



Town Council Meeting
November 19, 2020



The November 19, 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 November 19, 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) Nikolas Atsalis, David Bogan, Kristine Clark, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **Absent:** Jennifer Cullum, Debra Dagwan

The Pledge of Allegiance was led by President Paul Hebert; Councilor Eric Steinhilber spoke about the passing of Fran Manzelli and asked that we keep his family and friends in our thoughts and prayers followed by a moment of silence.

PUBLIC COMMENT:

Councilor Response to Public Comment:

Joanne Uchman, member of Centerville for Concerned Citizens expressed disappointment with the Town's decision to not appeal the lower court ruling in T-Mobile's lawsuit regarding the cell tower located at the South Congregational Church in Centerville.

Pete Sampou, scientist and teacher supported agenda item 2021-045, and felt climate change was a global issue.

Bob Wilson said parcel 280 Old Falmouth Road near his home was not compliant with the noise variance.

Steve Semour supported agenda item 2021-023.

Susan Phelan, a resident of Plum Street supported agenda item 2021-023.

Martin MacNeely felt the withdrawal and do-over of the Short-Term Rental ordinances was a complete waste of time.

Jan Ward supported agenda item 2021-045 and noted one cannot have health without environmental changes.

Michelle Sgarlat supported agenda item 2021-045 and hoped for more earth friendly green friendly policies.

Grove Harris supported agenda item 2021-045 and hoped other towns on the Cape would embrace the climate policy.

Keith Lewison supported agenda item 2021-045 and spoke on behalf of his students at the Cape Cod Academy.

Jay Cornwall supported agenda item 2021-045 and explained about sea level rising and storms affected by climate changes.

Allen Sundelin supported agenda item 2021-045 and added his concerns about climate changes.

Chuck Tuttle had concerns with the 310 Main Street Centerville property as a pump station. He hoped The Town would look at other property for the pump station.

Chime Pelzom supported agenda item 2021-045 and called for people to take the first step and work together.

Jim Wolf, Cape Cod Air Sustainability Initiative Director supported agenda item 2021-045 and noted Cape Cod Air would be fully electronic by middle of the decade.

Greta Nelson supported agenda item 2021-045 and felt small groups can make tangible change to complete a goal.

Bobbi Tu expressed concerns about hunting on land near Plum Street.

Gloria Gilbert thanked Council for prohibiting hunting on Plum Street.

Close public comment

Councilor response to Public Comment:

Councilors thanked all people who spoke tonight and commended the younger residents for speaking out and hoped it would encourage others to attend Council meetings.

Mark Ells addressed 280 Falmouth Road issue: the 310 Main Street action was being taken with a site pump station at Mother's Pond road but the title needed to be cleared before the Town will release the 310 Main Street property.

TOWN MANAGER COMMUNICATIONS:

- Concern Citizen of Centerville

Mark Milne, Finance Director spoke about revaluation of all Barnstable property. He explained every 5 years Barnstable property was revaluated, reassessed and revalued. This revaluation was based on the 2019 sales. He mentioned the revaluation was pre-COVID-19. He noted if there were any concerns with home owner assessments to contact the Board of Assessors at (508) 862-4022

- Governor Baker's directives go to Town website or massgov.com

- Barnstable has reached red status. If Barnstable stays at red status for 3 weeks then town may have to move down a step. Barnstable is currently in Phase III Step II
- Capital Operating budget Fiscal Year 2022
- Economic Development Task Force

Dan Santos, Public Works Director gave an update to the Comprehensive Wastewater Management Plan. He explained the plan was submitted on November 13 to MEAPA and we will have a decision by the end of December 2020. The decision will then be submitted to the Cape Cod Commission. He noted there was no need information regarding the Joint Base Cape Cod plan. He discussed the projects: Mother's Park Road, Phinney's Lane and Route 28 pump station. He noted the ongoing projects until March 2021: Strawberry Hill Road, Vineyard Wind and nutrient trading with Town of Sandwich. (Rapp Grasseti) What about our neighbors to the east? [Yarmouth is partnering with Harwich and Dennis] (Neary) [Study is ongoing effluent disposal in and out of town]

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the Meeting minutes of November 5, 2020 as presented.

