



Town Council Meeting  
August 20, 2020



**The August 20, 2020 meeting of the Barnstable Town Council was physically closed to the public to avoid group congregation.**

A quorum being duly present, President Paul Hebert called the August 20, 2020 Town Council meeting to order at 7:00 p.m. from a remote location.

An announcement was made by President Hebert regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

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

The Pledge of Allegiance was led by Councilor Shaughnessy followed by a moment of silence.

**PUBLIC COMMENT:**

Laura Cronin did not support Zoom meetings as a forum for Public Comment.

Ann Schulte questioned how votes during public board meetings were counted.

Elizabeth Wurfbain supported the Main Street building project.

Elizabeth from iPad asked for an update on No Bottom Pond.

Nik Atsalis urged Town Council to read the Civic Associations documents regarding short-term rentals.

Kathy Kolpik introduced Vince Poulo who asked about the level of bacteria in pond's water located on Raylan Road.

John Crow supported preserving Cape Cod rental traditions.

**Councilor Response to Public Comment:**

There is inappropriate behavior due to current climate/times happening and civility is lacking. We, the residents of Barnstable all need to do better and engage in civic conversations.

Dan Santos, Public Works Director discussed No Bottom Pond. He explained the Town was working on a number of initiatives for No Bottom Pond and all ponds (180 ponds in Barnstable). The Town is sampling ponds on a regular basis to understand what is going on with regards to what sources and contaminants are running off into the ponds.

**TOWN MANAGER COMMUNICATIONS:** (Exhibit A) For July 16<sup>th</sup> to August 20<sup>th</sup>  
Ann Quirk, Town Clerk discussed the upcoming September 1, 2020 election process. She mentioned the Town Clerk's Department had received 8,333 mail-in voting requests. She added Early Voting would be held in the Barnstable Adult Community Center from Saturday August 22, 2020 to Friday August 28, 2020. Hours were 8 am to 1 pm on Saturday and Sunday with hours 8:30 am to 4:30 pm Monday thru Friday. She reminded Mail-in Voters to sign the yellow ballot envelope; residents to go vote in person and added all mail-in ballots needed to be received by the Town Clerk's office by 7:59 pm on Tuesday September 1, 2020.

Fiscal Year 2021 budget

Massachusetts is in Phase III Step I of Governor Baker's orders and directives

Labor Day Weekend fire works are not allowed at this time and must be cancelled

Current plan for Barnstable school year 2021 – Fall reopening plan

Summer Leisure program

Vineyard Winds update

Cape and Island Sub Committee – regulations are specific regarding distribution of funds for wastewater projects

**Councilor questions and comments:**

Thinking of utilizing one sheet of ice in September for hockey at the Hyannis Youth and Community Center. Felt Kennedy rink was better than the Butler rink for hockey at this time. Safety first for all youth, employees and the public.

Dan Santos, Public Works Director gave an update on the Comprehensive Waste Water Management plan. He explained there was continued development of the Single EIR document. He discussed the projects on Route 28 East, Long Pond Road and Phinney's Lane. He added there was continuation of design on the Strawberry Hill Road project and mentioned the annual estuary monitoring sampling program.

**ACT ON MINUTES:**

Upon a motion duly made and seconded it was to approve the minutes of the July 16, 2020 as written.

**VOTE: PASSES 10 YES**

**Councilor questions and comments:**

President Hebert explained there were revisions to the June 4<sup>th</sup>, 2020 meeting minutes. He explained Council hear the revisions and vote on the revisions before they could be added to the minutes. Councilor Cullum asked to review the meeting minutes and the new revisions. Councilor Steinhilber suggested moving approval to next meeting.

