



Town Council Meeting
February 27, 2020



A quorum being duly present, President Paul Hebert called the February 27, 2020, Town Council meeting to order at 7:00 p.m. in the James H. Crocker, Jr. Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Hebert 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: Britt Beedenbender, David Bogan, Kristine Clark, Jennifer Cullum, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracey Shaughnessy, Gordon Starr; Eric Steinhilber. **ABSENT:** Debra Dagwan

The Pledge of Allegiance was led by President Hebert; and it was followed with a moment of silence.

PUBLIC COMMENT:

Karla Cabral from Sustainable Practices urged Council to join the plastic bottle ban. She noted there were eleven municipalities which had already joined the plastic bottle ban.

Suzanna Nickerson, who is the Chatham Sustainable Practices liaison, hoped Council would join the plastic bottle ban. She felt the ban would help protect Cape Cod against the ill effects from plastic bottles.

Mary Cote, filer for the municipal plastic bottle ban in Yarmouth wanted a united Cape Cod against the plastic bottles.

Anne Rowland spoke about the inequality of younger generations to afford homes in Barnstable. She felt that with the lack of affordable housing is affected by lack of new businesses and the high price of a new sewer system.

Juliet Farrell felt there was a big difference between commercial ownership and private ownership in relationship to short-term rentals. She felt some of the draft regulations were vague and could lead to confusion.

Bob Warren questioned if the draft short-term regulations held the Town as well as the owner responsible for issues at the short-term rentals.

Deborah Krau felt there was not enough data regarding the short-term rentals. She inquired if there would be a database of the rentals and urged Council to take one year to understand review data then decide on the appropriate regulations.

James Fralee spoke about the need to keep short-term rentals. He suggested possibly limiting the numbers of home owners that can rent. He explained short-term rentals allowed for residents to live in Barnstable as it was a second income.

Chuck Sabatt suggested the penalties were good but there needed to be significant fees for infractions with the short-term rentals. He added there needed to be specific noise ordinances in the draft resolution.

Jeremy Hegarty believes everyone wants what is best for the community regarding the short-term rentals. He felt the short-term rentals allowed residents to live in town as it is a second income to help pay the costs. He noted the short-term rentals created jobs which helped the Town.

Matthew Teague urged Council to find the statistics regarding short-term rentals. He felt there was a good history with the rentals and it helped build the community. He hoped the Town would take their time review all the data and make the right decisions.

John Crow read out loud the letter from David Sorenson regarding the sewer expansion project. He hoped the Town would review all the options on short-term rentals and urged them to listen to the village civic associations.

Matthew MacNeely felt any housing regulations should apply to all properties. Please do not place the burden on the short-term rentals.

Brian Covell asked Council to review the impact of properties which have short-term rentals near them.

Peter Hanson questioned the lack of data and wondered how draft regulations could be proposed without the data.

Kelly Summers supported the draft regulations regarding short-term rentals. She suggested a possible 7 day minimum stay.

Tyler Murphy urged Council to find a better solution than the draft regulations for short-term rentals.

Kathy Holcombe felt this was a short-term rentals were a zoning issue. She said she supported the Cape tradition of private ownership of short-term rentals.

Alan Lagoruim explained his family had ownership of the short-term rentals and never had any issue. They utilized local realtors and screening of potential rentals.

Bonnie Bridges echoed the earlier sentiment regarding the plastic bottle ban.

Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

Thank you for expressing your opinions here tonight as the future workshop regarding the short-term rentals will not have public comment. The regulations from the civic associations were very restrictive. It is great that short-term rentals can afford younger generations to stay here in Barnstable. Thank you for the information regarding the plastic

bottle ban. Barnstable County has 20-year low interest loans to help the owner with the cost of connecting to the septic system. The housing issue is a problem please look into the accessory units by right.

TOWN MANAGER COMMUNICATIONS:

Coronavirus is a very serious issue. We are communicating with the Public Health Department. Public health and safety are very important to keep the residents safe.

- Fiscal Year 2021 Budget
- Rate Hearing
- Public Works – public water supply #4 Mary Dunn well

Mark Ells gave an overview of the PowerPoint Presentation. He discussed the future water supply and the 4 water departments. He noted the Town would look at the option to partner with other water systems as this water supply issue was a multi-stage process.

