



Town Council Meeting  
September 4, 2025

A quorum being duly present, President Craig Tamash called the September 4, 2025, Town Council meeting to order at 6:00 P.M.

An announcement was made by 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 (6:09 pm), Kristine Clark, John Crow, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Paula Schnepf, Gordon Starr, Craig Tamash, Kristin Terkelsen

**ZOOM:** Felicia Penn

Councilor Ludtke introduced and welcomed, veteran John McLean to lead the pledge of allegiance followed by President Tamash who asked all to remain standing for a Moment of Silence.

**PUBLIC COMMENT:**

Linda Bolliger questioned the language in the last paragraph of the Comprehensive Wastewater Management Plan which referred to improved drinking water. She felt the language was outdated due to the Per- and Polyfluoroalkyl Substances (PFAS) contamination and migration of the water.

Maryanne Barbosa felt that public comment was very important, and the public could not access boards and committees due to their zoom meetings. She urged the Council not to vote on anything that the Zoning Board brings before the Council.

Nathan Herschler spoke about the District of Critical Planning (DCPC) and felt there was outside influence on this issue. He discussed his records request and the use of personal emails for town officials.

Meghan Mort opposed agenda item 2026-030. She felt the agenda item usurped private property laws and rights. She noted the DCPC blocked building on private property.

Adam Hogue opposed DCPC. He felt the Town needed to expand the tax base and felt this cut off the most lucrative village in Barnstable. He talked about neighbors being upset as DCPC would raise taxes and give less money to the schools.

Chuck Carey opposed the DCPC agenda item.

Susan Rohrback opposed the DCPC and felt the property on Steven's Street was due to the DCPC. She agreed with Planning Department that the DCPC does not align with the Local Comprehensive Plan (LCP) She urged the Council not to approve the DCPC.

Besty Young had concerns regarding the DCPC. This was a 2-year moratorium of building for residential and business properties. She felt local planning should remain in the Town's hands. Let's identify the things that are wrong and address them.

Eric Schwaab spoke about the petition (Exhibit A). He felt money was more important than people in this town. He questioned the number of pumping stations and wanted to hear from the town what is happening to the 23 Pleasant Hill property.

Nicholas Atsalis felt the DCPC was not needed. There is a lack of transparency which some people had accused the previous councilors of doing.

Roberta Mauch suggested making the east end of the town better. The former Cascade Motel property shocked me. Council, please come together and make our town better.

Dennis Mason, who has built 8 affordable housing units, questions how there could be a moratorium on building in Hyannis. Bridge construction will start and how this will affect us. He opposed DCPC.

Natascha Batchelor, who is an arborist, felt less housing was wrong. If there is no housing people will not work the jobs on the Cape.

Paul Aiken spoke about his property and the plans to rehab it and rent it out. He felt the DCPC will take away this opportunity and other investors will not invest in Barnstable. He suggested having a discussion as he felt no more housing for a year or so was just wrong,

Matt Teague urged the Council not to adopt the DCPC or the Stretch Energy Code. He felt the DCPC strips property rights, and it was not thoughtful planning. The state wants more housing, He said he would support DCPC if you brought back the Cascade Motel from the dump.

Elizabeth Wurfbain felt we needed a team and needed to talk together. Housing and jobs bring vitality to downtown Hyannis. The Business Improvement District (BID) has brought \$8 million in jobs which is one lifeline of the community.

Roberto Maia Jr., owner of Starbuck Construction Services, said housing is desperately needed and the DCPC would stop building for 2 years is terrible.

Rob Zindman opposed DCPC as younger individuals cannot find affordable year-round housing.

Erin Madden expressed that housing is needed for future generations. The DCPC shuts down building projects for 2 years. She felt this deserves more consideration regarding impacts and what it would say about Cape Cod.

Stefanie Coxe encouraged the Council, Boards and Committees to work together and if there were concerns to discuss them. DCPC shuts down housing and economic opportunities. She cautioned DCPC is forever.

John Julius felt the DCPC will not kill anything. He referenced the 1988 moratorium did not do damage. He felt there were bigger issues with water, sewer, lawsuits and containment.

John Richmond felt there was a lot of information and misinformation regarding the DCPC. He said this should not be decided late in the evening when most people want to go home.

**ZOOM:**

Ellen Nosal suggested too many people have closed their eyes to the DCPC. We do not need DCPC. She advocated for measured directed growth and sited the Town of Eastham as an example.

Asia Graves said we need housing not DCPC. Please do not block housing, it is needed.