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

Infrastructure & Energy working on a climate resolution  
Council on Aging new chair John Jope  
Barnstable Police Explorer's class will be revamped Fiscal Policy – Mark Milne will review this report  
Survey for Strategic plan available  
Bill drafted regarding the Police – Councilors please start thinking about this language

Council recessed for a ten-minute break

Jump to 2021-003

**2021-003 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$300,000 OF COMMUNITY PRESERVATION FUNDS FOR THE CREATION OF TWO (2) MODERATE-INCOME DEED-RESTRICTED TWO-BEDROOM APARTMENTS AT 255 MAIN STREET HYANNIS, MA INTRO: 07/16/2020, 08/20/2020**

Rob Brennan, from Capebuild gave the rationale. He discussed the process of 255 Main Street. Bob Farrell, new renter at 255 Main Street was looking forward to moving into the rehabbed building.

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the sum of Three Hundred Thousand Dollars and No/100 (\$300,000.00) be appropriated and transferred from the Undesignated Funds portion of the Community Preservation Fund and that the Town Manager is authorized to contract for and expend the amount appropriated and transferred for the purpose of creating community housing consisting of two (2) moderate income deed-restricted residential rental two-bedroom apartment units to be indexed at 100% Area Median Income (AMI) in perpetuity located within a mixed use redevelopment of an historically significant building at 255 Main Street, Hyannis, and that the Town Manager is further authorized to execute, deliver and record documents and restrictions for the stated purpose subject to restrictions as provided in G.L. c. 44B for the stated purpose and the oversight of the Community Preservation Committee.

**VOTE: PASSES 10 YES 1 NO (SCHNEPP)**

**2020-193 ORDER AMENDING CHAPTER 240 ZONING, ARTICLE II, SECTION 7 ADDING CERTAIN PROVISIONS PERTAINING TO SHORT TERM RENTALS INTRO: 06/18/2020, 07/16/2020, 08/20/2020**

Karen Nober, Town Attorney, asked Council to withdraw this agenda item and send it back to the Planning Board.

#### **Councilor questions and comments**

Upon a motion duly made and seconded it was to withdrawn due to procedural irregularity that the Town Attorney believed rendered the Planning Board action invalid and the matter was returned to the Planning Board.

**VOTE: PASSES 11 YES**

Point of Order: Is there new timeline/clock on this agenda item 2020 - 193?  
[Yes]

Upon a motion duly made and seconded it was to continue Council meeting past 11:00pm  
**VOTE: PASSES 11 YES**

<b>2020-192 ORDER AMENDING THE GENERAL ORDINANCES BY ADDING CHAPTER 190 SHORT TERM RENTAL PROPERTIES AND AMENDING CHAPTER 170 RENTAL PROPERTIES INTRO: 06/18/2020, 07/16/2020, 08/20/2020</b>
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Councilor Schnepf discussed the need for an enforceable standard for the safety of all residents and guests. The General Ordinance gives regulations for rentals and the Zoning Ordinance gives clarity on zoning uses in Barnstable. She emphasized that the Town of Barnstable will entertain any amendments to these ordinances.

Andy Clyburn, Assistant Town Manager, spoke about short-term regulations. He explained there were currently 776 short-term rentals (STR). The rentals which were 30 days or less were a property rights issue. He noted the issue was to regulate them in all zoning as opposed to banning them in some areas. He added the STRs were being taxed under the 2019 STR tax per Governor Baker.

Elizabeth Jenkins, Planning and Development Director, gave an overview of her PowerPoint presentation. She added the General Ordinance put controls in place and the Zoning Ordinance addressed the use.

Open public hearing

Chuck Tuttle did not support Short-term rentals in Barnstable.

Bob Schulte opposed the General Ordinance and the Zoning Ordinance.

Upon a motion duly made and seconded it was to continue item to Public Hearing on September 3<sup>rd</sup>, 2020

**VOTE: FAILS 2 YES (NEARY AND STEINHILBER) 9 NO**

Felicia Penn opposed the General Ordinance and the Zoning Ordinance.

Lynne Donohue asked for clarification regarding home associations that do not allow short-term rentals.

Cuppy Kraft opposed to the vote for short-term rentals needed more discussions.

Niles Sutphin opposed short-term rentals.

