



Town Council Meeting
October 24, 2024



A quorum being duly present, Vice President Tamash called the October 24, 2024, Town Council meeting to order at 6:00 PM.

An announcement was made by Vice President Tamash 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 (zoom), Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Paula Schnepf, Gordon Starr, Craig Tamash, Kristin Terkelsen **ABSENT:** Felicia Penn

Councilor Bloom invited veteran Colonel (RET) Stephen Waller to lead the Pledge of Allegiance. Councilor Clark offered a moment of silence for Rev. Msgr. John A. Perry who was the former pastor of Our Lady of Victory (OLV) in Centerville who passed away this week.

Vice President Tamash: moved to go into 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 the lawsuit filed against the Town in July 2024 by the Conservation Law Foundation regarding claims under the Federal Clean Water Act. The Council will return to the public session after the executive session.

VOTE: PASSES 11 YES

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

PUBLIC COMMENT:

In-Person:

Paul Smith read a statement regarding Silent Springs health survey that revealed the elevated per- and polyfluoroalkyl substances (PFAS) in residents, over three times the national level. Additional monitoring is advised. The community is at higher risk than average, he asked the Council to seek guidance from county, state and federal agencies to discover more residents that may have been affected.

Heather Swensen sent an email to all the councilors, would like the Councilors to send out an invitation for a meet and greet. The board seems to be missing the point we elected you to listen to our concerns and represent us. You represent Barnstable taxpayers do what is right for us. Say no to offshore wind.

Stacey Guenther thanked the Councilors for listening to the people's concerns regarding Dowses Beach. We are the experiment for the extra high voltage cables under our beaches and through our villages. This is not in the best interest of our community's health and safety. Asked the Council to oppose all future wind projects within the Town of Barnstable

Jerry Blakely spoke about his concern for the environment. He is concerned about the high powered cables buried under our residential neighborhoods which brings health safety and environmental risks. Also concerned with our only source of water on the Cape.

Adam Myrick thank you for listening, today you have the chance to close the door, and get on with the business of the town.

Susanne Conley said these projects are a huge issue, which is why we keep coming back to the Town Council meetings. The Climate Bill has a provision in it that will strip cities and towns of our rights over zoning, but it exempts Article 97 land. This is our property, Dowses needs protection. Thank you for everything you do.

Susie McLean hopes the Council will vote to stop any further projects from Avangrid. Please help your people and save us from this danger.

Catherine Bean you have the courage to have no more dealings with Avangrid. You can change your mind, please say no.

Pete Sampou the inaccuracy of the information that our residents believe, we need to listen to the facts instead of the emotion. We need to be a green community.

Roberta Mauch greatly opposes the industrialization of our coastal waters. Conservation is important, protecting our natural resources. Why is foreign seafood cheaper than our own? We need to protect our environment.

Patricia Conway stated we have a higher cancer rate here on the Cape. The cables are already heating up our coastal waters, we are the Guinea pigs.

Dave Stepanis has a piece of Vineyard Wind debris. Why weren't we supposed to pick up the materials? We were told not to touch or handle the debris. These contain carbon fiber which is quite toxic. It is similar in shape to asbestos.

Cindy Campos spoke about coercion of victims of abuse. Wants an audit of the Barnstable Police Department.

Zoom:

Susan Starkey commends the Town of Barnstable for going forward with clean energy. Warming oceans does not have anything to do with underground cables, it is the burning of fossil fuels that is the major cause of warming the oceans.

Ellen Nosal spoke in regard to the agenda item number 11 about private roads, we are looking for equity and fairness. For item number 12, disinvite offshore wind, we have done our part, we do not want any more offshore wind.

Jane Ward is in support of the oceanography experts about the impact of climate change is much bigger danger than the wind projects. She strongly supports the group from MIT.

Martina Larhette is concerned about Avangrid project, the recent pollution from broken blades and the unknown health risks. What are the long-term effects of the turbines in the water. I am not in favor of these projects, put our health and safety first.

Grove Harris asked the Council to pause on any future development of wind projects. We need to keep our environment on the forefront. We need to do what we need to do to face this climate emergency.

Close public comment.

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Ludtke) thanked the speakers, we need to do better keeping our citizens aware of the PFAS. We do represent our residents; we need to hear from you. We need to go forward slowly and methodically. (Neary) Humbled by the achievements of Dr Steve Waller, thank you for being so involved with the town. And thanked everyone for being involved. (Schnepp) a lot of important things on our agenda, thank you for coming out.