Close public comment

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

1. (Ludtke) The DCPC is a first reading on tonight's agenda. There will be discussion at second reading of this agenda item. Asked that people listen to president Tamash about personal attacks at the council meetings. (Bloom) stressed this is not the time for DCPC. Look at the action from our ad hoc committees and get their recommendation in place. We need to meet 700 more affordable units per state and under these conditions we need to build 6300 market-rate housing units. He inquired where we would put them. (Mendes) felt public should not be crafting policy but said they do have the right to comment on policy. Let's be transparent we should not vote on it as the public has no idea of what this DCPC will do. We need to do better. (Penn) When the agenda item 2026-030 comes up I intent to withdraw it. (Levesque) It is important to address this information that becomes public comment. He asked Mark Ells, Town Manager, to explain about the Mitchell Way Pump Station. (Ells) there was no illegal action. We are not in violation of anything. We went through the proper processes. This is needed as a part of the sewer upgrade. We are compliant with every aspect including the grant funding and eligibility which requires us to do this correctly. In an abundance of caution Director Santos said to stop the project going forward and review the process. The town will be adding 70+ pump station all around the Town. People are saying the wetlands are being affected by the addition of the pump stations. The water is pumped away from the new building to accommodate the pump station structure but then the water returns and fills back in. We do this with every pump station construction. (Levesque) We are not running out of water and our sewer capacity can handle the growth. (Tamash) addressed the idea that there was no notification of this DCPC agenda item workshop – 45-minute discussion at the August 21<sup>st</sup> Town Council meeting. Also, this is a first reading, the second reading we will discuss the item. If Council votes yes, it is to go to a public hearing on this item. (Crow) felt there was a lack of transparency with the previous economic development task force and noted there was behind the scenes dealing with the previous Planning and Development Director (Terkelsen) has been hearing let's listen to the experts and come together as a group. She felt that a split council can be a good thing as it allows conversations.

**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. **(Exhibit B)**

- FY 2027 operating and capital budgets in mid-September
- The Cape Cod Commission is currently updating the Regional Policy Plan. The public comment period has been extended to September 24, 2025.
- In prior Town Manager communications, I have reported on the fiscal limitations of the State Revolving Fund. The Cape Cod and Islands Water Protection Fund Management Board continues to closely monitor the progress of discussions by the Mass Department of Environmental Protection on this matter.
- On Monday August 25, 2025, Olde Barnstable Fairgrounds Golf Course received official Audubon certification. Director of Golf Maintenance James Bentley and his staff began the process in early 2022 with a full site assessment of the course and recommendations from Audubon International.
- Due to sustained dry conditions over the southeastern part of the state through the month of July, Energy and Environmental Affairs (EEA) Secretary Rebecca Tepper declared the Cape Cod Region in a Level 2 – Significant Drought. Drought is a look back on cumulative conditions over a period of time.
- On August 21, 2025, I had the honor of introducing Governor Maura Healey, EEA Secretary Rebecca Tepper, and Department of Fish & Game Commissioner Tom O'Shea for a Biodiversity announcement regarding the Administration's commitment to conserving nature for people and wildlife.

- At the June Annual Meeting of the Wequaquet Lake Protective Association (WLPA) the Town was asked to send a letter to lake front owners as a reminder of the Town of Barnstable's Fertilizer Ordinance.
- Appropriation Order 2025-184 is on the Town Council agenda in the amount of \$2.9M for the preservation and restoration work at the Hyannis Armory located on South Street.
- Kate Maldonado, Planning and Development Department Senior Planner, will provide an update

**MINUTES:**

Upon a motion duly made and seconded, it was voted to accept the minutes of August 21, 2025, as presented.

**VOTE: PASSES 12 YES 1 ABSTAIN (MENDES)**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN**

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

(Clark) September 10<sup>th</sup> Barnstable County will be hosting an Open House from 11 am - 3 pm at the County Complex in Barnstable village. September 11<sup>th</sup> remembrance at 10 am the Barnstable Fire Station with a short procession to St. Maty's Episcopal church where Dr. Cox, President of Cape Cod Community College will be the keynote speaker. Also, September 24<sup>th</sup> is the Community Safety Day at the Barnstable Adult and Community Center (BACC). (Ludtke) clarified comments regarding the Zoning Appeal Meeting as it was the Conservation Commission meeting instead. She added DCPC can serve to clarify the process. (Levesque) Mill Billy Breakfast Sunday September 7<sup>th</sup> 8 am – 10 am. He added September 7<sup>th</sup> Brazilian Independents Day celebration at Aselton Park from 2 pm – 7pm.

