



Town Council Meeting  
March 07, 2024



A quorum being duly present, President Felicia Penn called the March 07, 2024, Town Council meeting to order at 6: 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, **Absent:** Kristin Terkelsen

Councilor Levesque introduced Senior Master Sergeant (Retired) Guy Gottschalk to lead the Pledge of Allegiance.

President Penn invited Provisional Chief of Police, Jean Challis to the podium to discuss the event which took place in Hyannis on Wednesday, March 6, 2024. Provisional Chief Challis introduced Lieutenant Michael Riley. She noted Lieutenant Riley is the Commander of the Cape Cod Regional Special Weapons and Tactics (SWAT) team and was in charge of the Saint Francis Circle scene. She commended Lieutenant Riley for his outstanding leadership skills and patience. He affectively worked with several other agencies as well as the Barnstable SWAT team to bring this event to a peaceful outcome. Provisional Chief Challis added this was really a team effort lead by Lieutenant Riley and the Barnstable Community should be proud of the men and women as a whole.

Lieutenant Riley thanked Provisional Chief Challis for her comments. He said it was a challenging event but having a phenomenal police force, SWAT team and other resources it was not difficult to lead these groups. He thanked the Chief, the Town Council, Town Manager, and the people of Barnstable for their support.

**PUBLIC COMMENT:**

**In-person:**

Susanne Conley questioned Public Works Director Santos's opinion regarding dielectric fluids. She mentioned documents she had sent to the Council and information from experts who testified before the Energy Facilities Siting Board (EFSB) on the Independence Drive substation for Vineyard Wind and the dielectric fluids plan for use there. The takeaways are: dielectric fluids are not simply oil, do not allow product in dielectric fluids to reach ground water, and Ann Marie Petricca, Director of Geosciences and Associate at Environmental Partners described 4 scenarios outside of normal substation operations must be considered all of these could lead to contamination of ground water: Catastrophic explosion of transformer, a transformer fire, greater than 50 years precipitation event, and transportation accidents related to the movement , delivery and pump out of dielectric fluids. She felt there were other better options available, and

the Town should err on the side of caution

Gary Peters said he was disappointed with last week's Special Meeting. He felt the dielectric fluids would not remain on the surface but be absorbed as the fluid had a strong absorption ability in the soil.

Larry Morin urged the Council to have another Special Meeting in mid-April.

Cliff Carroll felt that meeting last week did not answer all the questions regarding transformers. We have no plan regarding transformer fires.

Peter Sampou supported Dan Santos and felt he had experience and knowledge in dealing with groundwater. He felt there were unfounded concerns with electric bills rising due to the hook up of these wind projects. He mentioned Massachusetts is already utilizing renewable sources and ultimately the consumer can choose their supplier.

Toby Leary received a letter detailing back door dealings and discussion about the subcommittees with appropriate partners. This type of information does not instill confidence in the leadership, it is not open and not transparent.

Peter Hansen felt the substations were a major risk to our drinking water and he disagreed with the report from last week's meeting on dielectric fluids. He had many questions and hoped at the next special meeting the fire chiefs could be invited and discuss ways to react to an transformer explosion.

Meaghan Mort questioned who decides who are on these subcommittee partnerships? My family is fighting for a home and the President of the Council has a "We're Full" bumper sticker. Please re-establish the Housing Committee.

Eileen Elias, thank you President Penn and members of the Council, for forming a Council based affordable housing subcommittee. Thank you, Councilor Schnepf, for your role with the subcommittee. Barnstable No Place for Hate, with its partners, is advocating for affordable housing to benefit the lives of all people throughout Barnstable, not just in Hyannis. We are seeking information on the implementation of this subcommittee including who will be the participants, its chairperson, expected goal, objectives, timeframe, start date and reporting expectations.

Sandra Jones read aloud Town employee comments regarding substations and dielectric fluids.

Dylan Moreno felt the runoff which was comprised of fertilizer, oil, pesticides, and other pollutants hurt the water more than any dielectric fluids. He noted fossil fuel burning was bad for the ecosystem. He urged the Council to fight climate change by utilizing clean energy, and wind energy.

Barry Sheingold spoke about the Dan Santos statement from last week's meeting regarding the dielectric fluids were not an issue as the product is thick and does not mix well with water. Since we are talking about the dielectric fluids and Vineyard Wind intentions, he suggests we ask them to appear before the Town Council. They have the best information about their plans.