JOINT MEETING WITH THE SCHOOL COMMITTEE:

Roll Call: Jen Cullum, Andre King, Peter Goode, Kathy Bent, Absent: Michael Judge
Joint meeting of the Town Council and School Committee to review the financial condition of the town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget. Mark Milne, Finance Director, gave an overview of the financial audit using a power point presentation.

Discussion:

(Tamash) Why won't Chapter 78 monies increase significantly, does that include the millionaires tax (Milne) the millionaires tax goes to higher education and transportation, not to Chapter 78. (Tamash) the vacation rentals and AirBNB's how many do we have in Barnstable ? (Milne) difficult to get a number on those, all we can get is through Massachusetts Tax program, once they apply, they stay on it forever (Tamash) pension assessment when will that be fully funded (Milne) through 2037 it is fully funded. (Neary) When do we get the 5 million for sewer assessment (Milne) we received it by the end of September (Neary) the jump in fines and penalties (Milne) Sean O'Brien, worked with a firm in Boston, to help pay off old taxes (Schnepp) favorable variance on our General Fund, is this vacancies or higher investments (Milne) Local receipts, motor vehicle excise tax and investment income, Department of Public Works (DPW) has the largest number of unfilled positions. (Clark) What are uninsured events (Milne) events that we don't expect, natural disasters. (Ludtke) Could you define new growth; how do you project that? (Milne) new development on a vacant piece of land, new construction. Put on an addition or expansion of a dwelling. Also, personal property, and utility company new growth, National Grid, Eversource, Vineyard Wind. (Ludtke) is it mostly residential (Milne) apartment housing, Everly, Hanover. (Cullum) are we still looking at 11 million dollars of new growth to maintain our services (Milne) it is a little higher than that to maintain services

Adjourn the School Committee meeting:

Roll Call: Cullum, King, Goode, Bent

VOTE; PASSES UNANIMOUS

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. The Town Manager and staff will be available to answer any questions regarding the report as presented.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded, it was voted to accept the minutes of October 10.

2024, as presented.

VOTE: PASSES 10 YES, 1 (Abstain) Mendes

COMMUNICATIONS - from elected officials, boards, committees and staff, commission reports, correspondence and announcements: (Schnepp) reported a public meeting in Marstons Mills for the school property. There will be another meeting to discuss the Marstons Mills School property, at Town Hall, on Thursday, November 14th. (Tamash) summarized a letter sent in from Representative Diggs about the Clean Energy Climate Conference report which was passed.

5 minute recess to connect Councilor Crow via zoom

10. FOLLOW UP TO 9/5/2024 WORKSHOP DISCUSSION ON THE NEW ENGLAND WIND 2 (FORMERLY, COMMONWEALTH WIND) OFFSHORE RENEWABLE WIND PROJECT

Karen Nober, Town Attorney, gave the rationale. These are just suggested votes

Proposed Votes (Resolves) for the Council's consideration:

- (1) To oppose the New England Wind 2 project (formerly, Commonwealth Wind), as currently proposed with a landing at Dowses Beach;
- (2) To oppose the New England Wind 2 project (formerly, Commonwealth Wind) if proposed to have any landing at Town-owned property in the Town of Barnstable;
- (3) To oppose the New England Wind 2 project (formerly, Commonwealth Wind) if any portion of the project infrastructure is proposed to be located within the Town of Barnstable;
- (4) To direct the Town Manager to commence negotiations for a Host Community Agreement with the project proponent for the New England Wind 2 project

Discussion:

Upon a motion duly made and seconded Councilor Jeffrey Mendes' motion number one (Ludtke) would not vote on number one, it is too narrow (Starr) Could you explain why you termed it narrow (Ludtke) We haven't thought out wind power, we are in an absurd position, we need a more comprehensive way of dealing with these projects. This one on one with the developer is a losing situation. (Starr) you would not vote on any of these options? (Ludtke) correct I think it is too narrow (Mendes) understand your reluctance, we are doing what we think is the best for our town. This is what is in front of us now (Terkelsen) other communities have fought the state government to stop offshore wind. I don't think we need to take any more wind projects. Go broader and stronger than this, nowhere in our town. I would like us to say no to any more wind in our town (Mendes) if we don't want it in our town let's just vote on this, take it as it comes. (Clark) asked for input from the Legal office, if a future council wanted to change this, could they. (Nober) A future Town Council could take a different position or make changes to this resolve. (Crow) we need to add some language to the third choice. (Nober) if this vote is passed you are done, these are just suggestions (Tamash) if there was a motion to end all wind activity in the Town we could vote on it.