**DELEGATION OF OPEN MEETING LAW COMPLAINT:**

Upon a motion duly made and seconded it was to delegate to the Town Attorney responsibility for responding to the Open Meeting Law Complaint submitted by Ronald Beaty to the Town Council President and Town Clerk on August 28, 2025.

Upon a motion duly made and seconded it was to delegate to the Town Attorney responsibility for responding to the Open Meeting Law Complaint submitted by Nathan Herschler to the Town Council President and Town Clerk on August 28, 2025.

(Nober) explained on September 28<sup>th</sup> we received 2 separate Open Meeting Law Complaints from Ronald Beaty and Nathan Herschler and asked the Council to delegate the handling of those complaints to her.

Upon a motion duly made and seconded it was to delegate to the Town Attorney responsibility for responding to the Open Meeting Law Complaints submitted by Ronald Beaty and by Nathan Herschler

**VOTE: PASSES 13 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN**

**EXECUTIVE SESSION**

**(total estimated time: 45 minutes, actual time may differ)**

Upon a motion duly made and seconded it was to enter Executive Session pursuant to G.L. c. 30A, sec. 21(a)(3) to discuss strategy with respect to potential litigation related to federal grant conditions since a discussion in open session may have a detrimental effect on the litigating position of the Town and Town Council.

**VOTE: PASSES 13 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN**

**Jump to 2026-024**

**2026-024 RESOLVE APPROVING TWO FISH WEIR APPLICATIONS FROM CAPE COD ARTISANAL FISHERIES, LLC INTRO: 09/04/2025**

Derek Lawson Marine and Environmental Affairs Director gave the rationale.

Upon a motion duly made and seconded it was

**RESOLVED:** Pursuant to M.G.L. c. 130, section 29, the Barnstable Town Council does hereby approve two applications of Cape Cod Artisanal Fisheries, LLC (Jacob Angelo, a resident of West Barnstable), for two (2) separate fish weirs sites (Hyannis Port and Wianno) in the coastal waters of the Town of Barnstable in Nantucket Sound, each for a period of five (5) years from September (after Labor Day) through November of each year, subject to the following conditions for each weir:

1. Notice to mariners (start and finish of installation each year);
2. Installation of four (4) radar reflectors;
3. One (1) United States Coast Guard permitted "Danger" buoy at each weir;
4. Three (3) United States Coast Guard permitted lights for each end and the middle of each weir.

**VOTE: PASSES 13 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN**

**Jump to 2026-004**

**2026-004 ORDER WAIVING FEES FOR CONSTRUCTION WORK BY THE COTUIT FIRE DISTRICT FOR THE EXPANSION AND RENOVATION OF THE FIRE STATION AT 64 AND 56 HIGH STREET, COTUIT INTRO: 07/17/2025, 08/21/2025, 09/04/2025**

President Tamash stated if there is no objection with respect to Public Hearing, I am going to announce the opening and closing of each public hearing without asking for a vote to do so. However, if any councilor objects at any time, then a vote will be taken to open and close the Public Hearing if there is no objection I will open the Public Hearing.

Open Public Hearing

Cotuit Fire Chief Sean Brown gave the rationale.

Seeing no one close public hearing

**Discussion:**

(Starr) Questioned if Councilor Burdick was on the Prudential Committee for Cotuit Fire District.

(Burdick) Yes, I am on the Prudential Committee. (Starr) Does he need to recuse himself? (Burdick) I was advised by Council that it was not a conflict of interest.

Upon a motion duly made and seconded it was

**ORDERED:** Notwithstanding the provisions of any ordinance of the Town regarding schedules of fees, the construction project for the expansion and renovation of the Fire Station at 64 and 56 High Street in Cotuit by the Cotuit Fire District (the "Project") shall hereby be exempt from payment of such fees; provided that if the Town is required to hire outside inspectors with special expertise to inspect any aspect of the Project, the Cotuit Fire District will pay those costs; and provided further, that this Order shall not become effective until a Memorandum of Agreement between the Town of Barnstable and the Cotuit Fire District substantially in the form attached hereto is executed and filed with the Barnstable Town Clerk in which the Cotuit Fire District agrees to pay any such costs for outside inspectors.

**VOTE: PASSED 13 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN**

**Jump to 2026-025**

**2026-025      TRANSFER ORDER IN THE AMOUNT OF \$587,527 FOR THE BARNSTABLE HIGH SCHOOL TENNIS COURT PROJECT INTRO: 09/04/2025**

Sara Ahern, Superintendent of Barnstable Schools and Doug Belanger, Facilities Superintendent, gave the rationale.

