



Town Council Meeting  
January 18, 2024



A quorum being duly present, President Felicia Penn called the January 18, 2024, Town Council meeting to order at 6: 00 PM.

An announcement was made by President Penn regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 8 or Channel 1072.

**PRESENT:** Charles Bloom, Seth Burdick, Kristine Clark, John Crow, Matthew Levesque, Betty Ludtke (via ZOOM), Jeffrey Mendes, Felicia Penn, Paula Schnepf, Gordon Starr, Craig Tamash, Kristin Terkelsen **ABSENT:** Paul Neary

The Pledge of Allegiance was led by President Penn followed by a moment of silence. She asked to keep all others around the world and in our backyard in our thoughts and prayers.

**PUBLIC COMMENT:**

**In-person:**

Chuck Tuttle noted Hertz Rental Car had reduced its electronic fleet of cars due to the initial expense and cost of repairs. He added that the clean energy supplied by Avangrid was the most expensive at .20 cents per kilowatt hour. He was opposed to any easements, supported Article 97 and urged the Council to please protect our way of life.

Bob Schulte mentioned there is only one turbine producing one watt of energy. Soon there will be 2 more Avangrid projects which will include adding dielectric fluids to our community. These chemicals will be located near our sole source aquifer. He urged Council to support Article 97 and reject any additional easements on any of our Barnstable beaches.

Cliff Carroll presented pictures/images (Exhibit A) to the Council regarding the construction of Oak Street substation. The pictures show that the substation sits on top of Wequaquet Lake. The fire station substation will be located near the 500-gallon water tower. We have no cost estimation for a cleanup. This is the opportunity to stop the substations.

Peter Hanson felt our Barnstable water is the best in the state. The Avangrid substations will be located over our sole source wells. Avangrid and Eversource say there is no issue locating these substations over the water wells. The substations could blow up and/or catch on fire. He urged Council to take a hard look and take actions against the building of the substations.

Sandy Jones gave an overview of the history and residents of Centerville. She felt the residents were excluded from the decision-making discussions about the Park City Wind project. She hoped the Council would protect our beaches and land.

Lindsey Counsell spoke in opposition to the item regarding 30 Ocean Street, Hyannis. He felt the price was inaccurate and there could be better uses of the land. Please have careful

consideration of liquidation of this asset.

John Julius opposes 307 Main Street, Hyannis building. He mentioned it should have a mandatory regulatory agreement. He felt the Cape was built-out. He added the state has a recommendation not a statute of ten percent affordable housing for the 351 cities and towns. He discussed the smell from the water treatment plant. He urged the Council to focus on the residents, place a moratorium on building in Hyannis but keep building in the other villages.

Eric Schwaab spoke about parking downtown. He felt the 307 Main Street building did not have adequate parking. He urged Council to speak with Winn Development regarding the insufficient parking.

Paul Kopyscianski spoke about the vehicle speeding on Lincoln Street in Hyannis. He knows the street is an emergency street, but we need traffic calming solutions. Something needs to be done.

**Zoom:**

Ken Nossel was opposed to the beach cable landings. He urged the Council to do the right thing, support Article 97.

Ellen Nossel was opposed to the 800 megawatt underground electrical cables running through the Town. She did not want any easements permitted and felt that the state did not care about Barnstable.

Close public comment

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

(Levesque) Thanked everyone who participated in tonight's meeting. The Executive Session will be very informative and very serious for the Town Council. He spoke about there being no public exclusion regarding the public meetings which discussed easements, expansion of the substations and containment. Dielectric fluids have always existed – quantity was smaller 10 gallons.

(Ells) We will have 2 major substations – Oak Street and Independence Drive There are minor substations currently across Barnstable. Dielectric fluids are a concern whether it be 10 gallons or thousands of gallons. A small amount of dielectric fluids leaked could be detrimental. At a later date we will have Dan Santos, Director of Public Works, map out these areas. There has been no lack of attention as we have been looking at this for decades.

(Levesque) Concerning the 307 Main Street project, it fits the zoning as outlined. A moratorium on building housing is a bad thing as the Town needs to increase growth dollars. We need new construction and redevelopment construction. The sewer project is required to be done, referred to 208 plan, state wants better water quality.