Joanne O'Connor asked about a containment plan for the transformers. Is the information not available? Asked the Council to direct the Town Manager to find the answers to these

questions.

Joseph O'Brien supported the wind projects. He is the Safety Manager on the Vineyard Wind project. He felt these projects were safe projects. Let's work with Avangrid for a nice reliable project for Barnstable.

Nik Atsalis said there were no backdoor deals when he served on the Council. The "We're Full" sticker is a bad look for a Councilor. It is bad protocol. Transparency - some of the new Councilors ran on this idea. What you ran on is not what you are doing. Please represent the entire population of Barnstable.

Grove Harris felt we need educators to have these discussions because our children need to know this information. Transparency we need it. Where is the common ground that could help us get to a real understanding of the projects. We need this energy, but we need to collaborate together.

Elizabeth Wurfbain, Executive Director of the Hyannis Main Street Business Improvement District (BID), invited everyone to a BID retail attraction summit/forum on March 26<sup>th</sup>, 2024, at the Sturgis building – 529 Main Street Hyannis Massachusetts at 8:45 AM. Trying to get retail mix in downtown Hyannis. She mentioned Michael Burn, a consultant who has worked for over 40 years to get cities and towns to improve their mix of retail with all the other businesses.

Rob Brennan originally was going to speak about the long conversation he had with Councilor Starr regarding moving climate and housing interests together and the economic development summit he attended. He noted Councilor Levesque had also attended the summit. He received a newsletter in the mail, and other BID members received this as well. He felt the BID was lied to on February 13<sup>th</sup> by President Penn. He said she told them she does not have an agenda for Main Street. Who drafted this document? Did the Council vote on the items from the document?

Eric Schwaab explained he has complete confidence in the Town Council and in the Town Council President. Penn. The Council is a diverse group not dominated by any one interest. You represent us in the community. Please keep on doing what you are doing. You are doing a great job.

**Zoom:**

Chuck Carey spoke about the opposition to housing for over 100 families, bullying the award-winning Planning and Development Department, and backroom tactics to scuttle the Riverview School project. He urged President Penn to voluntarily recuse herself. He asked her to step down and return the position to one of respect for the Town's needs. Remember transparency. He noted the five sub committees are sponsored by President Penn. He felt this would be the attempt to stack the deck with anti-housing, anti-building, anti-progress members. He recommends someone who is neutral, and objective should make the selection.

Heather Hunt thanked the Council for bringing public visibility to public business. She previously had been a vocal critic of the ad-hoc committees. She felt there was a shift in the way the Town is electing to do business. She noted the subcommittee were given a deliberate scope and purpose, informing the public of its intentions so that the public can be informed, and a finite date for the work of the subcommittee. Thank you for complying with the provisions of the Town's Code as well as bringing transparency, visibility, and equal access to our public business.

Kim McGuire supported President Penn. She mentioned Felicia Penn who is a resident of Barnstable, born in Hyannis and who has served on multiple boards and committees that she has a wealth of knowledge. She noted Felicia Penn was one of the most knowledgeable leaders of our Town and is very intelligent and has had unbiased opinions in weighing her knowledge and experience with what is going on in the Town.

Dan Santos, Director of Public Works gave his insight into last week's meeting. He said the purpose of last week's special meeting was to primarily address what some see as an inconsistency in what was presented and what information is in the record. He said he was a ground water advocate and has spent 35 years professionally and as a resident on this peninsular. He has been protecting, educating, understanding, cleaning, and investigating ground water. Last week's session was meant to educate the Council and our residents on our groundwater protection efforts. It was not about making policy or decisions. I was providing information so that you can make future decisions, after you discuss it, and hear from other experts. He spoke about the Town taking a strong position to protect the groundwater. We were able to get containment beneath the new transformers, in case of the remote possibility of a spill, or a catastrophic leak from one of the transformers. He felt in his professional opinion the transformer substations are not the threat they are being made out by others.

#### **COUNCIL RESPONSE TO PUBLIC COMMENT:**

(Bloom) Spoke about the letter received by the Council and some BID members. He felt the letter was a means to incite readers. It was to alarm the people of the Town and denigrate the Town's leadership. He said the letter was disgusting and outrageous.