VOTE: PASSES 11 YES

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

(Bogan)

Osterville Stroll is cancelled for 2020.

(Schnepp)

Spoke about Zoning and Regulatory Amendment – accessory dwelling by right – increase dwelling units for the year round renting but keeping within wastewater regulations. There is public input at the second Thursday of the month meeting. She noted the draft ordinance was available on the committee's webpage.

(Hebert)

Special December 10, 2020 two-hour meeting or last meeting on December 17, 2020 and set aside 2 hours please let Cynthia Lovell know and/or bring any concerns to Cynthia Lovell.

Roy Catignani, Chairman Waterways Access Subcommittee and Ali Maloney spoke about their committee's mission. The group would like to improve waterfront access. He addressed their 5 initiatives: recognize mooring fields, standardizing moorings, transit slip mooring rentals, enhance parking at ramps, and park redevelopment parcel of land at waterfront.

(Neary)

Kalmus Beach is a great asset. Boating on ocean needs to start with looking at access from there to Town. Develop docking area for boating.

(Schnepp)

Growth incentive goals: Regulations allow for top of shopping housing, traditional mix of uses, expand and simplify code, move away from antiquated zoning regulations and cohesive transparent process for planning,

Elizabeth Jenkins Planning and Development Director spoke about downtown Hyannis rezoning development and gave an overview with a PowerPoint Presentation. She mentioned there is a draft of the code on the Planning and Development website.

Three Minute Break

2021-023 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$320,000 OF COMMUNITY PRESERVATION FUNDS FOR THE ACQUISITION OF 28 FALCON ROAD ON WHICH WILL BE PLACED A CONSERVATION RESTRICTION TO BE HELD BY BARNSTABLE LAND TRUST INTRO: 10/15/2020, 11/19/2020

Lindsey Counsel Chair of the Community Preservation Community gave the rationale. Janet Milkman, Barnstable Land Trust Director discussed the history of the land trust and gave an overview of her PowerPoint Presentation. She mentioned 16 acres on Plum Street as well as the 14 acres overall.

Open Public Hearing
(Clark)

Read aloud 3 letters.

Seeing no one close Public Hearing

Upon motion which was duly seconded it was

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L.c. 44B and the Conservation Restriction statute, G.L.c. 184, Sections 31-33, the sum of Three Hundred Twenty Thousand Dollars (**\$320,000**) be appropriated and transferred from the amount set aside for open space and recreation in the Community Preservation Open Space/Recreation Funds for the acquisition by the Town of the open space resource consisting of 15.96 acres located at 28 Falcon Road, West Barnstable, shown on Barnstable Assessors Map 195 as Parcel 038, representing a portion of the total amount of Three Hundred Forty-Seven Thousand, Five Hundred Dollars (\$347,500) for the acquisition. The property will have a Conservation Restriction allowing for open space and recreation thereon, said Restriction to be held by the Barnstable Land Trust which is contributing \$27,500 in both funding and in kind contributions. That Conservation Restriction is subject to approval by the Secretary of the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs. Further it is ordered that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition subject to oversight by the Community Preservation Committee and that the Town Manager are authorized to execute, receive, deliver and record any written instruments for the stated purposes.

VOTE: PASSES 11 YES

2021-024 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$500,000 OF COMMUNITY PRESERVATION FUNDS FOR THE ACQUISITION OF 830 WAKEBY ROAD ON WHICH WILL BE PLACED AN OPEN SPACE/RECREATION CONSERVATION RESTRICTION TO BE HELD BY BARNSTABLE LAND TRUST INTRO: 10/15/2020, 11/19/2020

Mark Ells gave the rationale. Lindsey Counsel said the conservation restriction was important and helpful to residents to understand. Janet Milkman discussed the PowerPoint presentation and the 15.8 acres of land.