(Mendes) discussed speeding in Hyannis on Meghan, Pitcher's, and Lincoln Roads. We need traffic calming solutions, as these roads are used for speeding. We need to look at a comprehensive approach and/or enforcement. He said he will meet with the Town Manager and the Police Chief to discuss this issue.

(Crow) He agreed Lincoln Road is used for drag-racing. He reiterated that Council will take the

Executive Session-discussion very seriously.

(Ludtke) Agreed with Councilor Mendes regarding Lincoln Road. She felt a comprehensive look was needed. She noted the 30 Ocean Street parcel should not be sold or let go. She discussed the need for a Housing Production Plan. She noted she would never vote to give up the 30 Ocean Street parcel.

(Ells) The Town had appointed Mark Ells to the Cape and Islands Protection Fund Board. He spoke about the increase in construction costs. The substation projects are in the Fiscal Year 2023 fund which has a 25 percent principal fund. If we push off this construction until 2024, we risk losing that funding to a reduced rate of 12 percent principal fund. If we wait for Senator Cyr's bill - the Environmental Bond Bill, we would not be the priority as all 351 cities and towns can apply for level of support.

(Schnepp) The projects look like there are 3- tiers, small projects, and bigger projects. The smaller projects might get funding with the larger projects being part of the state revolving funding.

**TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded) (Penn)**

The Town Manager's report has been pre-recorded and is available to the Town Council and the public. The report will be prepared in written form and posted on the Town Manager's website as in the past. The Town Manager and staff will be available to answer any questions regarding the report as presented. The Town Managers communication for the period of January 3, 2024, through January 16, 2024, included an update on: (Exhibit B)

1. Update on Budget Action Calendar for FY2025
2. Update on better communication between Vineyard Wind and the Town with additional signage at the Vineyard Wind website to illustrate location and other project information.
3. Update on Commonwealth Wind Letter.
4. Opioid Settlement Fund workshop scheduled for Tuesday, January 30, 2024, at 5:30 pm.at the Barnstable High School Jr/Sr cafeteria – 744 West Main Street, Hyannis, MA 02601.
5. Town Manager serves as the Town of Barnstable's representative on the Cape and Island Water protection Trust Fund. Update on the annual report.
6. Town invites local civic associations and non-profits to apply for a 2024 Tourism Mini-Grant.
7. Open house to discuss plans for the Barnstable Adult Community Center (BACC) on Thursday, February 1, 2024, from 1 pm – 3 pm at the BACC.
8. Dog Control Regulations update – second draft will be approved by the Town Manager and distributed to the public.
9. Update from Kelly Collopy, Communications Manager for the Public Works Department, on Water Resource Management planning including the Comprehensive Wastewater Management Plan.

**ACT ON PUBLIC SESSION MINUTES:**

Upon a motion duly made and seconded it was to accept the minutes of January 4, 2024, as presented.

**VOTE: PASSES 12 YES.**

**Roll Call: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Penn, Schnepp, Starr, Tamash, Terkelsen.**

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

(Schnepp) Explained she was now the liaison to the Council on Aging. She said the board could not meet due to lack of quorum. She spoke about a vacancy on the board, and hoped the Appointments Committee would be able to fill that needed position. She noted the February 1<sup>st</sup> meeting from 1 pm to 3 pm was going to discuss the masterplan for the Council on Aging. She discussed the Cape Cod Commission’s release of their regional housing strategies. She hoped this information would result in Council lead committees to focus on housing strategies in our town. She felt this housing need deserved high-level attention and offered to work with the leadership and bring a resolve for consideration to the full Council at our next meeting

(Levesque)asked residents to save the date Ham and Bean Supper at Liberty Hall on January 27<sup>th</sup> from 4 pm to 6 pm. He spoke about the update regarding the assessments from the last meeting. There was an error in the tax office which amounted to 41 people affected. He explained the 2025 taxes will be based on the 2022 taxes. Please file your abatements prior to February 1<sup>st</sup>, 2024, at 4:30 pm.

(Penn) Spoke about the tax office error. She said the individuals who were affected felt they were listened to regarding this error. She asked about follow-up with the invoices.

