



Town of Barnstable  
Town Council  
James H. Crocker Jr. Hearing Room  
367 Main Street, 2<sup>nd</sup> floor,  
Hyannis, MA 02601  
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## TOWN COUNCIL MEETING AGENDA

March 02, 2023

7:00 PM

The March 02, 2023 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2<sup>nd</sup> Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

Councillors:

Matthew Levesque  
President  
Precinct 10

Jennifer Cullum  
Vice President  
Precinct 13

Gordon Starr  
Precinct 1

Eric R. Steinhilber  
Precinct 2

Betty Ludtke  
Precinct 3

Nikolas Atsalis  
Precinct 4

Paul Cusack  
Precinct 5

Paul C. Neary  
Precinct 6

Jessica Rapp Grassetti  
Precinct 7

Jeffrey Mendes  
Precinct 8

Tracy Shaughnessy  
Precinct 9

Kristine Clark  
Precinct 11

Paula Schnepf  
Precinct 12

Administrator:  
Cynthia A. Lovell  
[Cynthia.Lovell@town.barnstable.ma.us](mailto:Cynthia.Lovell@town.barnstable.ma.us)

1. The meeting will be televised live via Comcast Channel 18 or may be accessed via the Channel 18 live stream on the Town of Barnstable's website:  
<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to:  
[https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town\\_Council/Agenda-Comment.asp](https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp)

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/85448273843>  
Meeting ID: 854 4827 3843/US Toll-free 888 475 4499

### PUBLIC SESSION

#### 1. ROLL CALL

#### 2. PLEDGE OF ALLEGIANCE

#### 3. MOMENT OF SILENCE

#### 4. PUBLIC COMMENT

#### 5. COUNCIL RESPONSE TO PUBLIC COMMENT

- Barnstable Youth Commission Presentation by Isabelle Rudy, Chair

#### 6. TOWN MANAGER COMMUNICATIONS

#### 7. ACT ON PUBLIC SESSION MINUTES

#### 8. COMMUNICATIONS - from elected officials, boards, committees, and staff, commission reports, correspondence and announcements

- Cape Cod Commission 2022 Year in Review by Kristy Senatori, Executive Director

#### 9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

## **EXECUTIVE SESSION**

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 the Notice of Intent to File Suit dated February 16, 2023, sent by the Conservation Law Foundation to the Town regarding claims under the Clean Water Act.

## **10. ADJOURNMENT**

**NEXT REGULAR MEETING: March 16, 2023**

ITEM NO.	INDEX TITLE	PAGE
<b>A.</b>	<b>OLD BUSINESS</b>	
	None	
<b>B.</b>	<b>NEW BUSINESS</b>	
2023-137	Appointments to a Board/Committee/Commission: <b>Comprehensive Financial Advisory Board:</b> Christopher Lauzon, as a regular member to a term expiring 06/30/2025; <b>Council on Aging:</b> Melissa Alden, as a regular member to a term expiring 06/30/2025; Kathleen Strudwick, as a regular member to a term expiring 06/30/2024; <b>Hyannis Main Street Waterfront Historic District Commission:</b> Jennifer Hinckley, as a regular member to a term expiring 06/30/2023; Matt Clark, as a regular member to a term expiring 06/30/2025; <b>Infrastructure and Energy Committee:</b> Barry Sheingold, as a regular member to a term expiring 06/30/2025; <b>Recreation Commission:</b> James O’Leary, as a regular member to a term expiring 06/30/2025; <b>Youth Commission:</b> Shalanda Grant, as a student member to a term expiring 06/30/2024; Megan Garthee, as a student member to a term expiring 06/30/2024 <b>(First Reading) (Refer to Second Reading 03/16/2023)</b> .....	4
2023-138	Authorization to expend a Fiscal Year 2023 grant from the Commonwealth of Massachusetts Seaport Economic Council in the amount of <b>\$1,000,000</b> for the reconstruction of the Bismore Park Marina Bulkhead <b>(May be acted upon) (Majority Vote)</b> .....	5-6
2023-139	Order approving an Amendment to the 1992, 1995 and 1997 agreements between the Town and the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority <b>(First Reading) (Refer to Second Reading 03/16/2023)</b> .....	7-8
2023-140	Appropriation Order in the amount of <b>\$34,500</b> for burial equipment for Department of Public Works Cemetery Program <b>(Refer to Public Hearing 03/16/2023)</b> .....	9-11