- Modification of drinking water regulations
- Vineyard Wind Phase 1
- Cape Cod Community College strategic planning session
- Cape and Island water protection fund update

Dan Santos, Public Works Director, updated the Council on the Comprehensive Waste Water Management Plan. He mentioned the draft plan had been sent to Massachusetts Environmental Protection Agency (MEPA). He added they were continuing to have outreach within the community.

Zenas Crocker discussed the need for alternatives to the septic systems. He noted there would be a workshop at a later date. He spoke about the need for a study.

Councilor questions and comments:

Interested in the Joint Base Cape Cod is there an update? [A planning group is looking at this in Washington DC] Please make sure to reach out to the community with the conceptual design.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to approve the minutes of the February 6, 2020 as written.

VOTE: PASSES UNANIMOUS

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

Erin Logan from Old Kings Highway is looking for President Nominations. The Town Manager's contract is ready for review. The community which consists of Councilors: Beedenbender, Steinhilber, Dagwan, Cullum and Levesque will review the contract.

- **Council Workshop on Short Term Rental DRAFT Regulations (Discussion Only)**

The committee consists of Brian Florence, Building Commissioner, Elizabeth Jenkins, Planning and Development Director, Karen Nober, Town Attorney and Andrew Clyburn, Assistant Town Manager. Councilor Schnepf noted there would be no votes or motions

tonight regarding the short-term rental draft regulations. Andy Clyburn discussed the history of short-term rentals in Barnstable. He spoke about the terminology of short-term rentals. He clarified that anything less than 2 months was considered short-term. He said the committee had reached out to every civic association. He said the main take away from the associations were the need to deliberate measured data and the need to not rush the process. He added the Town needs to regulate the short-term rentals. Elizabeth Jenkins spoke about the general ordinance which would license and regulate all short-term rentals. She noted there needed to be zoning clarification. Brian Florence said there need to be regulations regarding inspections and smoke detectors. He inquired about the process for complaints.

Councilor questions and comments:

Liked the idea of a policy consideration with a cap on licenses per owner. Please utilize Global Information Systems (GIS) database for all short-term rentals. We need to make sure all rentals laws are the same across the board. Please spell out noise laws, ordinances and sign ordinances.

Zoning is important as it outlines what a municipality should look like. Main theme from all discussions is the need to not rush the process and get it right.

Recess 5 Minutes Break

<p>2020-080 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$220,860 PURSUANT TO TEMPORARY REPAIRS TO PRIVATE ROADS PROGRAM FOR CERTAIN PRIVATE WAYS REGARDING GOODVIEW WAY, BARNSTABLE VILLAGEINTRO: 02/06/2020; 02/27/2020</p>

Dan Santos, Public Works Director, gave the rationale. He gave an overview of the PowerPoint presentation.

Open Public Hearing seeing no one close Public Hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$220,860** be appropriated for the purpose of making temporary repairs to Goodview Way in Barnstable Village, a private road within the Town of Barnstable, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow \$220,860 under and pursuant to Chapter 174 of the Acts of 1994, as amended by Chapter 350 of the Acts of 2014 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes assess betterments in accordance with M.G.L. c. 80, and further that the Town Manager is authorized to accept any grants or gifts in relation thereto.

VOTE: 12 YES PASSES

2020-081 ACCEPTANCE OF A 2020 SUSTAINED TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$44,000 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION INTRO: 02/27/2020

Chief Matthew Sonnabend gave the rationale.

Councilor questions and comments:

Please amend the error regarding the cost from \$22,603 to \$44,000

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby accept a Sustained Traffic Enforcement Program (STEP) Grant in the minimum amount of \$22,603 up to a potential total amount of \$44,000 from the Executive Office of Public Safety and Security, Highway Safety Division for the purpose of funding Barnstable Police Department overtime costs of conducting traffic enforcement patrols at specific locations during specific days and times of the year and associated data entry administrative costs, and that the Town Manager is authorized to contract for and expend the grant funds for the purpose stated herein