(Crow) Agreed with Councilor Schnepp regarding housing production. If there is a regionalization of the housing decisions the decision-making power is taken from the Town. He noted Arthur Kenneth Marney had passed away this week on January 14, 2024. He was an individual who worked tirelessly on many committees for the Town and Osterville. Just wanted to take the time to recognize his contributions.

(Penn) Discussed her opportunity to visit the Hyannis Innovation School for the project-based learning expo. She explained it was 8 and 9-year-old students who presented information on plastic, microplastic and the effects on the land and water. She felt all students did a great job at the expo. It was very informative.

(Schnepp) Mentioned she had attended the I Have A Dream event at the Baptist Church commemorating the Martin Luther King Jr. Day. She felt it was a special event and the speeches were terrific and thought provoking.

***Notes from the President Penn:***

- Noted that Councilor Schnepp had suggested another sub-committee. She mentioned that she was currently working on a list of sub-committees. She hoped to get the sub-committees assembled and defined by the March meeting.

**2024-088      APPROVAL OF THE APPOINTMENTS TO THE APPOINTMENTS COMMITTEE INTRO: 01/18/2024**

President Penn gave the rationale.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby approve the Town Council President’s appointments of Councilor Jeffrey Mendes; Councilor Charlie Bloom; Councilor Kris Clark; Councilor Seth Burdick; and Councilor Kristin Terkelsen as members of the standing Appointments Committee of the Town Council.

**VOTE: PASSES 12 YES.**

**Roll Call: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Penn, Schnepf, Starr, Tamash, Terkelsen.**

**2024-089 AUTHORIZATION TO CONTRACT FOR AND EXPEND A STATE FISCAL YEAR 2024 EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$50,000 FROM THE MASSACHUSETTS OFFICE OF GRANTS AND RESEARCH INTRO: 01/18/2024**

Police Detective Sergeant Kevin Connelly gave the rationale. He discussed the cameras, and the 2-license plate recognition readers.

**Councilor questions and comments:**

(Schnepf) Inquired about the locations of the cameras. (Connelly) said they were deployed on several beaches, town hall, the war memorial, and Main Street Hyannis. Dispatch will have a video feed from the cameras 24/7. (Mendes) Do officers sit and view/watch the video? (Connelly) It runs in the background; it will be a great help in an investigation. There will be 2 officers trained to move the cameras to different locations. (Ludtke) Applauded this use of these speeding cameras and felt it was a good safety measure. (Tamash) cautions Council that the Massachusetts state law dictates the tickets for speeding can go to the operator of the vehicle. (Crow) Wanted to know if there was a waiting list for cameras to be deployed in the villages. (Acting Police Chief Challies) Explained cameras were currently slotted for Main Street Hyannis and the moveable cameras would be relocated as needed. She added there would be a traffic unit request priority for Lincoln Street.

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 State Fiscal Year 2024 Edward J. Byrne Memorial Justice Assistance Grant in the amount of **\$50,000** from the Massachusetts Office of Grants and Research for the purpose of funding cameras and license plate readers.

**VOTE: PASSES 12 YES.**

**Roll Call: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Penn, Schnepf, Starr, Tamash, Terkelsen.**

**2024-090 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2024 GRANT IN THE AMOUNT OF \$7,500 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ACQUIRE ONE ELECTRIC VEHICLE UNDER THE MASSACHUSETTS ELECTRIC VEHICLE INCENTIVE PROGRAM INTRO: 01/18/2024**

Sean Hogan, Environmental Sustainability Manager gave the rationale.

**Councilor questions and comments:**

(Starr) How many can we replace in the fleet? (Hogan) We looked at leased vehicles. (Ludtke) what is the test effectiveness data analysis? (Hogan) We look at cost saving and departmental happiness. (Tamash) What about purchasing off state bids? (David Anthony, Director of Asset Management) He explained state bid contracts which are utilized with school bus contracts, heavy vehicles, regular vehicles, and police vehicles. The state does the procurement and the towns do not have to bid out. (Starr) Do we have a Town electric vehicle policy (Anthony) The Town did establish a green vehicle policy where we would look at vehicles under the green communities' designation that required the Town to consider them. The failure to adopt the green communities act made that green vehicle policy more of a local policy, a stand-alone policy. We are bringing forth grants to incentivize departments to purchase electric vehicles.