(Ludtke) She felt the letters distributed to some people anonymously put others at a disadvantage as they do not have the information. She said this letter shows that the agenda item regarding the ad-hoc committees, which we will be voting on tonight is incredibly valuable. Furthermore, at the Massachusetts Municipal Association (MMA) training session which some of us attended, we found out all other cities have these committees except Barnstable. We are on the right track stepping in the right direction.

(Neary) Mr. Sheingold mentioned getting Avangrid representatives back in the room. Councilor Neary agreed with him and suggested inviting Eversource representatives to speak on the record and join one of our meetings.

(Starr) Congratulated Dylan Moreno, from Sturgis on coming here tonight and expressing your opinion.

(Clark) Congratulated President Penn on devising these subcommittees which will be comprised of some of the Councilors but also residents who care. A great way for residents to weigh in and evaluate the information.

(Mendes) A lot to digest tonight. This is my third year and I have to say I am the most embarrassed due to receiving this letter in the mail. It was embarrassing because some residents knew about it, but the Council did not. He wanted to know who wrote this letter. I will not vote on any subcommittees until I know where this letter came from – who penned it. The people in this Town deserve to know where and who wrote this letter. If it came from leadership as stated in the other letter receive then we deserve to know it.

(Crow) Spoke about the dielectric fluids and questioned how to find out what the facts are concerning this fluid. He felt Avangrid was not correct or forthcoming with any answers. He inquired if the Legal Department could find out from one of the principal officer at Avangrid what fluids, chemicals and gases are going onto these new substations and what are in the current Independence Park substation. He said concerning the letter received he felt it was the most refreshing thing he had read. Nobody decides what goes on in the Town without the permission/direction of the Town Council. He has no problem with development in this Town, I think we need housing and development. He mentioned emails, which are available for anyone to read on the Town's Freedom of Information Direct (FOIADirect) from Rob Brennen to the Planning and Development Department, Councilor Crow found them to be appalling. He felt going forward having these meetings in public will allow for transparency.

(Levesque) Hoped the author of the letter would come forward and admit they wrote it. He stated that it was President Penn who wrote the letter. The letter in question was a memo sent to the Planning Department. He knew of the letter but did not receive it until today. It is directives given to the Planning Department based on a perception on what was going on in the Town by the President of the Council. Were those things going on? No. I do find in the letter there are a lot of assumptions, again you are not seeing it so that is unfair. There is definitely an agenda here about what needs to happen in the Town of Barnstable as far as growth. There are also a lot of differences of opinions, it should all be talked about on this dais. I believe we can have it all, we just have to work together.

(Schnepp) Explained all the previous subcommittee meetings were open to the public and the minutes are available to the public. She added the challenge for the past ad-hoc committees and future ones is the need for administrative help regarding minutes. There is no intentional reason to hide any information conducted here in the Town of Barnstable. She was part of the leadership along with Councilor Levesque to sunset some of these subcommittees due to public concerns. We have a lot of things happening in the Town, sewer expansion, housing crisis and the comprehensive wastewater management plan. Having smaller groups of council members on these subcommittees is not a bad idea.

(Bloom) The first letter did not need to be signed if President Penn wrote it because the Planning Department knew who had written it. The second letter is a poisonous document aimed at disturbing this Town Council and causing enmity between the council members. I would like to know who sent this out to everybody.

(Penn) I have no comment to make as I do not comment on anything that is not signed.

Break 7:56 pm – 8:14 PM

**TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded)** 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 February 14, 2023, through March 5, 2024, included an update on: (Exhibit A)

President Penn invited Mark Ells, Town Manager to update the Council from his Town Manager Report:

1. Budget calendar for Fiscal Year 2025

2. Executive Order creating the Commission on Clean Energy Infrastructure Siting and Permitting that Governor Maura Healy signed. – update. The Committee will look at how to streamline that process. He reached out to Senator Cyr who has many times tried to get Barnstable a seat on that committee. He does not agree with how this process is not engaging the municipalities, certainly a municipality that is directly impacted by this committee.
3. Monitoring the activation of the Vineyard Wind cable landing at Covell’s beach – update. Active discussion with Vineyard Wind. They are putting together the information signage and creating a URL link. Needs to be in place by May 2024.
4. Executive Committee of the Cape Cod and Islands Water Protection Fund – update Provides a principal subsidy to wastewater projects from the revenue brought into from the trust. Mark Milne, Director of Finance explained the new model will work as opposed to getting 25 percent principal subsidy paid out over a four-year period it will get paid over a 20-year period. The financial benefit of maintaining the 25 percent subsidy is sufficient. For example, the projects we have listed in our 2025-2026 Capital Improvement Plan (CIP) for the sewer expansion program total about 224 million dollars. So, the subsidy on that project at 25 percent is 60 million dollars. If we were to lose the subsidy to 12 percent or half, we would lose 30 million dollars from the subsidy. The downside to this strategy is we would have to borrow more because we are not getting the principal subsidy – we ran the number we would pay 10 million dollars more in interest. We asked for their models to double check it before they take the vote on it. If the model looks good, it is good for Barnstable and the whole Cape.
5. Lane Patridge, Director of Assessing has recorded a Town Talk on Residential Property Values – update
6. Barnstable Youth Commission – 8<sup>th</sup> year Youth Job Fair held on Wednesday, March 3, 2024. Over 300 young people attended.
7. Kate Maldonado, Senior Planner for the Planning and Development Department provides an update on the Local Comprehensive Plan.

**Councilor questions and comments:**

(Schnepf) Asked about the Vineyard Wind cable and the electric and magnetic field (EMF) compliance issues. You stated the Town of Barnstable plans to retain an independent third-party expert to verify the compliance issues. (Ells) We are looking at bringing in a third-party expert. (Penn) Hoped Vineyard Wind would pay for that service. (Ells) Felt Vineyard Wind should monitor and we will verify.

**ACT ON PUBLIC SESSION MINUTES:**

Upon a motion duly made and seconded, it was to accept the minutes of February 15, 2024, as presented.

**VOTE: PASSES UNANIMOUS**

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

(Mendes) Quick announcement from the Appointments Committee – last day to get applications for Zoning Board of Appeals, and Infrastructure and Energy will be March 15, 2024. For the rest of the boards please get your applications in.

(Neary) Thank you Lieutenant Riley and Provisional Chief Challis for their efforts - remarkable that there was no injury or loss of life.

(Starr) suggested moving items 2024-099 to the first item discussed.

From the Wheelhouse:

1. Special Meeting last week – number of positive comments about how educational it was, thanked all for their support. Glad all the water districts were there and could give information to all. More workshops to come – will address wastewater, surface and coastal resources as well as Per- and polyfluoroalkyl substances (PFAS) and other containments.
2. Disseminating facts not misinformation we are trying to identify experts on dielectric fluids, gases, and substation safety in general.
3. Next workshop schedule for April 11<sup>th</sup>, same rules apply because of the limited capacity in this room no public will be admitted. Please submit your questions by noon on April 10<sup>th</sup>.
4. On tonight's agenda are the 5 subcommittees 3 out of the 5 will include members of the public. Councilors interested in these committee should submit their name and the committee you would like to serve on to Cynthia Lovell by March 28<sup>th</sup>. The members of the public interested in serving on the 3 committees that include the public should submit their application available on the Town web page by March 28<sup>th</sup>.
5. Applauded Provisional Chief Challis and the Barnstable Police Department for their professionalism and carrying out an operation that resulted in an outstanding outcome. She hoped the passage of time would help all those affected by this incident.

Out of order

<b>2024-099</b>	<b>AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, ARTICLE I NONCRIMINAL ENFORCEMENT OF VIOLATIONS INTRO: 02/15/2024, 03/07/2024</b>
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Amy Croteau, Shellfish Constable from Natural Resources Division gave the rationale. She discussed the changes and updates to the code. She noted the shellfish regulations are put in place to protect our sustainability both natural and propagated and protect the habitat of those shellfish species. She added current fines in the code have not been reviewed since 2003.

**Councilor questions and comments:**

(Schnepp) Elimination of the taking of scallops' line item? Is this because they are shellfish.

(Croteau) Forty/Fifty years ago we had a decent scallop fishery in this Town we don't anymore.