Motion number one vote: To oppose the New England Wind 2 project (formerly, Commonwealth Wind), as currently proposed with a landing at Dowses Beach.

VOTE: PASSES 7 YES, 5 NO, (Bloom, Crow, Ludtke, Tamash, Terkelsen)

11. FOLLOW UP TO PRIVATE ROADS PRESENTATIONS

Karen Nober, Town Attorney, gave the rationale. (Tamash) Long process, the Town Manager will have a policy for future private roads.

Upon a motion duly made and seconded it was

WHEREAS, there are approximately 1,100 private roads in the Town of Barnstable, the maintenance of which is the responsibility of the private owners and not the Town; and

WHEREAS, in general, the Town's private roads are not maintained to the same standard as the Town's publicly owned roads, resulting in disparities for certain residents of the Town; and

WHEREAS, past direction from the Town Council has been for the Town not to pursue ownership of the private roads in the Town for financial and other reasons; and

WHEREAS, the Town Council now seeks to take a different approach with respect to the private roads in the Town;

NOW, THEREFORE, BE IT RESOLVED: That the Town Council hereby states its intention to consider the layout and acceptance of the following categories of private roads:

Newly created roads;

Roads that are impacted by the implementation of the Town's Comprehensive Wastewater Management Program;

Primary and collector roads;

Roads that were the subject of the Town's Temporary Repairs to Private Roads Program;

Any other private roads; provided that the layout and acceptance of any specific road or roads shall require a vote of the Town Council; and provided further, that the Town Council hereby directs the Town Manager to prepare a Layout and Acceptance Policy and Procedures for Town Council review and approval, which shall include, but not be limited to, recommendations regarding the prioritization and timing of the layout and acceptance of the Town's private roads based on the categories set forth above, with the goal of ensuring fair and equitable treatment of the residents of the Town, while balancing the competing needs for financial resources within the Town.

VOTE: PASSES 12 YES

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

<p>2025-017 DESIGNATION OF THE HYANNIS DISTRICT IMPROVEMENT FINANCING DEVELOPMENT DISTRICT TO BE LOCATED IN DOWNTOWN HYANNIS AND APPROVAL AND ADOPTION OF THE DEVELOPMENT PROGRAM INTRO: 08/15/2024, 09/05/2024, 10/10/2024, 10/24/2024</p>
--

Kyle Pedicini gave the rationale. Councilor Neary recused

Discussion:

(Luktke) thinks this is not well defined, you have taken the growth incentive zone and tacked something on it, do we want 4 story buildings up and down Main Street in Hyannis? Get CPA funds, and the tax incentive exemption, based on this new growth we will take some of this money and put it into downtown Hyannis. I like the charm of our village; we are clobbering Hyannis. Look at what other towns have done. (Terkelsen) would not support this item, concerned where the money will go. We need a strategy with a budget, if this area needs money for a project, come before the council to fund what we need to fund. (Pedicini) the committee makeup is totally within the Council's purview. This program would allow us to respond to issues as we go forward (Terkelsen). You are making an assumption that this project

will go forward, and you will have that money, what if it doesn't go forward? What I am asking for is consistent, year over year basis, with a cushion for the needs. I would rather the Director comes before the Council to ask for the money. (Schnepp) Secretary of Economic Development walked Main Street in Hyannis, sometimes you don't need to spend a lot of money to get a big return. The District Improvement Financing (DIF) is a traditional measure to improve economic development and engage the community. This is a tried and true method, does not affect our operating fund. (Mendes) if amended add Hyannis Councilors to this list (Levesque) Spoke with some of the people who own businesses on Main Street are in favor of this item. We are moving forward and those growth dollars should go right back into the community. Very much in favor of this item, why not incentivize? (Clark) sensitive to the historic Main Street, perhaps a member of the Hyannis Main Street Historic Waterfront District Commission should be a part of this. (Mendes) I look at this as an opportunity. We need to give people incentives to invest in Main Street, without incentives it is not viable. (Bloom) I am against four stories on Main Street in general. Make sure that this doesn't encourage four story structures to be permitted more easily. (Pedicini) It does not. (Terkelsen) how many businesses on Main Street are not part of the Business Improvement District (BID). (Terkelsen) add two Hyannis residents and one business owner that is not part of the BID

A motion was made and duly seconded to amend the composition of the DIF Advisory Committee as set forth in the Master Plan by adding Town Councilors from Precincts 8, 9 and 13; an at-large business member from outside of the Hyannis Main Street Business Improvement District; two Hyannis residents from Precincts 8, 9, and 13; and a member of the Hyannis Main Street Historic Waterfront District Commission.

