



Town Council Meeting  
September 17, 2020



The September 17, 2020 meeting of the Barnstable Town Council was physically closed to the public to avoid group congregation.

A quorum being duly present, President Paul Hebert called the September 17, 2020 Town Council meeting to order at 7:06 p.m. from a remote location.

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:** (On Zoom) David Bogan, Kristine Clark, Jennifer Cullum, Debra Dagwan, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr. Eric Steinhilber.

The Pledge of Allegiance was led by Councilor Clark followed by a moment of silence for the family of artist, Elizabeth Mumford.

**PUBLIC COMMENT:**

Frederick Wrightson brought up news stories regarding shootings at short term rentals in Massachusetts, the public deserves to know.

Rob Wilson urged support of becoming a green community

Michelle Sgarlat talked about a need for a climate emergency policy in the Town of Barnstable; action is needed now to reduce fossil fuels.

Gene Quaglia owner of rental properties has some ideas to help solve the problems of short term rentals.

Jennifer Lynch objects to the three night minimum for short term rentals.  
Close Public Comment

**Councilor Response to Public Comment:**

Thank you for your comments this evening and taking the time to speak with us; we need to listen to those residents that speak; looking forward to a unified message and more information on climate emergency policy; we can look at the verbiage on the number of rentals per week, perhaps it should be no more than two rentals per week; a letter was read supporting the Town of Barnstable becoming a green community; communicate with us in the next couple of weeks, have people email the Councilors regarding the climate

action network and why we should support it.

**TOWN MANAGER COMMUNICATIONS:** (Exhibit A)

For the record, the incident in the rental happened January 31<sup>st</sup> and was reported on the first of February through a press release, by the Police Department and it went out on social media. Our intent is to communicate with our residents and to keep everyone safe.

Town Clerk Ann Quirk gave an update regarding the upcoming November 3<sup>rd</sup> General Election and the 2020 Census.

Meg Mayo-Brown, Superintendent of Schools gave an update on the schools reopening, with a phased in approach. Enrollment has gone down, as some parents have opted for home schooling.

**Councilor questions and comments:**

Appreciate the remote instruction, thank you for your efforts. How or if extracurricular activities will occur [not after school, but during school time] transportation update [far better than we thought; our entire student body can get transportation] how are you assigning physical education, music, etc. [as much as we can in school, with social distancing] thank you for your countless hours, there are a lot of unknowns still, do you have a plan for families calling about the schedule. [the high school schedule is very challenging, trying to get our software program to run in this new environment with Cohorts A, B, C and D] do you anticipate difficulty filling the positions [Principals are doing a great job, we will make that transition well] looking for volunteers, how do we do that [family and community engagement at the HYCC]

**Town Mangers Update continues:**

Continue to monitor FY 2021 revenues and expenses. Mark Milne, Finance Director will provide an update.

Town Council Strategic Planning

Phase 3, Step 1 of the Governor's four phase recovery plan

Cape and Islands Water Protection Fund Board continues to discuss distribution of funds

David Anthony, Director of Property and Risk Management provided an update relative to certification as a Green Community. Lisa Sullivan is our contact for Southeast Green Community. Anthony used a PowerPoint presentation to give the benefits of the Green Community designation.

**Councilor questions and comments:**

What is the timeline for the stretch by-law [December 30<sup>th</sup>, would have to demonstrate compliance] Alternate plan of compliance, when would that be resolved [Brian Florence, December 30<sup>th</sup>, trying to amend the 2021 code to make it more strict by October] Why bring the proposed resolution before the Council now instead of waiting [Ells, we were asked to bring this forward, by the Council, the current effort is worthwhile] What is the basis of your appeal to the State [Florence to meet the Green Community act] what is the unique situation [we are in a 140 mile and hour wind zone, is one example] Could you make that available to us [it is not written as yet, we think we can be successful, and cost effective for the citizens of Barnstable] the stretch code is not the way to go? [that is not what I said] there is a uniform building code for Massachusetts, are you saying you want another one [No sir] we have a tight window to get anything done, five targets, if we were

to have the audits completed in three months, it seems that all these pieces can come together; the Town of Barnstable has come along way to become a green community; feeling some reluctance to go forward; is there anything we could do to help [Florence, absolutely in favor of being a green community, I will do everything I can to get us there before the December timeline] Amend the existing building code, even if we could meet those, what is the feasibility of having that happen by the end of December; Criteria is to have a plan in place, all 14 towns on Cape Cod have passed the Stretch Code; predictable and consistent make us easier to work with; this has been thoroughly vetted, the fifth component is the poison pill in the green community, we need a million dollars in new growth every year to keep us going. Adds time to get the inspections; increase the cost of residential construction; we can be a leader; Criteria 3 and 4, speak to those Mr. Anthony [these are both proposed plans, energy reduction plan sitting waiting to be funded through CIP, we would be able to address three and four by the end of the year] Commercial buildings,[Sullivan does not affect local control of permitting, makes sure it meets the criteria] Point of order, we should hold anymore questions until we take up this item up; we could use a workshop on this to bring in all sides on this item.