VOTE: PASSES UNANIMOUS

2020-131 TRANSFER ORDER IN THE AMOUNT OF \$14,000.00 FOR TRAFFIC SIGNAL CABINET/CONTROLLER REPLACEMENT INTRO: 02/27/2020

Dan Santos, Public Works Director, gave the rationale.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$14,000.00** be transferred from the Fiscal Year 2020 Public Works Department personnel budget to the Fiscal Year 2020 Public Works Department Operating Capital Budget for the purpose of funding the Traffic Signal Cabinet/Controller for the intersection of Barnstable Road & Winter Street, Hyannis, MA

VOTE: PASSES UNANIMOUS

2020-132 TRANSFER ORDER IN THE AMOUNT OF \$91,000.00 FOR THE REPLACEMENT OF AN EVAPORATIVE CONDENSER AT THE HYANNIS YOUTH & COMMUNITY CENTER INTRO: 02/27/2020

Dan Santos, Public Works Director, gave the rationale.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$91,000.00** be transferred from the Town Council's Operating Reserve Fund to the Fiscal Year 2020 Hyannis Youth & Community Center Enterprise Fund Operating Capital Budget for the purpose of funding the replacement of a evaporative condenser, including the payment of costs incidental or related thereto.

VOTE: PASSES UNANIMOUS

2020-133 TRANSFER ORDER IN THE AMOUNT OF \$17,000.00 FOR THE ENVIRONMENTAL ASSESSMENT OF A HYDRAULIC OIL SPILL INTRO: 02/27/2020

Dan Santos, Public Works Director, gave the rationale.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$17,000.00** be transferred from the Fiscal Year 2020 Public Works Department Personnel Budget to the Fiscal Year 2020 Public Works Department

Operating Expense Budget for the purpose of funding the Environmental Assessment of a Hydraulic Oil Spill.

VOTE: PASSES UNANIMOUS

2020-134 TRANSFER ORDER IN THE AMOUNT OF \$17,000.00 FOR SALT SHED FIELD AND STRUCTURAL ANALYSIS INTRO: 02/27/2020

Dan Santos, Public Works Director, gave the rationale.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$17,000.00** be transferred from the Fiscal Year 2020 Public Works Department Personnel Budget to the Fiscal Year 2020 Public Works Department Operating Expense Budget for the purpose of funding the Salt Shed Field Investigation and Structural Analysis.

VOTE: PASSES UNANIMOUS

2020-135 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND J.P. BAXTER HOUSE, LLC FOR 8 NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 0 & 17 HIGH SCHOOL ROAD, HYANNIS INTRO: 02/27/2020

Upon a motion duly made and seconded it was

ORDERED: The Town Council hereby votes to support the acceptance of the Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and J.P. Baxter House, 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) new market rate residential units located at 0 & 17 High School Road, Hyannis (Assessor's Map 308, Parcels 259 and 259-001) substantially in the form as presented to the Town Council at this meeting, and to authorize the Town Manager to execute the TIE Agreement and submit it to Department of Housing and Community Development for approval.

VOTE: REFER TO PUBLIC HEARING ON 03/05/2020 – PASSES UANIMOUS

2020-136 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$400,000 OF COMMUNITY PRESERVATION FUNDS FOR THE CREATION OF FOUR AFFORDABLE RENTAL UNITS LOCATED AT 560 WEST MAIN STREET, HYANNIS, MA INTRO: 02/27/2020

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 sum of Four Hundred Thousand Dollars and NO/100 (\$400,000.00) dollars be appropriated and transferred from the Undesignated Funds portion of the Community Preservation Fund and that the Town Manager is authorized to contract for and expend the amount appropriated and transferred for the purpose of creating community housing consisting of three (3) new low income and one (1) new very low income rental units to be located at 560 West Main Street, Hyannis, and to execute, deliver and record documents and restrictions for the stated purpose subject to restrictions as provided in G. L. c 44B for the stated purpose and the oversight of the Community Preservation Committee.

VOTE: REFER TO PUBLIC HEARING ON 03/19/2020 – PASSES UANIMOUS

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was
VOTED TO ADJOURN:

Adjourned at 11:15 P.M.

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: March 5, 2020

EXHIBITS:

- A. Town Manager update for period February 7, 2020 through February 27, 2020