**Discussion:**

(Schnepf) Will these tennis courts be available for conversion or hybrid. (Belanger) 2 courts will be added to the tennis courts, great pickle board courts. (Schnepf) Public access? (Belanger) access is off school hours and we are looking for a program for online sign-up for all the courts. (Levesque) Asked about naming the courts after a longtime tennis coach and Athletic Director Dick Gordon, courts in Marstons Mills were originally named after him but they fell into disrepair. He hoped these courts could be named for Dick Gordon. (Ahern) There is a school naming facility policy, and we can look at that.

Upon a motion duly made and seconded it was

**ORDERED:** That the amount of **\$118,225** from Town Council Order 2019-093 Barnstable High School Sports Field Upgrade, the amount of **\$127,724** from Town Council Order 2021-086 Barnstable High School Synthetic Turf Replacement, and the amount of **\$341,578** from Town Council Order 2023-116 Knight Hall Chiller Replacement, for a total sum of **\$587,527**, be transferred to Town Council Order 2022-124 for the purpose of funding the Barnstable High School Tennis Court project, including the payment of costs incidental or related thereto, and that the School Committee is authorized to contract for and expend the funds made available for these purposes and be authorized to accept any gifts or grants in relation thereto.

**VOTE: PASSED 13 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN**

**Jump to 2026-030**

**2026-030      RESOLVE DIRECTING THE TOWN MANAGER TO NOMINATE THE DOWNTOWN HYANNIS GROWTH INCENTIVE ZONE FOR CONSIDERATION AS A DISTRICT OF CRITICAL PLANNING CONCERN TO THE CAPE COD COMMISSION INTRO: 09/04/2025**

Councilor Penn explained with the work of the ad hoc committee and being in front of the Planning Board, zoning amendments and with the Planning and Development Department working to establish a standing zoning advisory committee I move to withdraw this agenda item.

(Tamash) said he was advised by the Town Attorney that because Councilor Penn is the sponsor of this item and it was not formally read into being voted on she can withdraw without a council vote.

Upon a motion duly made and seconded it was

**RESOLVED:** To direct the Town Manager to nominate the area currently designated as the Downtown Hyannis Growth Incentive Zone (GIZ) for consideration as a District of Critical Planning Concern (DCPC) to the Cape Cod Commission in accordance with the Cape Cod Commission Act and the process set forth in Chapter E of the Cape Cod Commission DCPC Regulations, based on the following rationale: that the GIZ is a geographic area of critical value to Barnstable County that must be preserved and maintained due to the presence of significant cultural, historic and economic resources or values of regional, state-wide or national significance; provided that, before submitting such nomination to the Cape Cod Commission, the Town Manager shall provide the nomination in draft form to the Council for review and approval.

**VOTE: WITHDRAWN**

**Jump to 2025-184**

**2025-184 APPROPRIATION ORDER IN THE AMOUNT OF \$2,900,000 FOR PRESERVATION AND RESTORATION WORK AT THE HYANNIS ARMORY LOCATED AT 225 SOUTH STREET IN HYANNIS INTRO: 05/15/2025, 06/05/2025,09/04/2025**

Open Public hearing

Lindsey Counsell, Community Preservation Committee (CPC) Chair gave the rationale.

**Discussion:**

(Mendes) felt this was a waste of money. (Neary) said the property was not sellable. (Levesque) felt the building could be a money pit. (Schnepp) had concerns about the upkeep of other buildings as well. She was not comfortable with spending \$3 million dollars on external work. (Terkelsen) State Registry of Historical Buildings does it apply. (Ells) extremely complicated as there is value to it, keeping it as dry storage, but it is deteriorating. (Ludtke) supports the CPC funds hopes for opportunities for federal grants. (Bloom) This is a historical building would like to see the building preserved. (Clark) It is currently dry storage can it be used for anything else for municipal services. (Ells) regarding 200 Main Street and 225 South Street we would want to step back and understand the current cost. (Tamash) If we vote on this then we will need 14,000 square feet of dry storage. (Mendes) All understand the historic connection but \$3 million dollars for dry storage. (Crow) Move the question (Nober) This can be withdrawn (Crow) withdraw move the question.

Public Comment:

John Richmond questioned the demolition cost versus cost of using the building.

Close public hearing

**Discussion:**

(Neary) Securing the envelope weathertight the building. Do we have to recreate the look of the building or just make it weathertight. (Marinaccio) we will utilize adaptive reuse some items will be less expensive some will be more.