VOTE: 9 YES, (Bloom, Clark, Crow, Levesque, Mendes, Schnepp, Starr, Tamash, Terkelsen) 2 NO (Burdick, Ludtke)

A motion was made and duly seconded to amend that the committee members (except staff members) go through the Appointments Committee.

VOTE: PASSES 11 YES

Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Schnepp, Starr, Tamash, Terkelsen

Further Discussion:

(Crow) agrees that the money should go to the downtown, only problem, how to fund and who decides? The decision should go to the Town Council on how to spend. (Ludtke) the BID has a certain purpose; the Town Council looks out for the well being of everyone. We don't know what we are getting, it is not well defined.

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to M.G.L Chapter 40Q (District Improvement Financing), the Town Council hereby designates the Hyannis District Improvement Financing Development District (the "Development District"), to be located in Downtown Hyannis with an area of 973.64 acres, as further identified in Appendix C of the "Hyannis District Improvement Financing District: District Improvement Financing Master Plan" (the "Master Plan"), prepared by Camoin Associates and dated July 1, 2024, which is attached hereto and incorporated herein, and that the Town Council hereby approves and adopts the Development Program, as set forth in the Master Plan, such that the area where revenue is being generated through new growth is the same area in which the funds can be spent. The Town Council hereby finds that the designation of the Development District is consistent with the requirements of Section 2 of said Chapter 40Q and will further the public purpose of encouraging increased residential, industrial and commercial activity in the Commonwealth.

VOTE: PASSES AS AMENDED

Roll Call: 8 YES (Bloom, Burdick, Clark, Levesque, Mendes, Schnepf, Starr, Tamash)

3 NO (Crow, Ludtke, Terkelsen)

Discussion:

(Crow) Point of order not sure what we moved after one vote of the wind matter, we should be able to vote on the other matters. We should have the opportunity to vote on the other matters (Tamash) that was the vote, people did vote to restrict that, what would the rationale be to have multiple resolves (Crow) a more global opposition to more landings in Barnstable. (Nober) you have a majority vote of the council on this. (Tamash) we voted to have that as a resolve (Crow) my vote was to make it broader (Tamash) I was hoping for a more restrictive option. Point of Order could you take items out of order as Mr. Murphy is waiting in the audience.

2025-027 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,826,327 AND AUTHORIZATION TO CONTRACT FOR AND EXPEND A GRANT IN THE AMOUNT OF \$2,833,849 FROM THE COMMONWEALTH'S EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE SANDY NECK BEACH FACILITY COASTAL RESILIENCY PROJECT INTRO: 09/05/2024, 10/10/2024, 10/24/2024

Councilor Neary back on dais, open public hearing, Nina Coleman gave the rationale, and introduced the Sandy Neck Board

Open public hearing

Roll Call VOTE: 12 YES

Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Schnepf, Starr, Tamash, Terkelsen

Seeing no one and no one on zoom

Close public hearing

Roll Call VOTE: 12 YES

Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Schnepf, Starr, Tamash, Terkelsen

Upon a motion, it was duly made and seconded it was

ORDERED: That the amount of **\$3,826,327** be appropriated for the purpose of funding Sandy Neck Beach Facility Coastal Resiliency Project, including the payment of costs incidental or related thereto; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$3,826,327** 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 the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and is further authorized to contract for and expend a Fiscal Year 2025 Municipal Vulnerability Preparedness Program Action Grant in the amount of **\$2,833,849** from the Commonwealth's Executive Office of Energy and Environmental Affairs for the Sandy Neck Beach Facility Coastal Resiliency Project, for a total project cost of **\$6,660,176**.

VOTE: PASSES 12 YES

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

2024-042 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 COASTAL RESILIENCY GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS COASTAL ZONE MANAGEMENT OFFICE IN THE AMOUNT OF \$90,542 FOR ANCILARY PERMITTING AND BIDDING ASSISTANCE ON THE SANDY NECK BEACH FACILITY

COASTAL RESILIENCY PROJECT INTRO: 10/24/2024

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 Fiscal Year 2025 Coastal Resiliency Grant in the amount of **\$90,542** from the Commonwealth of Massachusetts Coastal Zone Management Office for the purpose of funding ancillary permitting and bidding assistance on the Sandy Neck Beach Facility Coastal Resiliency Project.