Susan Edwards questioned the regulations regarding the minimum stay.

Don Megathlins opposed short-term rentals.

Christian Teague supported the short-term rental ordinance.

Ellen Nozzle opposed the proposed short-term rental regulations.

Ken Nozzle opposed the short-term rental ordinances and regulations.

Martin MacNeely supported the proposed short-term rental ordinances.

Kris Wolff opposed the short-term rental regulations.

Upon a motion duly made and seconded it was to continue item to Public Hearing on September 3<sup>rd</sup>, 2020

**VOTE: PASSES 11 YES**

**2021-006 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$289,600 OF COMMUNITY PRESERVATION FUNDS FOR THE PAYMENT OF FISCAL YEAR 2021 DEBT SERVICE ON THE ACQUISITION OF THE HYANNIS GOLF COURSE INTRO: 08/20/2020**

Upon a motion duly made and seconded it was

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of Two Hundred and Eighty Nine Thousand Six Hundred and No/100 (**\$289,600**) Dollars be appropriated and transferred from the undesignated fund balance in the Community Preservation Fund for the purpose of paying the Fiscal Year 2021 Debt Service Payment on the loan issued to acquire the Hyannis Golf Course.

**VOTE: REFER TO PUBLIC HEARING ON 09/03/2020 – PASSES 10 YES (DAGWAN OFF ZOOM)**

Upon a motion duly made and seconded it was to suspend Rule 15

**VOTE: PASSES YES (DAGWAN OFF ZOOM)**

**2021-007 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION: INTRO: 08/20/2020**

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:** FP Tom Lee, 1081 Old Putnam Ave, Cotuit, as a regular member to a term expiring 6/2023; Dan Luczkow MD, 16 Hill Creek Road, Centerville, as an alternate member to a term expiring 06/2022; **Comprehensive Financial Advisory Committee:** Wendy Soloman, 781 Old Post Road, Cotuit, as a regular member to a term expiring 6/2023; **Disability Commission:** Michael Hersey, 246 Stoney Cliff Road, Centerville, as a regular member to a term expiring 6/2021; **Land Acquisition and Preservation Committee:** Tracy Pratt, 8 Daniele Street, Cotuit, as a regular member to a term expiring 6/2021; **Old King's Highway Historic District Committee:** Jeffrey Goldstein as an alternate member to a term expiring 6/2021 **Planning Board:** Robert Twiss, as a regular member to a term expiring 6/2022; ; **Sandy Neck Board:** Joe O'Brien, of the Recreation Commission as a Representative Member to the Sandy Neck Board, to a term expiring 6/2023; **Youth Commission:** Julianna O'Reilly, c/o Hyannis Youth and Community Center as a regular member to a term expiring 6/2021; Connor O'Reilly c/o Hyannis Youth and Community Center as a regular member to a term

expiring 6/2021; **Zoning Board of Appeals:** Emanuel Alves, 1359 Falmouth Road, Centerville, as an associate member to a term expiring 06/2021;  
**VOTE: PASSES 11 YES**

**2021-008 GRANT ACCEPTANCE IN THE AMOUNT OF \$63,600 FOR THE PURPOSE OF FUNDING THE DEPARTMENT OF PUBLIC WORKS - WATER POLLUTION CONTROL FACILITY ASSET MANAGEMENT PROJECT INTRO: 08/20/2020**

Dan Santos, Public Works Director gave the rationale.  
Upon a motion duly made and seconded it was  
**RESOLVED:** That the Town Council hereby authorizes the Town Manager to contract for and expend a grant in the amount of \$63,600 from the Massachusetts Clean Water Trust for the purpose of funding the Water Pollution Control Facility Asset Management Project.  
**VOTE: PASSES 11 YES**

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

Upon a motion duly made and seconded it was  
**ORDERED:** That the sum of **\$8,500,000** be appropriated for the purpose of funding the Solids Handling Upgrades Construction Project as outlined in the Fiscal Year 2021 – Fiscal Year 2025 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$8,500,000 under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.  
**VOTE: REFER TO PUBLIC HEARING – PASSES 11 YES**