Open Public Hearing seeing no one close Public hearing

Upon motion which was duly seconded it was

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L.c. 44B and the Conservation Restriction statute, G.L.c. 184, Sections 31-33, the sum of Five Hundred Thousand Dollars (\$500,000) be appropriated and transferred from the amount set aside for open space and recreation in the Community Preservation Open

Space/Recreation Funds for the acquisition by the Town of the open space resource consisting of 15.74 acres located at 830 Wakeby Road, Marstons Mills, shown on Barnstable Assessors Map 013 as Parcel 003, representing a portion of the total amount of Five Hundred Twenty-Five Thousand, Six Hundred Eighty Dollars (\$525,680) for the acquisition. The property will have a Conservation Restriction allowing for open space and recreation thereon, said Restriction to be held by the Barnstable Land Trust which is contributing \$25,680 in both funding and in kind contributions. Said Restriction is subject to approval by the Secretary of the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs. Further it is ordered that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition subject to oversight by the Community Preservation Committee, and that the Town Manager is authorized to execute, receive, deliver and record any written instruments for the stated purposes.

VOTE: PASSES 11 YES

**2021-029 ALLOCATION OF TAX LEVY FISCAL YEAR 2021 – TAX FACTOR
INTRO: 10/29/2020, 11/19/2020**

Upon motion which was duly seconded it was

OPEN AND CONTINUE TO PUBLIC HEARING ON DECEMBER 3RD, 2020

VOTE: PASSES 11 YES

**2021-030 ALLOCATION OF TAX LEVY FISCAL YEAR 2021 – RESIDENTIAL
EXEMPTION INTRO: 10/29/2020, 11/19/2020**

Upon motion which was duly seconded it was

OPEN AND CONTINUE TO PUBLIC HEARING ON DECEMBER 3RD, 2020

VOTE: PASSES 11 YES

**2021-036 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF
\$522,569 IN OPEN SPACE/RECREATION COMMUNITY PRESERVATION FUNDS FOR
INCREASED COSTS FOR CONSTRUCTION OF 10 NEW DEDICATED PICKLEBALL
COURTS AND 2 TENNIS COURTS WITH PICKLEBALL OVERLAY LINES LOCATED
AT 760 OSTERVILLE WEST BARNSTABLE ROAD, MARSTONS MILLS, MA INTRO:
11/19/2020**

Upon motion which was duly seconded it was

REFER TO PUBLIC HEARING ON 12/03/2020

VOTE: PASSES 11 YES

**2021-037 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000.00 FOR THE
PURPOSE OF FUNDING THE EVALUATION OF DENITRIFICATION IMPROVEMENTS
AT THE WATER POLLUTION CONTROL FACILITY INTRO: 11/19/2020**

Upon motion which was duly seconded it was

REFER TO PUBLIC HEARING ON 12/03/2020

VOTE: PASSES 11 YES

**2021-038 TRANSFER ORDER OF \$27,465.00 FROM THE TOWN COUNCIL'S
OPERATING RESERVE FUND TO THE FISCAL YEAR 2021 MARINA ENTERPRISE
FUND OPERATING CAPITAL BUDGET FOR THE PURPOSE OF FUNDING THE PIER
REPAIRS AT BISMORE PARK MARINA INTRO: 11/19/2020**

Derek Lawson Marine and Environmental Affairs Director gave the rationale and discussed the pier repairs at Bismore Park Marina.

(Neary)

Inquired if insurance refund was applied to the operating reserves [YES]

Upon motion which was duly seconded it was

ORDERED: That the sum of **\$200,000.00** be appropriated from the Sewer Enterprise Fund reserves for the purpose of funding an evaluation of denitrification improvements at the Water Pollution Control Facility, 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.