Didn't need to be a separate line item. (Penn) why is there a line item for taking scallops without well-defined annual growth ring? Why just scallops? (Croteau) Scallops are a very short-lived animal, they only live 2 years and they do not have an opportunity to spawn until they are at least a year and at the end of that year they put down a well-defined hard growth line. Evidence of that raised hard growth line shows that the animal has had the chance to spawn. (Mendes)

Recommended sending new residents who have bought waterfront property, a letter/flyer explaining aboriginal and tribal rights. He added he has received calls from tribal members who are residents of the Town that others do not understand the aboriginal rights. (Croteau) Agreed but people sometimes do not read, and I have found a conversation disseminates the information. Nina Coleman, Director of Natural Resources spoke about the revision to the dog

finer and regulations. She introduced Charlie Lewis, Animal Control Officer, who is in attendance. She mentioned the dog control regulation and fines have not been changed since 1992.

Open Public Hearing, seeing no one and no one on zoom close public hearing **VOTE: Passes Unanimous**

**Councilor questions and comments:**

(Bloom) Thank you Charlie Lewis for your great job and your many years of service.

Upon a motion duly made and seconded it was

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 1 General Provisions, Article I Noncriminal Enforcement of Violations, be amended by striking Section 1-5 in its entirety and inserting the following new Section 1-5 in its place:

“§1-5. Fines for violations of Town Manager’s regulations.

<b>Offense</b>	<b>Fine</b>
 <b>Herring Regulations</b>	
Taking herring or alewives on a closed day	\$100
Failure to remove fish caught	\$100
Obstructing passage of herring or alewives	\$100
 <b>Shellfishing Rules and Regulations</b>	
Shellfishing without a valid permit	\$200
Taking of shellfish during a closed season	\$100
Taking of shellfish on a closed day	\$100
Removing shell from shellfish before coming ashore	\$75
Taking shellfish in excess of family weekly limit	\$100
Taking sea worms on a Saturday	\$15
Taking sea worms in excess of 100 per family per week	\$15
Selling shellfish, sea worms or eels with a family permit	\$75
Failure to visibly display permit while shellfishing	\$15
Transfer of family permit	\$75
Shellfishing under 12 years old without licensed adult	\$15
Shellfishing in closed area	\$100



Damaging public and/or private culturing gear in a closed area	\$100
Taking shellfish in excess of commercial daily limit	\$300
More than five commercial permits per boat	\$75
Commercial possession of more than 5% seed per batch of shellfish	\$300
Recreational possession of more than 5% seed per batch of shellfish	\$100
Taking scallops without a well-defined annual growth ring	\$75
Using other than tools permitted for shellfishing	\$75
Use of scallop dredge in excess of 32 inches width	\$75
Dredging scallops in air temperature below 28°F.	\$15
Diving for shellfish without displaying proper flag	\$75
Taking of shellfish from any shellfish grant	\$300
Shellfishing during nighttime hours as defined	\$300

### **Offense**

### **Fine**

### **Dog Regulations**

Failure to license a dog	\$50
Failure to license a dog after 30-day notification	\$75
Restriction on number of dogs	\$25
Failure to obtain or keep Kennel license	\$100
Operating a Kennel on a revoked license	\$50
Dog at large (leash law violation)	
First offense	\$25
Second offense	\$50
Nuisances committed by dogs	\$20
Dogs on beaches and recreational areas	
First offense	\$25
Second offense	\$50
Dog Park violations	\$25
Dog Park parking violation	\$40
Barking dogs	
First offense	\$25
Second offense	\$50

Failure to vaccinate for rabies	\$50
Failure to vaccinate for rabies after 30-day notification	\$75
Failure to comply with quarantine	\$200
Failure to comply with Town Manager's order	\$200

**VOTE: PASSES 12 YES**

**ROLL CALL: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Penn, Schnepf, Starr, Tamash.**

Out of Order

**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, 03/07/2024**

Dan Santos, Director of Public Works gave the rationale.

**Councilor questions and comments:**

(Ludtke) This is smart, and you are flexible – thank you. (Starr) What about Shootflying Hill Road - how long will it take to get the service – route of the cables? (Santos) It will be 2 years for the sewer. (Tamash) What about the final coating to the road? (Santos) Hopefully their project comes right after ours.

Open Public Hearing, seeing no one and no one on zoom close public hearing **VOTE: Passes Unanimous**

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: PASSES 12 YES**

**ROLL CALL: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Penn, Schnepf, Starr, Tamash.**

**2024-096      APPROPRIATION ORDER IN THE AMOUNT OF \$500,000 TO FUND DISPOSAL COSTS OF THE SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS INTRO: 02/15/2024, 03/07/2024**

Open Public Hearing

Dan Santos, Director of Public Works gave the rationale. He mentioned there will no longer be car stickers the transfer station id moving to license recognition software.