**Please Note:** The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

**B. NEW BUSINESS (First Reading) (Refer to Second Reading 03/16/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-137  
INTRO: 03/02/2023**

**2023-137 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Comprehensive Financial Advisory Board:** Christopher Lauzon, as a regular member to a term expiring 06/30/2025; **Council on Aging:** Melissa Alden, as a regular member to a term expiring 06/30/2025; Kathleen Strudwick, as a regular member to a term expiring 06/30/2024; **Hyannis Main Street Waterfront Historic District Commission:** Jennifer Hinckley, as a regular member to a term expiring 06/30/2023; Matt Clark, as a regular member to a term expiring 06/30/2025; **Infrastructure and Energy Committee:** Barry Sheingold, as a regular member to a term expiring 06/30/2025; **Recreation Commission:** James O’Leary, as a regular member to a term expiring 06/30/2025; **Youth Commission:** Shalanda Grant, as a student member to a term expiring 06/30/2024; Megan Garthee, as a student member to a term expiring 06/30/2024.

**SPONSORS:** Appointments Committee Members: Councilor Paula Schnepf, Chair; Councilor Tracy Shaughnessy; Councilor Jeffrey Mendes; Councilor Paul Neary; and Councilor Gordon Starr

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Vote

**B. NEW BUSINESS (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-138  
INTRO: 03/02/2023**

**2023-138 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS SEAPORT ECONOMIC COUNCIL IN THE AMOUNT OF \$1,000,000 FOR THE RECONSTRUCTION OF THE BISMORE PARK MARINA BULKHEAD**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2023 grant in the amount of **\$1,000,000** from the Commonwealth of Massachusetts Seaport Economic Council for the purpose of reconstructing the Bismore Park Marina Bulkhead.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rational
- Council Discussion
- Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-138**  
**INTRO: 03/02/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director, Department of Public Works  
**DATE:** March 02, 2023  
**SUBJECT:** Authorization to expend a Fiscal Year 2023 grant from the Commonwealth of Massachusetts Seaport Economic Council in the amount of **\$1,000,000** for the reconstruction of the Bismore Park Marina Bulkhead

**BACKGROUND:** The Town of Barnstable was awarded a **\$1,000,000** grant to reconstruct the Bismore Park Marina Bulkhead. The existing bulkhead was reconstructed in the 1960s and rehabilitated in the 1990s. A comprehensive inspection in 2018 determined that the bulkhead should be replaced by the mid-2020s. Department of Public Works is aiming to complete the bulkhead reconstruction in 2025.

**ANALYSIS:** Bulkhead reconstruction is essential for continued operations in this busy marina which serves passenger ferries, commercial fishing, other commercial vessels, transient and recreational boating, as well as landside uses including parking, artist shanties, harbormaster office, welcome center, and more. The Town's section of the bulkhead is approximately 675 feet long and will include over-sheeting, anchors, timber piles, pier repairs, utility adjustments, and other associated work. Hy-Line Cruises recently reconstructed a section of their bulkhead, and they are planning to reconstruct another section.