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 **\$2,900,000** shall be appropriated first from the Historic Preservation Fund within the Community Preservation Fund and second from the Community Preservation Undesignated Fund for preservation and restoration work at the Hyannis Armory building located at 225 South Street in Hyannis; and 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 8 YES 5 NO (CROW, LEVESQUE, MENDES, SCHNEPP, STARR)**

**ROLL CALL: BLOOM, BURDICK, CLARK, LUDTKE, NEARY, PENN, TAMASH, TERKELSEN**

**2026-198 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$2,500,000 IN COMMUNITY PRESERVATION ACT FUNDS FOR THE PURPOSE OF INCREASING THE NUMBER AND AVAILABILITY OF COMMUNITY HOUSING UNITS IN THE TOWN OF BARNSTABLE INTRO: 06/26/2025, 07/17/2025, 08/21/2025, 09/04/2025**

Open Public Hearing

Lindsey Counsell, Community Preservation Committee (CPC) Chair gave the rationale.

Close public hearing

**Discussion:**

(Ludtke) I support this item. (Clark) The last time 1.5 to 2 years ago 2.5 million dollars was requested from the CPC a balance remains, but the new project will take up the balance.

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 **\$2,500,000** be appropriated and transferred from the funds set aside for Community Housing Funds within the Community Preservation Fund and secondly from the Community

Preservation Undesignated Fund for the purpose of the Affordable Housing/Growth & Development Trust Fund, and that the Affordable Housing/Growth & Development Trust Fund Board is authorized to contract for and expend the total appropriation of Two Million Five Hundred Thousand Dollars **(\$2,500,000)** to increase the number and availability of community housing units within the Town of Barnstable by both funding and initiating projects and programs for that purpose, subject to the oversight by the Community Preservation Committee.

**VOTE: PASSED 13 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN**

<b>2026-202 RESOLVE APPROVING AND ADOPTING THE TOWN OF BARNSTABLE 2025 LOCAL COMPREHENSIVE PLAN DATED JUNE 9, 2025 INTRO: 06/26/2025, 07/17/2025, 08/21/2025, 09/04/2025</b>
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Open Public Comment

Jim Kupfer, Planning and Development Director gave the rationale.

Seeing no one close public hearing

Wendy Northcross thanked all of those that helped. She welcomed Councilor Starr back to the dais.

**Discussion:**

(Starr) Thank you (Schnepp) thank you all, Councilor Penn, Staff, and residents. (Ludtke) thank you, 3 amendments on Independence Park. (Bloom) lots of facts and knowledge and 2 small amendments. (Penn) loved the LCP glad for the update (Ludtke) page 26 abatements – change 2 words to one work (Tamash) Is there a formal amendment on the friendly amendment.

5-minute break – 9:54 pm – 10:00 pm

(Kupfer) spoke with Town Attorney requesting changes under advisements - we will review it over time. (Tamash) vote as a draft or with amendments (Kupfer) vote on the draft if changes are considered substantial then put off the vote and view the amendments. (Tamash) Pass it and send amendments to committee for evaluation. (Ludtke) Yes okay with it. (Bloom) Yes agreed. (Penn) perfect.

Upon a motion duly made and seconded it was

**WHEREAS**, in accordance with the Cape Cod Commission Act (Chapter 716 of the Acts of 1989, as amended) and the Local Comprehensive Plan Regulations promulgated thereunder, the Town of Barnstable 2025 Local Comprehensive Plan contains a comprehensive existing conditions report, community vision statement, topic and location specific goals and actions and implementation strategies to achieve the Plan's goals over the next 10 or so years in the Town of Barnstable; and

**WHEREAS**, the Town of Barnstable 2025 Local Comprehensive Plan was presented in draft form to the Town Planning Board at a duly noticed public meeting held on June 9, 2025; and

**WHEREAS**, at its June 9, 2025 meeting, the Planning Board unanimously voted to recommend approval of the Local Comprehensive Plan to the Town Council;

**NOW, THEREFORE, BE IT RESOLVED:** That the Town Council hereby approves and adopts the Town of Barnstable 2025 Local Comprehensive Plan dated June 9, 2025, in the form as provided to the Town Council and presented at this meeting, and directs and authorizes the Town Clerk to submit the Local Comprehensive Plan to the Cape Cod Commission for certification that it is in compliance with the regional policy plan prepared by the Cape Cod Commission.