Mark Ells Town Manager, deferred to Dan Santos, Director of the Department of Public Works who gave an update on the construction of the Maher Drinking Water Filtration Plant and the Comprehensive Wastewater Management Plan(CWWMP).

**Councilor questions and comments:**

Waiting for sign of on the plan, when does the rubber hit the road [the rubber has hit the road, first construction project will be in the spring, process is the submission of environmental impact, then our plan will have it's final blessing] do we have any innovative systems [we are working with the Barnstable Clean Water Coalition, the installation of alternative septic systems in the area of Shubael's Pond] Willing to offer a ride out to see the alternative septic systems; financing on the CWWMP [assuming we go forward, anticipate betterments or sewer assessment, next year] valuation on the drilling on potential water [field work is completed the report is forthcoming, we will then present and distribute to all] What is parts per million that we normally discharge [around four to five]

**Director of Finance, Mark Milne** utilized a PowerPoint presentation to discuss the Financial Policy Review, starting with the Tax Levy Policy.

**Councilor questions and comments:**

Automatic 2 ½ every year, a half percent what is that [would be around 600,000 dollars, and we would need to find that plus a million dollars in new growth]. [Mark Ells, important to bring this back to the Council, especially as we go forward to the Waste Water Management Program] Current fiscal process increases our reserves, what is that on an annual basis [Milne, have that information on additional supplies, we are not in the business of making money]

Next slide: New Property Tax Growth, resurgence of new growth over the last six years;

**Councilor questions and comments:**

What does that mean, [we could fund 3 ½ million dollars in new loans] We have to come up with a dollar amount, [that would be on the next slide]

Next slide: Capital Program Policy, several types of projects.

Revenue Sharing Policy

**Councilor questions and comments:**

Assumptions are still valid with the revenue sharing [yes] capped at one million dollars [yes]

Last Slide: Fund Balance Policy (Free Cash)

**Councilor questions and comments:**

Are we comfortable about how we are doing business at this time; is it possible to have a workshop with the Town Council [Mark Ells, yes, this time sensitive item] Special meeting or within our Town Council meeting: warrants its own special meeting ; last Thursday in October, for a special meeting, with just this item to be discussed. The Town Council will plan on October 29<sup>th</sup> for a special meeting of the Town Council.

10 minute break

**ACT ON MINUTES:**

Upon a motion duly made and seconded it was to accept the minutes of the September 3, 2020 as presented, with one correction of the spelling of the Town Manager's last name as Ellis to replace with Ells.

**VOTE: PASSES 12 YES**

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

Shout out to the Daily Paper for a first responder breakfast with proceeds going to a program for kids through the Barnstable Police Dept. There are three (3) seats available on the Council on Aging; A Covid story was shared and the AG's office came through! Preparedness for Councilors, large book of information, as Councilors if you have questions, contact our Council Administrator, who is a wealth of information.

**2021-009 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$8,500,000 FOR THE PURPOSE OF FUNDING THE SOLIDS HANDLING UPGRADES CONSTRUCTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2021 FISCAL YEAR 2025 CAPITAL IMPROVEMENT PLAN INTRO: 08/20/2020, 09/03/2020, 09/17/20**

Director of Public Works, Dan Santos, gave the rationale

**Councilor questions and comments**

Rates of a 12 percent increase [over a long period of time, we use our reserve to cover that, it would be about 3 percent] is this project eligible for water protection funds [SRF eligible project, not in place yet, to be determined, it may be eligible for additional funds]

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$8,500,000** be appropriated for the purpose of funding the Solids Handling Upgrades Construction Project as outlined in the Fiscal Year 2021 – Fiscal Year 2025 Capital Improvement Plan, 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 \$8,500,000 under and pursuant to M.G.L. c. 44, §§7 or 8, 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.

**VOTE: PASSES 12 YES**

**2021-012 RESOLVE TO ACCEPT THE GRANT OF AN ELECTRIC EASEMENT FROM FESTIVAL OF HYANNIS, LLC FOR ELECTRIC SERVICE FOR NEW TRAFFIC SIGNAL AT THE INTERSECTION ATTUCKS LANE AND WILKENS LANE INTRO: 09/17/2020**

Director of Public Works, Dan Santos, gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** that the Town accept the grant of a perpetual easement to the Town under the care, custody and control of its Department of Public Works for the construction, maintenance, repair and use of a new electric service to serve a new traffic signal at the intersection of Attucks Lane and Wilkens Lane from Festival of Hyannis, LLC, as shown on a plan prepared by the DPW Survey Section dated February 10, 2020 and that the Town Manager is authorized to accept, sign deliver and record documents for the purposes set forth herein.