**FISCAL IMPACT:** A 20% local match is required; \$200,000 is available in previously appropriated funds for this project to cover the grant's local match requirement. The estimated construction cost for this work is \$7,450,000 (including 20% contingency). Therefore, the Town's share of this project (after the local match) is estimated to be \$6,450,000. We expect to request these funds in Fiscal Year 2025. Department of Public Works will also pursue other funding opportunities. The project may be phased if necessary. Separate Seaport Economic Council grants awarded in 2021 are funding design and permitting for the bulkhead replacement and associated dredging.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director, Department of Public Works

**B. NEW BUSINESS (First Reading) (Refer to Second Reading 03/16/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-139  
INTRO: 03/02/2023**

**2023-139 ORDER APPROVING AN AMENDMENT TO THE 1992, 1995 AND 1997 AGREEMENTS BETWEEN THE TOWN AND THE WOODS HOLE, MARTHA’S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY**

**ORDERED:** That the Town Council does hereby authorize the Town Manager to negotiate and execute an Amendment to the July 16, 1992 Agreement, the February 27, 1995 Memorandum of Understanding Relative to the Agreement dated as of July 16, 1992, and the November 6, 1997 Amendment to the Agreements Dated July 16, 1992 and February 27, 1995, between the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority (the “SSA”) and the Town of Barnstable (“Town”) (collectively, the “Agreements”), to increase the permitted maximum overall length of any of the SSA’s vessels to two hundred forty-five feet (245’); provided that the execution of such Amendment shall be contingent on said Amendment expressly including language in which the Town and the SSA agree to work collaboratively to consolidate the Agreements and the Amendment authorized herein into one new agreement which would supersede and replace those separate agreements (the “Superseding Agreement”). Such consolidation would be for administrative convenience only to reflect in one document the current terms and conditions of those individual agreements and to remove outdated, expired, and/or superseded language. The Town Manager is hereby authorized to negotiate and execute the Superseding Agreement as described herein.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2023-139**  
**INTRO: 03/02/2023**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Andrew Clyburn, Assistant Town Manager  
**DATE:** March 02, 2023  
**SUBJECT:** Order approving an Amendment to the 1992, 1995 and 1997 agreements between the Town and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

**BACKGROUND: LENGTH OF AUTHORITY VESSELS:** The Steamship Authority and the Town entered into a 1992 agreement relating to the expansion of the Authority's Hyannis terminal, its operations, and other mitigation measures at the site, which agreement was subsequently amended by agreements entered into in 1995 and 1997. One of the 1992 contract provisions required the Authority to limit the maximum length of its vessels using the Hyannis facility to a maximum of 230 feet. The limit on length was intended to provide for safe turning and maneuverability in the Hyannis Inner Harbor so as not to endanger small craft in the crowded area. The 1995 agreement provided that freight vessel length shall not exceed 185 feet, and the 1997 agreement increased the freight vessel length to a maximum of 235 feet, which was the then-current length of the Authority's passenger/vehicle ferries.

The Authority now requests approval to extend the maximum length of Authority vessels to 245 feet. The requested change was presented to and unanimously recommended by both Marine & Environmental Affairs staff and the Town's Waterways Committee. The current Authority vessels are twin screw and have no bow or stern thrusters. The Authority's three new vessels, all identical, will each have two bow thrusters and one stern thruster, in addition to their twin screws. They will be highly maneuverable and will be able to maintain fixed position over a GPS-determined spot. With the added capability, the vessels will be much safer to operate within Hyannis-area waterways.

**CONSOLIDATION OF MULTIPLE AGREEMENTS:** The content of the three agreements when read together is somewhat outdated and confusing. Therefore, the Parties have agreed in principle that they should work collaboratively to consolidate the agreements into a single document that will not affect the substantive rights of the parties but that will restate and reaffirm their respective substantive rights and obligations. The requested vote affirms the Parties' obligation to undertake and complete this task in good faith. The vote also authorizes the Town Manager to execute the consolidated agreement when the re-write is complete.