**VOTE: PASSES 13 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN**



**2026-020 AUTHORIZATION FOR THE TOWN MANAGER TO EXECUTE A HOST COMMUNITY AGREEMENT WITH HOLISTIC HEALTH GROUP, INC., A MEDICAL MARIJUANA TREATMENT CENTER INTRO: 08/21/2025, 09/04/2025**

Jim Kupfer Planning and Development Director, gave the rationale.

**Discussion:**

(Tamash) community fees – will they need to repay fees. Is that agreeable to the applicant. (Kupfer) Documentation needed for costs to be accounted not over or above 3 percent. (Nober) the agreement authorizes changing up to 3 percent but does not have to but it must be documented.

**Councilor Starr left the dais and the meeting.**

Upon a motion duly made and seconded it was

**ORDERED:** That the Town Council does hereby authorize the Town Manager to execute the attached Host Community Agreement with Holistic Health Group, Inc., a medical marijuana treatment center, pursuant to Massachusetts General Laws c. 94G, s. 3(d)(1) and 935 CMR 501.180(2)(a).

**VOTE: PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN**

**2026-002 ORDER AUTHORIZING THE GRANT OF AN EASEMENT FOR ELECTRIC FACILITIES ON TOWN-OWNED LAND AT 382 FALMOUTH ROAD IN HYANNIS INTRO: 07/17/2025, 08/21/2025, 09/04/2025**

Tom LaRosa, First Assistant Town Attorney, gave the rationale.

Upon a motion duly made and seconded it was

**ORDERED:** That the Town Council hereby authorizes the Town Manager, on behalf of the Town, as part of a negotiated transaction and for nominal monetary consideration, to grant a perpetual easement to NSTAR Electric Company, doing business as Eversource Energy, or one of its related entities for the installation and operation of an underground line for the distribution of electricity, related lines for control, relay and communication purposes, and associated at-grade appurtenances, including manholes, to serve the Town-owned land located at 382 Falmouth Road in Hyannis, shown as Assessor Parcel 293-001, and described in an order of taking recorded at the Barnstable County Registry of Deeds in Book 511, Page 242. The easement area consists of 5,700± square feet located on the Town-owned land and is shown as “15’ Wide Utility Easement” on a plan captioned “Electric Easement Exhibit Plan” “382 Falmouth Road - Hyannis Village – Barnstable, MA”, prepared by the Town of Barnstable, Department of Public Works, dated July 1, 2025, and attached hereto. The Town Manager is authorized to negotiate, accept, sign, deliver and record any documents, and may make minor modifications to the easement area and the plan as necessary to effectuate this Order and complete this transaction.

**VOTE: PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN**

**2026-013 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, ARTICLE I NONCRIMINAL ENFORCEMENT OF VIOLATIONS, TO INCREASE FINES FOR ZONING VIOLATIONS INTRO: 08/21/2025, 09/04/2025**

Jeff Carter, Deputy Commissioner of Building Inspection Services, gave the rationale.

Open Public hearing

Seeing no one close public hearing

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, Section 1-3, is hereby amended by deleting the fine of \$100 for a Zoning violation and inserting a graduated fine structure of a warning for a first offense, a \$100 fine for a second offense, a \$200 fine for a third offense and a \$300 fine for a fourth and subsequent offenses, so that, as amended, it reads as follows:

<b>“Ch. 240</b>	Zoning	
	First Offense	Warning
	Second Offense	\$100
	Third Offense	\$200
	Fourth and Each Subsequent Offense	\$300

**VOTE: PASSES 12 YES**  
**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN**

**2026-015 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 08/21/2025, 09/04/2025**

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:** Nancy Karlson-Lidman from an associate position to a full member position to a term expiring 06/30/2028; Mike Trovato, as an associate member to a term expiring 06/30/2026; **Shellfish Committee:** James Weiler, as a member holding a family permit to a term expiring 06/30/2028

**VOTE: PASSES 12 YES**  
**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN**

**2026-016 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 08/21/2025, 09/04/2025**

Upon a motion duly made and seconded it was  
**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Charles Coyle, as a regular member to a term expiring 06/30/2028

**VOTE: PASSES 12 YES**  
**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN**

**2026-019 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,716,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND CONSTRUCTION OF AIRCRAFT HARDSTANDS ON THE TERMINAL APRON AT THE CAPE COD GATEWAY AIRPORT INTRO: 08/21/2025, 09/04/2025**

Open Public Hearing  
Michael Nelson, Cape Cod Gateway Airport Manager gave the rationale.  
Seeing no one close public hearing

**Discussion:**  
(Tamash) Town Attorney Nober is the verbiage good on this order. (Nober) Mark Milne can answer this. (Milne) Revision can take place later if no grant money, certify reserve by state typically happens in October. Appropriations will allow airport to contract for the project, use the airport’s own reserves and either come back to Council with reserves or find grants. If there are no grants then move forward with utilizing the snow removal funding.