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 grant in the amount of \$7,500 from the Massachusetts Department of Environmental Protection for the purpose of acquiring one electric vehicle under the Massachusetts Electric Vehicle Incentive Program.

**VOTE: PASSES 12 YES.**

**Roll Call: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Penn, Schnepf, Starr, Tamash, Terkelsen.**

**2024-091 RESOLVE AUTHORIZING THE CHANGE IN PURPOSE AND SALE OF SURPLUS MUNICIPAL PROPERTY AT 30 OCEAN STREET, HYANNIS, AS SHOWN ON ASSESSORS MAP 327, PARCEL 101, TO MAIN STREET TIMES LLC INTRO: 01/18/2024**

David Anthony, Director of Asset Management gave the rationale. He gave a detailed and historic look at the use of this property.

**Councilor questions and comments:**

(Terkelsen) Asked about who was leasing the property and the cost? (Anthony) said the cost to lease the property for 1 year is \$16,000 dollars and it was the Cape Cod Times that has leased the property for parking. (Schnepf) This property could be an overflow for the 307 Main Street building or possibly a green space. Will not be supporting this agenda item. (Ludtke) Amazing job David but I will not be supporting this agenda item.

Upon a motion duly made and seconded it was

**RESOLVED:** That, having received notice that the Town Manager has determined that the property located at 30 Ocean Street, Hyannis, as shown on Assessors Map 327, Parcel 101 (the "Property"), is no longer needed for the creation of a Town way, the purpose for which it was acquired by purchase, as recorded at the Barnstable County Registry of Deeds in Book 1385, Page 0439, the Property shall remain in the care, custody, management and control of the Town Manager for the purpose of disposition by sale; and the Town Council hereby authorizes the Town Manager and/or the Assistant Town Manager to dispose of all right, title and interest in the Property for the price of \$60,000, being the highest bid received, to Main Street Times LLC, and further authorizes the Town Manager and/or Assistant Town Manager to execute, deliver and record any and all documents necessary to effectuate the terms of this Resolve.

**VOTE: FAILS 12 NO.**

**Roll Call: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Penn, Schnepf, Starr, Tamash, Terkelsen.**

**2024-092 ORDER WAIVING THE PROVISIONS OF CHAPTER 220, ARTICLE I, SECTION 220-4 OF THE CODE OF THE TOWN OF BARNSTABLE FOR A PERIOD OF SIX MONTHS INTRO: 01/18/2024**

Upon a motion duly made and seconded it was

**ORDERED:** Notwithstanding the provisions of Chapter 220, Article I, Section 220-4 of the Barnstable Town Code, regular meetings of the Town Council during the months of March through August shall commence at 6:00 p.m.

**VOTE: REFER TO PUBLIC HEARING ON 02/01/2024 - PASSES 12 YES.**

**Roll Call: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Penn, Schnepf, Starr, Tamash, Terkelsen.**

**2024-093      APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$30,900,000  
FOR THE PURPOSE OF FUNDING SEWER INFRASTRUCTURE IMPROVEMENTS INTRO:  
01/18/2024**

Dan Santos, Director of Public Works gave the rationale.

Upon a motion duly made and seconded it was

**ORDERED:** That the amount of **\$30,900,000** be appropriated for the purpose of funding Sewer Infrastructure Improvements, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$30,900,000** under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the "Trust") and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes; and furthermore, that the appropriation and corresponding loan order authorized under Town Council Order 2023-087 is hereby rescinded.

**VOTE: TO A PUBLIC HEARING ON 01/01/204 - PASSES 12 YES.**

**Roll Call: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Penn, Schnepf, Starr, Tamash, Terkelsen.**

President Penn read aloud: The Town Council will enter 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 litigation strategy with respect to Park City Wind LLC's proposed offshore renewable wind project in the Town. The Council will not return to public session after the executive session.

Upon a motion duly made and seconded it was to enter Executive Session with no return to Public Session.

**VOTE: PASSES 12 YES.**

**Roll Call: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Penn, Schnepf, Starr, Tamash, Terkelsen.**

**The Public Session Adjourned at 8:52 PM**

Respectfully submitted,

Janet E. Murphy  
Assistant Town Clerk

**NEXT MEETING: February 1, 2024**

Exhibits

- A. Cliff Carroll images/pictures.
- B. Town Manger's Report