VOTE: PASSES 12 YES

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

2025-029 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 10/10/2024, 10/24/2024

Burdick has left the dais.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Licensing Authority:** John Murphy, as an associate member, expiring 06/30/2027

VOTE: PASSES 11 YES

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

2025-030 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 10/10/2024, 10/24/2024

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Board of Health:** Dan Luczkow, MD. as a regular member, to a term expiring 06/30/2027; Paul Canniff, as a regular member to a term expiring 06/30/2027.

VOTE: PASSES 11 YES

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

2025-037 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 10/10/2024, 10/24/2024

Upon a motion, duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Airport Commission:** Margarete Maillho, as a regular member to a term expiring 06/30/2027; **Board of Health:** Christine Beer, as a regular member to a term expiring 06/30/2027; **Human Services Committee:** Kevin Matthews, as a regular member to a term expiring 06/30/2027; **Mid Cape Cultural Council:** Beverly Parke, as a regular member to a term expiring 12/31/2026; **Steamship Authority Port Council:** Greg Egan, as a representative member from Barnstable to a term expiring 12/31/2025; **Waterways Committee:** Jacob Angelo, as a regular member to a term expiring 06/30/2025; **Zoning Board of Appeals:** Rodney Tavano, as an associate member to a term expiring 06/30/2027

VOTE: PASSES 11 YES

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

2025-032 APPROPRIATION ORDER IN THE AMOUNT OF \$33,000 IN COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS FOR PHASE II OF RESTORATION

**AND PRESERVATION OF THE DOTTRIDGE HOMESTEAD, LOCATED AT 1148 MAIN ST,
COTUIT INTRO: 09/19/2024, 10/10/2024, 10/24/2024**

Lindsey Counsell gave the rationale and introduced Scott Berkey, consultant on the project gave a power point presentation

Open public hearing

Roll Call VOTE: 11 YES

Bloom, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Schnepf, Starr, Tamash, Terkelsen

Seeing no one and no one on zoom

Close public hearing

Roll Call VOTE: 11 YES

Bloom, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Schnepf, Starr, Tamash, Terkelsen

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 amount of **Thirty-Three Thousand Dollars (\$33,000)**, representing a portion of the total project cost of Five Hundred Thousand Dollars (\$500,000), be appropriated from the amount set aside for Historic Preservation within the Community Preservation Fund and granted to the Historical Society of Santuit and Cotuit for Phase II restoration and preservation work on the historic resource Dottridge Homestead located at 1148 Main Street, Cotuit, as shown on Assessor's Map 034, Parcel 051. The property has an existing Preservation Restriction held by the Town of Barnstable. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

VOTE: PASSES 11 YES

Bloom, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Schnepf, Starr, Tamash, Terkelsen

**2025-035 APPROPRIATION ORDER IN THE AMOUNT OF \$80,000 FOR THE
PURPOSE OF FUNDING THE SOLID WASTE FACILITY LANDFILL INFILTRATION BASIN
NUMBER 1 SWALE REPAIRS PROJECT, 10/10/2024, 10/24/2024**

Open public hearing

Roll Call VOTE: 11 YES

Bloom, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Schnepf, Starr, Tamash, Terkelsen

Dan Santos, Director of Public Works (DPW) gave the rationale

Close public hearing

Roll Call VOTE: 11 YES

Bloom, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Schnepf, Starr, Tamash, Terkelsen

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$80,000** be appropriated from the Solid Waste Enterprise Fund reserves for the purpose of funding the Solid Waste Facility Landfill Infiltration Basin Number 1 Swale Repairs Project and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: PASSES 11 YES

Roll Call: Bloom, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Schnepf, Starr,

Tamash, Terkelsen

2025-034 ORDER AUTHORIZING A SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND BARNSTABLE COUNTY FOR DREDGING SERVICES INTRO: 10/24/2024

Upon a motion duly made and seconded it was

ORDERED: That the Town Council authorizes the execution and delivery by the Town Manager of a second amendment to the existing Intergovernmental Agreement with Barnstable County, authorized by Item No. 2024-082, dated December 21, 2023, under which Barnstable County is performing dredging work for the Town at the Cotuit Bay Entrance and Embayment Channel, to add an additional \$427,100 for an amended not-to-exceed amount of **\$772,800**, and to extend the term to provide for an amended end date of no later than April 1, 2025