Upon a motion duly made and seconded it was

**ORDERED:** That the amount of **\$1,716,000** be appropriated for the purpose of funding the design and construction of aircraft hardstands on the terminal apron, 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 **\$1,716,000** 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 the Cape Cod Gateway Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

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

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, SCHNEPP, TAMASH, TERKELSEN**

**2026-014 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, TO INSERT A NEW CHAPTER 48 STRETCH ENERGY CODE INTRO: 09/04/2025**

Upon a motion duly made and seconded it was

**ORDERED:** That the Code of the Town of Barnstable, Part I General Ordinances, is hereby amended by inserting after Chapter 47 the following new Chapter 48 Stretch Energy Code:

**“Chapter 48 Stretch Energy Code**

**§ 48-1. Purpose and Intent.**

The purpose of the Stretch Energy Code is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for both new construction and existing buildings.

**§ 48-2. Definitions.**

As used in this Chapter, the following terms shall have the following meanings:

**Base Energy Code** – The baseline energy conservation requirements of the Massachusetts State Building Code, 780 CMR, are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

**International Energy Conservation Code (IECC)** – The International Energy Conservation Code is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle.

**Stretch Energy Code** – Codified by the combination of 225 CMR 22 and 23, not including the Appendices RC and CC, and including any future editions, amendments or modifications, the Stretch Energy Code is a comprehensive set of amendments to the IECC seeking to achieve all lifecycle cost-effective energy efficiency in accordance with Chapter 169 of the Acts of 2008, the Massachusetts Green Communities Act, as well as to reduce the climate impacts of buildings built to this code.

**§ 48-3. Applicability.**

The Stretch Energy Code applies to residential and commercial buildings in the Town of Barnstable and is enforceable by the Building Commissioner.

**§ 48-4. Effective Date.**

The Stretch Energy Code is effective as of January 1, 2026.”

**VOTE: REFER TO SECOND READING ON 10/09/2025 – PASSES 11 YES 1 NO (MENDES)**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN**

**2025-028 VOTE ON THE MERITS OF A GROUP PETITION REQUESTING THAT THE TOWN TAKE ACTION TO ACQUIRE AND PRESERVE THE HOME OF EUGENIA FORTES AT 23 PLEASANT HILL LANE AND ESTABLISH A PERMANENT WETLANDS CONSERVANCY AT 32 PLEASANT HILL LANE INTRO: 09/04/2025**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby vote to find that the group petition submitted to it on June 27, 2025, requesting that the Town take action to acquire and preserve the home of Eugenia Fortes at 23 Pleasant Hill Lane and establish a permanent wetlands conservancy at 32 Pleasant Hill Lane, as more specifically set forth in the petition attached hereto and incorporated herein, has merit.

**VOTE: REFER TO PUBLIC HEARING ON 09/18/2025 - PASSES 9 YES 3 NO (BURDICK, LEVESQUE, NEARY)**

**ROLL CALL: BLOOM, CLARK, CROW, LUDTKE, MENDES, PENN, SCHNEPP, TAMASH, TERKELSEN**

**2025-029 RESOLVE APPROVING AND ADOPTING THE TOWN OF BARNSTABLE 2025 HOUSING PRODUCTION PLAN DATED MAY 12, 2025 INTRO: 09/04/2025**

Upon a motion duly made and seconded it was

**WHEREAS,** the Town of Barnstable 2025 Housing Production Plan contains a comprehensive housing needs assessment, affordable housing goals and implementation strategies to achieve the Plan's goals and develop affordable housing in the Town of Barnstable; and

**WHEREAS,** a draft of the Housing Production Plan has been made available for public review on the Town website since June 6, 2024; and

**WHEREAS,** the Town of Barnstable draft Housing Production Plan was presented to the Town of Barnstable Planning Board at duly noticed public meetings held on June 24, 2024, October 28, 2024, and November 25, 2024; and

**WHEREAS,** at its November 25, 2024 meeting, the Planning Board unanimously voted to recommend approval of the Housing Production Plan to the Barnstable Town Council; and

**WHEREAS,** at its February 27, 2025 meeting, the Town Council voted to recommend further community outreach; and

**WHEREAS,** a draft of the Housing Production Plan was made available for public review on the Town website following the February 27, 2025 meeting of Town Council, and additional community meetings were held on April 7, 2025 and April 10, 2025; and