**VOTE: PASSES 12 YES**

**2021-013 ACCEPTANCE OF FISCAL YEAR 2021 MASSTRAILS GRANT IN THE AMOUNT OF \$180,950 FROM THE COMMONWEALTH OF MASSACHUSETTS FOR DESIGN OF THE CAPE COD RAIL TRAIL INTRO: 09/17/2020**

Director of Public Works, Dan Santos, gave the rationale

**Councilor questions and comments**

Does that include a parking lot? [A small parking area on Mary Dunn Road]

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby accept the Fiscal Year 2021 MassTrails Grant award in the amount of **\$180,950** from the Commonwealth of Massachusetts Department of Conservation and Recreation for the purpose of design and permitting of the Cape Cod Rail Trail Phase 3 extension from Yarmouth to Mary Dunn Road in Barnstable Village, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

**VOTE: PASSES 12 YES**

**2021-014 ACCEPTANCE OF FISCAL YEAR 2021 COASTAL POLLUTANT REMEDIATION GRANT IN THE AMOUNT OF \$173,255.50 FROM THE COMMONWEALTH OF MASSACHUSETTS FOR CONSTRUCTION OF STORMWATER IMPROVEMENTS ON SOUTH COUNTY ROAD INTRO: 09/17/2020**

Director of Public Works, Dan Santos, gave the rationale

**Councilor questions and comments**

Is this being done in conjunction with the ABCC [yes it is] Where is it? [located on South County Road on the east side]; congratulation on receiving that grant. Did we receive this

grant last year, [yes this is the fourth year]

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby accept the Fiscal Year 2021 Coastal Pollutant Remediation Grant award in the amount of **\$173,255.50** from the Commonwealth of Massachusetts Department of Coastal Zone Management for the purpose of constructing stormwater improvements along South County Road in Marstons Mills, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

**VOTE: PASSES 11 YES (Hebert off Zoom)**

**2021-015 ACCEPTANCE OF 2020 MASSACHUSETTS DREDGING GRANT IN THE AMOUNT OF \$500,000 FROM THE COMMONWEALTH OF MASSACHUSETTS FOR THE DEAD NECK / SAMPSON'S ISLAND DREDGING PROJECT INTRO: 09/17/2020**

Director of Public Works, Dan Santos, gave the rationale

**Councilor questions and comments:**

Phases one and two made a remarkable difference; glad that this is going forward

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby accept the 2020 Massachusetts Dredging Grant award in the amount of **\$500,000.00** from the Commonwealth of Massachusetts Executive Office of Housing and Economic Development for the purpose of executing Phase 3 of the Dead Neck / Sampson's Island Dredging Project and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

**VOTE: PASSES 11 YES (Hebert off zoom)**

**2021-016 RESOLVE TO ACCEPT THE GRANT OF A ROADWAY IMPROVEMENTS EASEMENT FROM CAPE COD HOSPITAL FOR NEW TRAFFIC SIGNAL AT THE INTERSECTION ATTUCKS LANE AND WILKENS LANE INTRO: 09/17/2020**

Director of Public Works, Dan Santos, gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** that the Town accept the grant of a perpetual easement to the Town under the care, custody and control of its Department of Public Works for the construction, maintenance, repair and use of roadway improvements to support the construction of a new traffic signal at the intersection of Attucks Lane and Wilkens Lane from Cape Cod Hospital, as shown on a plan prepared by the Department of Public Works Survey Section dated February 10, 2020 and that the Town Manager is authorized to accept, sign deliver and record documents for the purposes set forth herein.

**VOTE: PASSES 11 YES (Hebert off zoom)**

**2021-017 APPROVAL OF A CONTRACT FOR MARK S. ELLS AS THE BARNSTABLE TOWN MANAGER, AND ITS EXECUTION INTRO: 09/17/2020**

Councilor Steinhilber explained how the Councilors on the committee moved forward with this contract.

**Councilor questions and comments:**

On the contract agreement there is a typo, which will be fixed by the Administrator

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council approves a contract for Mark S. Ells to serve as Town Manager and authorizes the Council President to sign on behalf of the Council and the Town of Barnstable.

