He urged Council to push for more playgrounds if space is available.

Bob Schulte urged the Council to not consider Article 97 for Craigville Beach. He questioned why the Council would entertain this project.

Grove Harris thanked the Council for working out the contract with Vineyard Wind. Please keep moving forward and focusing on creating public and private partnerships.

Ivan Frantz supports the renewal energy but cautioned as the Cape was at the mercy of the elements. He added wind power is clean and everywhere.

William H. Pill mentioned he had concerns with the wind power projects. He felt the Town was not prepared as the first experiment utilizing high voltage utilizing direct current (DC). Please go back and review the meetings at the state house on the wind projects.

Joanne Carpenter said she was not opposed to wind power but was concerned about the electrical cables. We need to hear more about the cables before we except them. We have people who will live next to them.

Sandy Jones discussed the pause on the Park City Wind Park City Wind. She felt the Town had learned from the Vineyard Wind project. She would like a meeting with the Councilors to talk about the challenges of the wind projects brought up by Charlie McLaughlin, former Senior

Attorney for the Town of Barnstable.

Tonja Weimer supported the wind projects. She felt we should save Dowses Beach now and then figure out the future. She hoped Council would look at science educators and use their judgements to make a difference for the rest of the future generations,

Jennifer Vecchi stated we cannot control climate changes. She urged the Council to protect our Town and our future.

John Julius spoke about the tax issue. There is a gross problem with the tax assessments. He added the Town needed to protect the sole source aquifer.

Zoom:

Kenneth Nosel stressed the need to say no to Park City Wind, no to easements and no to Article 97.

Janice Kubiak spoke about the dangers of not having an open discourse. Wind projects have seen two years of delays, these delays have hurt the Town.

Michelle Sgarlat supported the Park City Wind project. The wind projects were responsible for leaving the world to our children and grandchildren.

Wendy Boyer supports green energy. However, she was against bringing the cable ashore as it would bring billions of watts of electricity ashore.

Diane Walker felt the need to support clean energy but not as a deterrence to the environment. She questioned who would benefit?

Helen Parker was asked by Bonnie Brady to speak for her, she questioned the wind projects. She felt the wind project industrialized the Town.

Geri Connolly asked the Council not to vote for the wind project contract. He felt there needed to be a complete study.

David Mahassel said the sonar blasting of the sea floor by the wind company was a disaster. He felt Cape Cod would be following Europe down the drain.

Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Terkelsen) Thanked everyone and was open to listening to both sides. (Schnepp) There is a housing crisis that needs to be a priority. (Crow) Trash cans should always be available. He spoke about the Osterville playground, the funding and that it should be completed within the next 18 months.

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

The Town Manager's report has been pre-recorded and is available to the 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 January 3, 2024, through January 16, 2024, included an update on: (Exhibit B)

1. Update on Budget Action Calendar for Fiscal Year 2025
2. Healey-Driscoll Administration Fiscal Year 2025 Budget update
3. Covell Beach landing – update
4. Opioid Settlement – update
5. Local Comprehensive Plan – update

(Schnepp) Thanked the staff for the Opioid Workshop – 80 people shared viewpoints on opioid crisis. (Penn) very impressive workshop. Could feel the energy and the dedication to making this a better world.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded, it was to accept the minutes of January 18, 2024, as presented.

VOTE: PASSES UNANIMOUS

Break 7:55 PM – 8:08 PM

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

(Levesque) Ham and Bean Supper at Liberty Hall raised \$1200 for scholarships and over 100 people attended. Thank you to all the volunteers and all involved in this successful event. He spoke about the valuation of homes which is based on the sale of property in 2022. We seem to have less abatements this year I will follow up on this item. Tax Collection Department error follow up no more letters were sent out to the mortgage lenders for the 41 residents affected. He asked the Tax Collection Department to reach out to confirm that the correct adjustments have been sent to the mortgage lenders. He mentioned a handout given to the Council at this meeting by John Julius. He said Mark Milne, Director of Finance has a copy and will have Lane Partridge, Director of Assessing address it and send out a response through Cynthia Lovell, Town Council Administrator to the Council.

(Tamash) Mentioned the were 2 meetings, which were ongoing, and several members of Councilors attended. One meeting was on the replanning and configuration of Route 132, the Town's segment from Bears's Way to the Airport Rotary. Public comment is solicited please contact the Department of Public Works. The second meeting was through the Planning and Development Department regarding the Barnstable Adult Community Center and the thought that something more might be done there with the land and or the programming. Any thoughts on this item please contact the Planning and Development Department.