VOTE: PASSES 11 YES

2021-039 TRANSFER ORDER IN THE AMOUNT OF \$25,940 FROM THE FISCAL YEAR 2021 DEPARTMENT OF PUBLIC WORKS OPERATING BUDGET FOR SALARIES TO THE FISCAL YEAR 2021 LICENSING DEPARTMENT OPERATING BUDGET FOR SALARIES INTRO: 11/19/2020

Mark Ells gave the rationale. Richard Scali, Licensing Director explained there were cost saving with the Public Works Department salaries which would be applied to the Licensing Department Operating Budget.

Upon motion which was duly seconded it was

ORDERED: That the sum of **\$25,940** be transferred from the Fiscal Year 2021 Department of Public Works operating budget for salaries to the Fiscal Year 2021 Licensing Department operating budget for salaries for the purpose of funding salaries for additional staff support.

VOTE: PASSES 11 YES

2021-040 REAFFIRMATION OF THE TOWN'S GRANT OF AN EASEMENT TO VINEYARD WIND LLC IN A PORTION OF COVELL'S BEACH INTRO: 11/19/2020

Karen Nober, Town Attorney, gave the rationale. The grant is an easement to Vineyard Winds which needed to be reaffirmed as the grant had lapsed 6 months.

Upon motion which was duly seconded it was

RESOLVED: That the Town Council hereby reaffirms the Town's grant of an easement to Vineyard Wind LLC in Covell's Beach as shown on Assessor's Map 225 as Parcel 006 and as previously authorized and approved in Town Council Item **2019-036**, and assents to the recording of the easement at the Barnstable County Registry of Deeds, and further authorizes the Town Manager to execute and record any and all instruments and documents in connection therewith.

VOTE: PASSES 11 YES

2021-041 AUTHORIZATION FOR VINEYARD WIND LLC TO RECORD CHAPTER 91 LICENSE AND OTHER LICENSES AND APPROVALS ISSUED TO VINEYARD WIND INTRO: 11/19/2020

Karen Nober, Town Attorney gave the rationale.

Upon motion which was duly seconded it was

RESOLVED: that the Town of Barnstable, a Massachusetts municipal corporation, acting by and through its Town Council, as owner of the land located at 857 Craigville Beach Road, Barnstable Massachusetts, known as Covell's Beach and described in (i) Certificate of Title 59198 and shown as Lot 3 on L.C. Plan 12134-D, and (ii) a deed recorded in Book 1892, Page 142 and shown on a plan recorded in Plan Book 272, Page 99, hereby assents to the filing with the Barnstable Registry District of the Land Court and the recording with the Barnstable Registry of Deeds of the following documents issued to Vineyard Wind LLC: (a) Massachusetts Department of Environmental Protection Chapter

91 Waterways License # 15011; (b) Barnstable Conservation Commission Order of Conditions (MassDEP File No. SE 3-5681); and (c) Massachusetts Department of Environmental Protection Superseding Order of Conditions (MassDEP File No. SE 3-5681). The Town Manager is authorized to execute and deliver all documents for the stated purposes.

VOTE: PASSES 11 YES

2021-042 APPROVING THE NAMING OF THE NEW MAHER WATER TREATMENT PLANT AS THE HAROLD E. TOBEY FILTRATION PLANT INTRO: 11/19/2020

Dan Santos, Public Works Director gave the rationale. He spoke about all the contribution from Harold E. Tobey and how the new filtration plant would be named in his honor.