**VOTE: PASSES 12 YES**

**2021-018 ORDER TO ACCEPT TOWN OF BARNSTABLE'S AMENDED APPLICATION AND THE COMMUNITY PRESERVATION COMMITTEE'S VOTE TO APPROVE THE AMOUNT OF \$320,000 IN COMMUNITY PRESERVATION OPEN SPACE/RECREATION FUNDS FOR FALCON ROAD CONSERVATION RESTRICTION TO BE HELD BY BARNSTABLE LAND TRUST INTRO: 09/17/20**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council hereby votes to approve the Town of Barnstable's amended request for **\$320,000** in Community Preservation Open Space/Recreation Funds for the acquisition of the open space resource consisting of 15.96 acres located at 28 Falcon Road, West Barnstable, Map 195, Parcel 038 and the Community Preservation Committee's vote to recommend said acquisition. Specifically, the Town Council hereby authorizes, pursuant to the provisions of the Community preservation Act, G.L.c. 44B and the Conservation Restriction statute, G.L. c. 184, Sections 31-33, the amended application for the larger amount of \$320,000 which represents a portion of the total purchase price of \$347,500, said Restriction to be held by the Barnstable Land Trust which is contributing \$27,000 in both funding and in kind contributions. The Town of Barnstable will be applying for a Massachusetts drinking water grant that would potentially pay for up to half of the cost of the project and reserve rights for the Town to install a drinking water well at this site. If awarded, the amount granted would be returned to the Community Preservation Fund. The CPC has requested that the Conservation Restriction reflecting Barnstable Land Trust as the holder, be approved by the Legal Department. The Town Council further votes to authorize the Town Manager to execute, deliver and record documents and restrictions as provided in the relevant, above-cited statutes for the stated purpose and oversight of the Community Preservation Committee.

**VOTE: TO A SECOND READING ON 10/01/20**

**2021-019 ORDER TO ACCEPT TOWN OF BARNSTABLE'S AMENDED APPLICATION AND THE COMMUNITY PRESERVATION COMMITTEE'S VOTE TO APPROVE THE AMOUNT OF \$500,000 IN COMMUNITY PRESERVATION OPEN SPACE/RECREATION FUNDS FOR 830 WAKEBY ROAD CONSERVATION RESTRICTION TO BE HELD BY BARNSTABLE LAND TRUST INTRO: 09/17/20**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council hereby votes to approve the Town of Barnstable's amended request for **\$500,000** in Community Preservation Open Space/Recreation Funds for the acquisition of the open space resource consisting of 15.74 acres located at 830 Wakeby Road, Marstons Mills and the Community Preservation Committee's vote to recommend said acquisition. Specifically, the Town Council hereby authorizes, pursuant to the provisions of the Community preservation Act, G.L.c. 44B and the Conservation Restriction statute, G.L. c. 184, Sections 31-33, the amended application for the larger amount of \$500,000 which represents a portion of the total purchase price of \$525,680, said Restriction to be held by the Barnstable Land Trust which is contributing \$25,680 in both funding and in kind contributions. The Town has a pending application for a reimbursement grant from the State for matching funds in the amount of \$250,000, which

upon award, would be returned to the Community Preservation Fund. The CPC has requested that the Conservation Restriction reflecting Barnstable Land Trust as the holder and other usual conditions, be reviewed and approved by the Barnstable Legal Department. The Town Council further votes to authorize the Town Manager to execute, deliver and record documents and restrictions as provided in the relevant, above-cited statutes for the stated purpose and oversight of the Community Preservation Committee.

**VOTE: TO A SECOND READING ON 10/01/2020**

<b>2021-120 RESOLVE TO ENDORSE APPLICATION TO THE STATE FOR BARNSTABLE TO BECOME A GREEN COMMUNITY INTRO: 09/17/2020</b>
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**A motion was made and duly seconded to table this item and ask the Town Manager to bring information back from the state**

**Councilor questions and comments:**

Mark, are you comfortable with us tabling this item [Ells, yes I am] Are we moving forward with the application? Continuing the discussions with the state on the 5<sup>th</sup> criteria [Ells, will continue discussions about alternative approach and bring the information back to the Council] A workshop would be helpful, many of us have not been part of this discussion previously. What would be the will of the Council?

Upon a motion duly made and seconded it was

**RESOLVED:** That Town Council hereby endorses the actions of the Town Manager to direct staff to prepare an application to the Department of Energy Resources of the Commonwealth of Massachusetts, through its Green Communities Division, to become designated as a Green Community, as such designation will allow the Town to apply for additional technical assistance and financial support through the Green Communities program.

Table this item and convene with us later this year after he converses with the State.

Continuing the discussion with the state about an alternative approach

Consistent with the suggestion earlier, that we have a workshop of both viewpoints would be helpful.

**VOTE: To table this item and have the Town Manager report back to the Council.**

**PASSES 10 YES, 2 NO (Schnepp, Starr)**

**VOTE: ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED TO ADJOURN:**

**Adjourned at 10:52 PM**

Respectfully submitted,

Ann M Quirk  
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: October 1, 2020



EXHIBITS:

A. Town Manager's Report for September 17, 2020