**FISCAL IMPACT:** None

**STAFF ASSISTANCE:** Andrew Clyburn, Assistant Town Manager; Derek Lawson, Director, MEA; Brian Taylor, Harbormaster; Griffin Beaudoin, Town Engineer; Karen L. Nober, Town Attorney; Charles McLaughlin, Senior Counsel



**B. NEW BUSINESS (Refer to Public Hearing 3/16/2023)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2023-140  
INTRO: 03/02/2023**

**2023-140 APPROPRIATION ORDER IN THE AMOUNT OF \$34,500 FOR BURIAL EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS CEMETERY PROGRAM**

**ORDERED:** That the sum of **\$34,500** be appropriated for the Department of Public Works Structures & Grounds Division Cemetery Program for the purpose of purchasing burial equipment used by Town staff to maintain cemeteries and perform interments in Town cemeteries, and to meet such Appropriation, that **\$34,500** be provided from the Town’s Sale of Cemetery Lots Special Revenue Fund.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2023-140  
INTRO: 03/02/2023

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** March 02, 2023  
**SUBJECT:** Appropriation Order in the amount of **\$34,500** for burial equipment for Department of Public Works Cemetery Program

**BACKGROUND:** The Town of Barnstable Structures & Grounds' Cemetery Program is requesting **\$34,500** from the Sale of Cemetery Lots Special Revenue Fund used for the purpose of purchasing burial equipment. The funds will be used for the replacement of a 2015 Cam Superline 8-ton split deck trailer that has a trade value of \$3,000. The trailer is regularly used in the day-to-day interment operations hauling excavation equipment. This trailer will be replaced with a new 2023 Cam Superline 8-ton split deck trailer. Additionally, we are requesting funds to purchase a new 5-ton Cam dump trailer to be used to haul spoils and backfill materials to and from full grave burials. The acquisition of this dump trailer will better facilitate the opening of closing of graves located in hard to access areas of cemeteries. Similarly, the Cemetery Program often has multiple opening and closings occurring simultaneously. The addition of a dump trailer will enable cemetery staff to complete the burial process proficiently. The Cemetery Section is requesting the funds to purchase a new grading bucket for the excavator. A grading bucket has a straight edge with no teeth and a flat surface, making it suitable for smoothing out soil and aggregates, backfilling, sloping, loading materials and cleaning out graves. With the inclusion of the new Green Burial Section at Mosswood Cemetery, Structures & Grounds is requesting the funds to purchase a traditional wooden funeral cart. In accordance with Green Burial services, wooden funeral carts are utilized in moving the casket from the hearse to the unpaved natural grave sites. The traditional funeral cart, or bier, allows families the opportunity to participate in the burial process. We will also be replacing miscellaneous graveside equipment that is showing excessive wear due to day to day operations. The purchasing of this equipment will maintain levels of services and improve efficiencies in burial processes.

**ANALYSIS:** As part of the Town's long range plan for the periodic replacement of equipment used for the maintenance of cemeteries and interment services, receipts from the sale of cemetery lots are credited to a Special Revenue Fund in accordance with Massachusetts General Finance Laws. The cost of this equipment can be solely covered by this dedicated cemetery revenue fund.

The equipment for which these transferred funds would fund includes:

- (1) 2023 Cam Superline 8-Ton Split Deck Trailer \$ 18,500.00
- (1) 2023 Cam 5-Ton 6'x10' Dump Trailer \$ 11,000.00
- Grading Bucket \$ 2,000.00
- Green Burial Funeral Cart \$ 5,000.00
- Miscellaneous graveside equipment \$ 1,000.00
- (Less) Trade-In Allowance  
(1) 2015 Cam Superline 8-Ton Split Deck Trailer \$ (3,000.00)

- **Total**

**\$ 34,500.00**

**FISCAL IMPACT:** In accordance with the Massachusetts General Laws, the Town maintains a Special Revenue Fund to which the receipts from the sale of cemetery lots are credited. Subsequently, these receipts may be appropriated for the cost of maintaining and improving the Town's cemeteries. This account currently has a balance of \$211,605.33. There is no fiscal impact on the General Fund Operating Budget.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends that the Town Council approve this Appropriation Order.

**STAFF ASSISTANCE:** Joseph J. Marshall, Supervisor, Structures & Grounds Division; Michael Engelsen, Foreman, Cemetery Section