**2020-010 AMENDMENT OF THE ZONING MAP OF THE TOWN OF BARNSTABLE TO EXPAND THE MULTIFAMILY AFFORDABLE HOUSING DISTRICT TO INCLUDE MAP/PARCEL 250/160 AT 3 WHITEHALL WAY, HYANNIS INTRO: 08/20/2021**

Upon a motion duly made and seconded it was  
**ORDERED:** That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

**SECTION 1**

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable to rezone property from the Residence C-1 Zoning District to the Multifamily Affordable Housing Zoning District as shown on maps entitled;

- “Proposed Amendment to the Town Zoning Map expanding the MAH District in Hyannis” and
- Proposed Amendment to the Hyannis Zoning Map expanding the MAH District in Hyannis – Sheet 3 of 7” and
- Proposed Amendment to the Centerville Zoning Map expanding the MAH District in Centerville – Sheet 4 of 7”

Dated August 6, 2020 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit.

**VOTE: PASSE11 YES**

**2021-011 RESOLVED, THAT THE TOWN COUNCIL PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE A SECTION OF COUNTY HIGHWAY, NAMELY THAT PORTION OF PHINNEY’S LANE FROM WEQUAQUET LANE TO IYANNOUGH ROAD AS DESCRIBED IN AN ORDER OF TAKING BY THE BARNSTABLE COUNTY COMMISSIONERS RECORDED IN THE BARNSTABLE COUNTY REGISTRY OF DEEDS IN BOOK 476, PAGE 38, AND AS SHOWN ON A PLAN OF LAND ENTITLED “COUNTY OF BARNSTABLE, TOWN OF BARNSTABLE, PLAN OF A COUNTY WAY, CENTERVILLE TO BARNSTABLE AS LAID OUT BY THE COUNTY COMMISSIONERS DATED JULY 17, 1930 INTRO: 08/20/2021**

Charlie McLaughlin, Senior Town Attorney gave the rationale.

Upon a motion duly made and seconded it was

**RESOLVED:** That pursuant to G.L. c. 82, § 5, the Town Council petition the County Commissioners of Barnstable County to formally discontinue a section of county highway, namely that portion of Phinney’s Lane from Wequaquet Lane to Iyannough Road as described in an order of taking by the Barnstable County Commissioners recorded in the Barnstable County Registry of Deeds in Book 476, Page 38, and as shown on a plan of land entitled “County of Barnstable, Town of Barnstable, Plan of a County Way, Centerville to Barnstable as Laid Out By the County Commissioners dated July 17, 1930, Scale 40 feet to an inch”, Sheets 1 – 10, which plan is on file with this ITEM in the Office of the Town Council, thereby rendering said section of county highway a town way by operation of G.L. c. 82, § 5, and further that pursuant to G.L. c. 82, § 5, said petition request that said discontinued section of county highway remain a public way, and that the Town Manager be authorized to execute any documents on behalf of the Town necessary to effectuate this resolve.

**VOTE: PASSES 11 YES**

**The Town Council may vote to go into executive session under M.G.L. c. 30A, § 21 (a)(2) to conduct a strategy session in preparation for negotiations with a nonunion employee, Mark S. Ells.**

**EXECUTIVE SESSION**

**Conduct a strategy session in preparation for negotiations with Mark Ells, a non-union employee.**

Upon a motion duly made and seconded it was VOTED to go into executive session under M.G.L. c. 30A, § 21 (a)(2) to conduct a strategy session in preparation for negotiations with a nonunion employee, Mark S. Ells.

**VOTE: PASSES 11 YES**

**VOTE: ADJOURNMENT:**

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

**Adjourned at 11:59 PM**

Respectfully submitted,

Janet E. Murphy  
Assistant Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: September 17, 2020

EXHIBITS:

A. Town Manager's Report for July 17<sup>th</sup> through August 20<sup>th</sup> 2020.