VOTE: TO SECOND READING-unanimous

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

2025-039 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FEDERAL FISCAL YEAR 2024 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP GRANT IN THE AMOUNT OF \$10,222.02 FROM THE UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS INTRO: 10/24/2024

Chief Challies gave the rationale

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 Federal Fiscal Year 2024 Patrick Leahy Bulletproof Vest Partnership Grant in the amount of **\$10,222.02** from the United States Department of Justice Office of Justice Programs for the purpose of purchasing bulletproof vests for officers that have expiring bulletproof vests. States Department of Justice Office of Justice Programs for the purpose of purchasing bulletproof vests for officers that have expiring bulletproof vests.

VOTE: PASSES 11 YES

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

2025-040 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 MUNICIPAL ROAD SAFETY GRANT IN THE AMOUNT OF \$60,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 10/24/2024

Chief Challies gave the rationale and explained there was a clerical error in the Grant Detail in the Summary the figure should be \$4,585.60 in place of \$2,579.80

Discussion:

(Ludtke appreciate this, can you do something in the summer for speeding (Challies) these dollars are allocated to specific time slots, but we are always doing speeding enforcement (Ludtke) maybe you could team up with the DPW to put in speed bumps or more signage.

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 Fiscal Year 2025 Municipal Road Safety Grant in the amount of **\$60,000** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Highway

Safety Division for the purpose of funding the cost of traffic enforcement mobilizations and equipment and driver education for minors.

VOTE: PASSES 11 YES

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

2025-041 TRANSFER ORDER IN THE AMOUNT OF \$800,000 FROM TOWN COUNCIL ORDER 2022-045 TO TOWN COUNCIL ORDER 2019-145 FOR THE PURPOSE OF FUNDING DESIGN AND PERMITTING OF THE PHINNEY'S LANE NEIGHBORHOODS SEWER EXPANSION PROJECT INTRO: 10/24/2024

Dan Santos, Director of Public Works gave the rationale

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$800,000** be transferred from Town Council Order 2022-045 for the Route 28 West Sewer Expansion Project to Town Council Order 2019-145 for the purpose of funding the design and permitting of the Phinney's Lane Neighborhoods Sewer Expansion Project.

VOTE: PASSES 11 YES

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

2025-043 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$25,000 FOR THE PURPOSE OF PAYING OUTSIDE COUNSEL EXPENSES OF THE LEGAL DEPARTMENT INTRO: 10/24/2024

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$25,000** 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 the lawsuit filed against the Town in July 2024 by the Conservation Law Foundation; and to meet such appropriation, that **\$25,000** be provided from the General Fund Reserves.

VOTE: TO A PUBLIC HEARING ON 11/07/2024-unanimous

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

2025-044 APPROPRIATION ORDER IN THE AMOUNT OF \$2,600,000 FOR THE PURPOSE OF ACQUIRING REAL PROPERTY CONSISTING OF APPROXIMATELY 10.4± ACRES OF LAND IN COTUIT, AS SHOWN ON ASSESSORS' MAP 037 AS PARCEL 010, FOR GENERAL MUNICIPAL PURPOSES INTRO: 10/24/2024

Upon a motion duly made and seconded it was

ORDERED: The Town Council hereby authorizes the Town Manager, on behalf of the Town, to purchase or take by eminent domain for general municipal purposes a parcel of land located at 304 Putnam Avenue, Barnstable (Cotuit), Massachusetts, as shown on Town of Barnstable Assessors Map 037, Parcel 010, and as more particularly described in a deed recorded with the Barnstable County Registry of Deeds in Book 533, Page 426; and further authorizes that the amount of **\$2,600,000** be appropriated from the General Fund reserves for the purpose of funding this acquisition, including the payment of costs incidental or related thereto; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, is authorized to accept any grants or gifts in relation thereto, and is authorized to negotiate, accept, sign, deliver any documents or agreements, including an escrow

agreement, and record any instruments necessary to effectuate this Order and complete this transaction.

VOTE: TO A PUBLIC HEARING ON 11/07/2024-unanimous

Roll Call: Bloom, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Schnepp, Starr, Tamash, Terkelsen

VOTED TO ADJOURN:

VOTE: PASSES UNANIMOUS

Roll Call: Bloom, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Schnepp, Starr, Tamash, Terkelsen

Adjourned at 10:40 PM

Respectfully submitted,

Ann M Quirk
Town Clerk

NEXT MEETING: November 7, 2024