**Councilor questions and comments:**

(Tamash) Will the swap shop be back? (Santos) Yes, this spring. Are there recycling contamination issues? (Santos) We separate our trash – no rejection. We will not be recycling newspaper, but a group has signed up for bottle redemption.

Larry Morin will there be a swap shop fee. (Santos) Must pay the transfer station fee to go to the swap shop – you are utilizing the transfer station.

Seeing no one on zoom close public hearing **VOTE: Passes Unanimous**

Upon a motion duly made and seconded it was

**ORDERED:** That the amount of **\$500,000** be appropriated from the Solid Waste Enterprise Fund reserves for the purpose of funding disposal costs of the Solid Waste Division.

**VOTE: PASSES 12 YES**

**ROLL CALL: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Penn, Schnepf, Starr, Tamash.**

<p><b>2024-161 SUPPLEMENTAL APPROPRIATION ORDER FOR FISCAL YEAR 2024 BARNSTABLE POLICE DEPARTMENT IN THE AMOUNT OF \$35,000 TO FUND CONSULTING SERVICES AND OVERTIME COSTS FOR THE PURPOSE OF EXPLORING THE REMOVAL OF THE BARNSTABLE POLICE DEPARTMENT FROM CIVIL SERVICE</b> <b>INTRO: 02/15/2024, 03/07/2024</b></p>
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Open Public Hearing

Bill Cole, Director of Human Resources gave the rationale. He gave the history of civil service in Barnstable.

**Councilor questions and comments:**

(Schnepf) What is the timeline for this to happen? (Cole) Hoping for this summer, it depends on the progress of the working groups and then it comes before the Council. (Schnepf) What impact will this have on hiring a police chief? (Cole) it is 2 separate items. (Penn) this is for the rank and file not the chief of police. (Starr) Is just the police looking at this change? (Cole) Yes, the police will be looking at both groups.

Seeing no one on zoom close public hearing **VOTE: Passes Unanimous**

Upon a motion duly made and seconded it was

**ORDERED:** That the amount of **\$35,000** be appropriated from the General Fund reserves to pay for consulting services and overtime costs for the purpose of exploring the removal of the Barnstable Police Department from the Civil Service.

**VOTE: PASSES 12 YES**

**ROLL CALL: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Penn, Schnepf, Starr, Tamash.**

<p><b>2024-166 RESOLVE ESTABLISHING CERTAIN AD HOC ADVISORY COMMITTEES</b> <b>INTRO: 03/07/2024</b></p>
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Karen Nober, Town Attorney, gave the rationale.

Councilor Neary made a motion to postpone this item to the April 4, 2024, Town Council meeting.

General Discussion:

(Neary) felt comfortable with the fellow councilors and leadership but need a deeper understanding of how these subcommittees work and felt we should engage the public in a robust conversation. (Penn) This was announced in January to the councilors and the residents. There have been several announcements that this would happen by the end of March. (Neary) Not comfortable voting on this tonight. (Ludtke) The MMA training showed what was missing in Barnstable. (Tamash) How about 2 committees appointed by President Penn we could bifurcate and vote on one separately. (Mendes) Not comfortable voting on a couple tonight. There is too much power in the chair very uncomfortable after the letter tonight we owe it to the public to look at how people will be appointed. (Clark) In favor of these subcommittees. (Levesque) Last 3 committees will be staffed by Planning and Development Department seems like it is burden on the staff. (Schnepp) could we amend this motion to a March 21<sup>st</sup> date? (Mendes) good idea.

Motion to amend Neary's motion to move this agenda item 2024-166 from April 4, 2024, and instead move it to March 21<sup>st</sup>, 2024.

**VOTE: PASSES 12 YES**

**ROLL CALL: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Penn, Schnepp, Starr, Tamash.**

Upon a motion duly made and seconded it was

**RESOLVED:** That, in accordance with Section 241-8 of Chapter 241 of the Town Administrative Code, the Town Council does hereby establish the ad hoc advisory committees listed below to assist the Town Council in carrying out the Council's responsibilities. The committees shall be limited to the purposes noted below and shall serve only for the specified time periods; provided that the time periods may be extended by the Town Council President at the request of a committee chair if additional time is needed to complete the work of the committee. In accordance with Town Council Rule 11A, the President of the Council shall designate the members of these committees, as further described below. Committees shall have an odd number of members. The committees shall be subject to and shall comply with the Open Meeting Law. All committee meetings shall include a period for public comment. The committee chairs shall provide regular reports to the Town Council at Town Council meetings.