- Open Meeting Law overview, Karen Nober, Town Attorney
Karen Nober, Town Attorney explained the Open Meeting Law was one of several good government laws which include the Public Records Law, Conflict of Interest Law. It is really founded on 3 basic principles: whenever a public body holds a meeting public meeting proper notice of the meeting must be given, notice given is the posted agenda; all meetings must be open and accessible to the public, unless the public body properly enters executive session and public bodies must create and maintain accurate minutes for all meeting. She gave an overview of her PowerPoint presentation discussing the following topics: deliberation, public bodies, quorum, meetings, and exemptions.

- Financial overview, Comprehensive Wastewater Management Plan, Mark Milne, Finance Director
Mark Milne, Finance Director gave an overview with his PowerPoint presentation. He discussed the five-year Comprehensive Wastewater Management Plan (CWMP) and the financing. He spoke about the projected CWMP commitments and the impact on the Town's debt.
- Notes from the President Penn:
Mentioned the Town Council Agenda will be posted on the website each Friday prior to a Town Council meeting and the new 6 PM start time for the Town Council meetings.

2024-092 ORDER WAIVING THE PROVISIONS OF CHAPTER 220, ARTICLE I, SECTION 220-4 OF THE CODE OF THE TOWN OF BARNSTABLE FOR A PERIOD OF SIX MONTHS INTRO: 01/18/2024, 02/01/2024

Karen Nober, Town Attorney gave the rationale. She noted this would be a six month waive through August 2024. Then it would come back as an amendment.

Open Public Hearing seeing no one close Public Hearing.

Upon a motion duly made and seconded it was

ORDERED: Notwithstanding the provisions of Chapter 220, Article I, Section 220-4 of the Barnstable Town Code, regular meetings of the Town Council during the months of March through August shall commence at 6:00 p.m.

VOTE: PASSES 10 YES.

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

2024-093 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$30,900,000 FOR THE PURPOSE OF FUNDING SEWER INFRASTRUCTURE IMPROVEMENTS INTRO: 01/18/2024, 02/01/2024

There was a problem with the advertising. This agenda item will go to the March 7, 2024, Town Council meeting.

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$30,900,000** be appropriated for the purpose of funding Sewer Infrastructure Improvements, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$30,900,000** under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the "Trust") and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes; and furthermore, that the appropriation and corresponding loan order authorized under Town Council Order 2023-087 is hereby rescinded

VOTE: OPEN AND CONTINUE PUBLIC HEARING TO 03/07/2024 - PASSES 10 YES

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

2024-094 AUTHORIZATION TO CONTRACT FOR AND EXPEND AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FROM THE UNITED STATES DEPARTMENT OF ENERGY, OFFICE OF STATE AND COMMUNITY ENERGY PROGRAMS IN THE AMOUNT OF \$76,690 FOR THE PURPOSE OF FUNDING ENERGY RELATED EXPENDITURES INTRO: 02/01/2024

Sean Hogan, Environmental Sustainability Manger gave the rationale.

Councilor questions and comments:

(Starr) is this funding going to one vehicle. (Hogan) \$20,000 will go to electric leased vehicle.

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 **\$76,690** from the United States Department of Energy, Office of State and Community Energy Programs for the purpose of funding energy production projects, vehicle electrification and energy efficiency measures.

VOTE: PASSES 10 YES.

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

2024-095 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$45,000 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 PARK CITY WIND LLC'S PROPOSED OFFSHORE RENEWABLE WIND PROJECT IN THE TOWN INTRO: 02/01/2024

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$45,000** 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 Park City Wind LLC's proposed offshore renewable wind project in the Town; and to meet such appropriation, that **\$45,000** be provided from the General Fund Reserves

VOTE: REFER TO PUBLIC HEARING ON 02/15/2024 - PASSES 10 YES

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

President Penn read aloud: The Town Council will enter executive session pursuant to G.L. c. 30A, sec. 21(a)(3) to discuss strategy with respect to litigation since a discussion in open session may have a detrimental effect on the litigating position of the Town and Town Council. Specifically, the Council will discuss litigation strategy with respect to Park City Wind LLC's proposed offshore renewable wind project in the Town. The Council will not return to public session after the executive session.

Upon a motion duly made and seconded it was to enter Executive Session with no return to Public Session.

VOTE: PASSES 10 YES.

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

The Public Session Adjourned at 9:10 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk

NEXT MEETING: March 7, 2024

Exhibits

A. Town Manger's Report