**WHEREAS,** the draft Housing Production Plan was updated to reflect public comment and new available data; and

**WHEREAS,** the draft Housing Production Plan date has been updated to May 12, 2025; and

**WHEREAS,** the draft Housing Production Plan dated May 12, 2025 was presented to the Town of Barnstable Planning Board at a duly noticed public meeting held July 28, 2025; and

**WHEREAS,** at its July 28, 2025 meeting, the Planning Board unanimously voted to recommend approval of the Housing Production Plan dated May 12, 2025 to the Barnstable Town Council;

**NOW, THEREFORE, BE IT RESOLVED:** That the Barnstable Town Council hereby approves and adopts the Town of Barnstable 2025 Housing Production Plan dated May 12, 2025, in the form as provided to the Town Council and presented at this meeting, and authorizes the Town Manager to submit the Housing Production Plan to the Executive Office of Housing and Livable Communities for approval.

**VOTE: REFER TO PUBLIC HEARING ON 09/18/2025 - PASSES 12 YES**  
**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN**  
**Jump to 2026-023**

**2026-023      TRANSFER ORDER IN THE AMOUNT OF \$175,000 FOR THE PURPOSE OF FUNDING OUTSIDE COUNSEL EXPENSES OF THE LEGAL DEPARTMENT INTRO: 09/04/2025**

Upon a motion duly made and seconded it was

**ORDERED:** That the amount of **\$175,000** be transferred from the Fiscal Year 2026 Town Council Reserve Fund to the Fiscal Year 2026 Administrative Services Department Operating Expense Budget for the purpose of paying Legal Department expenses for the services of the law firm of Anderson & Kreiger in its capacity as outside counsel to the Town with respect to the lawsuit filed against the Town by the Conservation Law Foundation.

**VOTE: PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN**

**Jump to 2026-026**

**2026-026      ACCEPTANCE OF FISCAL YEAR 2026 MASSACHUSETTS DREDGING PROGRAM GRANT FROM THE EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT IN THE AMOUNT OF \$519,000 FOR THE PURPOSE OF FUNDING THE BARNSTABLE HARBOR ENTRANCE CHANNEL AND BLISH POINT BOAT RAMP DREDGING PROJECT**

Robert Stein, Public Works Assistant Director gave the rationale.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby accept a Fiscal Year 2026 Massachusetts Dredging Program Grant from the Commonwealth of Massachusetts, Executive Office of Economic Development in the amount of **\$519,000** for the purpose of funding the Barnstable Harbor Entrance Channel and Blish Point Boat Ramp Dredging Project, and that the Town Manager be authorized to contract for and expend the grant funds for such purpose.

**VOTE: PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN**

**2026-027      ORDER AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND THE UNIVERSITY OF MASSACHUSETTS DARTMOUTH TO INCREASE THE CONTRACT AMOUNT AND EXTEND THE TERM INTRO: 09/04/2025**

Robert Stein, Public Works Assistant Director gave the rationale.

Upon a motion duly made and seconded it was

**ORDERED:** Subject to appropriation, the Town Council does hereby authorize the execution and delivery by the Town Manager of an amendment to the Intergovernmental Agreement previously authorized through Town Council Order 2024-212 on May 2, 2024 between the Town of Barnstable (the "Town") and the University of Massachusetts Dartmouth ("UMass") for the provision by UMass to the Town of technical support of the Town's Water Quality Monitoring and Wastewater Planning and Estuary Water Quality Sampling Programs. Such amendment shall increase the previously authorized contract amount of One Million One Hundred Twenty-Two Thousand One Hundred Thirty-Six Dollars (\$1,122,136) by One Hundred Ninety-One Thousand One Hundred Eighty-Six Dollars (\$191,186), for a total amended amount of One Million Three Hundred Thirteen Thousand Three Hundred Twenty-Two Dollars (\$1,313,322), and shall extend the term of the agreement for an additional year ending December 31, 2026; provided that any future amendments to said agreement shall be undertaken pursuant to the exemption from Chapter 30B of the General Laws for transactions with the Commonwealth and shall not require further Town Council approval.

**VOTE: PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN,**

**SCHNEPP, STARR, TAMASH, TERKELSEN**

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

**Adjourned at 10:57 PM**  
Respectfully submitted,

Janet E. Murphy  
Assistant Town Clerk

**NEXT MEETING: September 18, 2025**

**Exhibits:**

- A. Petition
- B. Town Manager Update