- **Committee to Review Town Council Rules and the Town Code**

Members: 5 Councilors

Purpose: Work closely with the Town's Legal staff to review the documents to ensure consistency with existing process and practices and recommend revisions to the Council.

Time Period: Complete work and make recommendations to the Council by October 31, 2024.

- **Committee to Review the Purpose, Composition, Functionality and Effectiveness of the Standing Committees of the Town**

Members: 5 Councilors

Purpose: Work with Town staff to review the standing committees of the Town, particularly advisory committees, to determine their effectiveness and whether there is a current need for such committees.

Time Period: Complete work and make recommendations to the Council by March 31, 2025.

- Committee to Review and Assess Zoning and Review the Town's Use of Regulatory Agreements**

Members: 5 Councilors and may include up to 4 registered voters in the Town (provided that the total membership shall be an odd number)

Purpose: Work with the Town's Planning & Development staff to review and reassess recently adopted zoning changes, review the Town's use of regulatory agreements, and make recommendations to the Council.

Time Period: Complete work and make recommendations to the Council by October 31, 2024.
- Committee to Assess and Recommend Strategies for Housing Creation Within the Town**

Members: 5 Councilors; may include member from the Planning Board, 1 member from the Housing Committee and 1 member from the Comprehensive Financial Advisory Committee; may include up to 3 registered voters in the Town (provided that the total membership shall be an odd number)

Purpose: Recommend strategies for the creation of housing to serve year-round residents and seasonal workers. The committee shall review the Cape Cod Commission's Regional Housing Strategy, the proposed state housing bond bill, and the Town's Housing Production Plan, with a goal of recommending 2-4 strategies for the Town to adopt, along with recommendations for implementation and resources needed.

Time Period: Complete work and make recommendations to the Council by September 30, 2024.
- Committee to Recommend Policy with Respect to the Town's Acquisition and Disposition of Property and Development of Town-Owned Property**

Members: 5 Councilors and up to 4 registered voters in the Town (provided that the total membership shall be an odd number)

Purpose: Develop recommendations for Town policy on the acquisition and disposition of property and the development of Town-owned property.

Time Period: Complete work and make recommendations to the Council by March 31, 2025

Upon a motion duly made and seconded it was to postpone as amended the agenda item 2024-166 to March 21<sup>st</sup>, 2024

**VOTE: PASSES 11 YES 1 NO (Penn)**

**ROLL CALL: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Penn, Schnepf, Starr, Tamash.**

**Workshop Discussion – Private Roads**

Mark Ells, Town Manager explained this was a continued discussion on Private Roads. He said the Town had 250 miles of public roadways which are comprised of 700 public roads and 200 miles of private roadways which are comprised of 1100 private roads. He noted the 250 miles of public roadways was in good shape a solid B for level of service. He talked about budgets for these roads regarding the upkeep, snow, and ice removal. He mentioned the 4 major categories of private road related efforts for consideration noting should we proceed with the layout and acceptability of private roads? Please review:

1. Concurrent with implementation of the Comprehensive Wastewater Management Plan (CWMP)

2. That are primary and collector roads
3. After participation in the Temporary Repair to Private Roads Program or have had recent sewer installation
4. Any remaining private roads

He said he would proceed with the Council's direction.

Councilor Mendes left the dais at approximately 10:02 PM

(Tamash) Is there a way to give temporary repairs to roads and bring the roads up to standards? (Ells) We need to have a discussion on these roads. (Ludtke) seems like this is a policy decision. Why are there different rates for private versus public roads? (Milne) The mechanism set a different tax rate for private and for public roads. (Penn) we need numbers and details before we can decide. (Schnepp) Roads must be part of a big discussion. (Ells) Will do, organize and bring this back to Council Summer 2024. The two roads in the CIP we will be utilizing the \$20 million Stabilization Fund. We will forward the layout and acceptance.

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

**Adjourned at 10:53 PM**  
Respectfully submitted,

Janet E. Murphy  
Assistant Town Clerk

**NEXT MEETING: March 21, 2024**

Exhibits

- A. Town Manager Update