Upon motion which was duly seconded it was

RESOLVED: That the Town Council hereby approves the naming of the new Maher water treatment plant in Hyannis as the "Harold E. Tobey Filtration Plant"

VOTE: PASSES 11 YES

2021-043 GRANT OF EASEMENT TO VINEYARD WIND LLC IN CERTAIN STREETS AND WAYS, INCLUDING PORTIONS OF CRAIGVILLE BEACH ROAD, STRAWBERRY HILL ROAD, WEQUAQUET LANE, PHINNEY'S LANE, ATTUCKS LANE, AND INDEPENDENCE DRIVE INTRO: 11/19/2020

Upon motion which was duly seconded it was

REFER TO SECOND HEARING ON 12/03/2020

VOTE: PASSES 11 YES

2021-044 ADOPTION OF TOWN COUNCIL STRATEGIC PLAN FOR FISCAL YEARS 2021-2022 INTRO: 11/19/2020

Upon motion which was duly seconded it was

RESOLVED: That the Town Council hereby approves and adopts the Town Council Strategic Plan for Fiscal Years 2021-2022 as presented to the Council at this meeting.

VOTE: PASSES 10 YES 1 NO (CLARK)

2021-045 ADOPTION OF POLICY TO REDUCE NET GREENHOUSE GAS EMISSIONS INTRO: 11/19/2020

Councilor Gordon Starr gave the rationale. Eleven out of fifteen Cape Cod Town have posted a similar policy to reduce greenhouse gas emissions.

(Steinhilber)

Motioned to table this item and was seconded.

He felt the Strategic Plan was already addressing this issue.

(Starr)

He felt this policy would strengthen the strategic plan.

(Neary)

Felt this policy could be micromanaged due to interpretation and was redundant.

(Rapp Grasseti)

We could rework the language.

(Steinhilber)

He felt rewriting the item was not a good idea.

(Schnepp)

We should not ignore this issue net zero is a challenge and a goal to reach.

(Levesque)

There is a concern with the sense of urgency as climate change is preventable.

Upon motion which was duly seconded it was to move past 11 o'clock

VOTE: PASSES 11 YES

(Shaughnessy)

To not approve this item is insulting to the people who came out tonight and spoke in favor of the item. This is not micromanaging or vague language.

(Steinhilber)

During the discussion I amended my motion language to work with the sponsors to tighten and make the language clear and consistent with the Strategic Plan.

Upon motion which was duly seconded it was to table the amendment and to work with the sponsor to tighten up the language and better align with the language of the Strategic Plan

VOTE: FAILS 4 YES 7 NO (BOGAN, CLARK, RAPP GRASSETTI, HEBERT, SCHNEPP, SHAUGHNESSY, AND STARR)

Upon motion which was duly seconded it was

RESOLVED: That due to the threat posed by global climate change to the health, safety and economic security of the residents of the Town of Barnstable, including rising seas, deadly storms, dangerous heat waves, acidifying oceans and melting ice sheets, and in recognition that this climate emergency is driven by human energy consumption and land use practices, the Town of Barnstable hereby adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero to the extent technically and economically feasible; and the Town Manager is hereby directed, in consultation with the officers and departments of the Town, to identify and recommend to the Council measures that may be taken by the Town to facilitate such policy and objective.

VOTE: PASSES 9 YES 2 NO (NEARY AND STEINHILBER)

2021-046	APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:
INTRO: 11/19/2020	

Upon motion which was duly seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Licensing Authority:** Aaron Webb, as a regular member to a term expiring 6/2022; **Recreation Commission:** George Bent, as a regular member to a term expiring 6/2022

VOTE: PASSES 11 YES

President Hebert asked Council to review their calendars and decide on whether Council wanted the December 10th, 2020 Special meeting or spend 2 hours of the last meeting December 17th, 2020 meeting on the sewer financing plan.

Mark Ells mentioned Mark Milne Finance Director is working on document similar to the General Fund policy regarding fiscal policy relevant to the Comprehensive Wastewater Management Plan. We expect to have that to the Council before the December 3rd, 2020 meeting. We could have a one hour discussion on December 3rd with a subsequent 2 hour meeting to get closure on some and possibly all policies. If this does not happen then we will continue to another meeting in the future.

Adjourned at 11:22 PM
Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk/Town of Barnstable

NEXT MEETING: December 3, 2020