



Town Council Meeting
August 5, 2021



A quorum being duly present, President Matthew Levesque called the August 5, 2021, Town Council meeting to order at 7:03 PM.

An announcement was made by President Levesque 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, Jennifer Cullum, Debra Dagwan, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber.

The Pledge of Allegiance was led by Councilor Shaughnessy. President Levesque read a tribute to Royden Richardson and asked for a moment of silence to keep the family in our thoughts and prayers.

PUBLIC COMMENT:

Bob Schulte has a few friendly suggestions to the appointments committee, specifically 3 out of 5 members of the appointments committee need to be Town Councilors, and he suggests the other two positions should be filled with at large volunteers. His recommendations to have the Appointments Committee added to the volunteer committee positions available, and have the Appointment Committee added to the on demand videos.

Roberta Mauch thanked the Council for their work for the town. Although the town is growing we must make the preservation of open space a priority, make sure to protect that land.

Michelle Sgarlet stated that the Cape Cod Commission released its plan to reduce the ravages of climate change. There will be a 50 billion dollar price tag if we continue with business as usual. Protection of trees, eel grass and marshes needs to be a priority as a buffer. How will the Town Council responding to this emergency?

Dan Lee here to observe not to speak will sign off.
Close Public Comment

Response to Public Comment:

(Hebert) we are as serious as we could possibly be about clean uncontaminated water and will do as much as possible to conserve our water resources. We all must do our part to help conserve, clean up and have Cape Cod for future generations

(Clark) perhaps it can be explained why the Appointments Committee meetings are not channel 18. (Levesque) We are interviewing children in some cases; it is recorded and posted but to put it on public access television would be in poor taste.

(Starr) the Cape Cod Commission action plan is forward thinking, and it could be used as a model for a task force.

(Atsalis) Twin Brooks Golf Course does not fall under the same guidelines as the Town of Barnstable, so they can use manmade fertilizer and the town cannot is that correct?

(Levesque) Yes that is true.

(Schnepp) support the very important climate change in our community, the green community act will help with some short term issues. Our Local Comprehensive Plan (LCP) will urge all those in the community to go forward and work towards this initiative.

Commander's update on Joint Base Cape Cod activities:

President Levesque welcomed Rosie Forbes and Paul Rendon who turned the meeting over to Colonel Sean Riley:

(Clark) What does ISR mean? Intelligence-Surveillance-Reconnaissance

(Rapp Grasseti) Where does Cape Cod Space Force fit in? (Coming up) (Starr)

Divestment of land does the town get some of it? It is owned by the Commonwealth or Federal government, they have first refusal.

(Shaughnessy) Thank you for the support you give to the community, made a lot of seniors on the Cape feel confident; (Levesque) a belated happy Coast Guard Day and everyone who works hard and risks their lives to be there for us.

Lieutenant Colonel Timothy Sheehan - Commander Space Force 6SWS we became Cape Cod Space Force Station, we have an additional mission of missile defense.

Captain Robert Potter - Commanding Officer CG ASCC-Coast Guard Base and Air Station Cape Cod 200 plus search and rescue cases annually

Captain Sean Hannigan - Commanding Officer CG BCC - Base Cape Cod

Colonel Matthew Porter - Commander ARNG Camp Edwards is a Training Site, to prepare personnel for deployment.

(Clark) Heard about alternative septic system programs, where is that being done at Joint Base Cape Cod. (Porter) not familiar with that program; (Rendon) that is in the southern part of the base where they do research and development along with start up programs, would be happy to provide a tour. (Bogan) Generally who is going on the tours from the public (Porter) tomorrow is the first group, appears to be lots of couples, are you looking for specific agencies? (Rapp Grasseti) Could you send us the link on how to sign up for the tours, are there any Bob White Quails or Whippoorwills (Porter) we do have a number of bird tours, will get you the information (Rapp Grasseti) Wastewater treatment facility could someone give us this information as to when we might see this happen (Porter) will refer this and get back to you. How many families live on the base? (Porter) mostly Coast Guard families, will get the figure back to you. (Neary) enjoyed this presentation; appreciate all you do for our Country and Cape Cod. (Dagwan) thank you for all you do, happy to see the new version with the Space Force. (Levesque) thank you for all you do, we are blessed to have you on Cape Cod.

TOWN MANAGER COMMUNICATIONS (update Exhibit A)

Planning and Development Director Elizabeth Jenkins gave an update on the community meeting for the Proposed Zoning Revisions in Downtown Hyannis. It was a virtual community meeting, with a very good turnout. The presentation is available on line, along with the text and map of the proposed zoning. We will make sure we respond to everyone who has questions.

Director Jenkins then gave the update on the Local Comprehensive Plan (LCP) and the request for proposal (RFP) process data gathering and visioning, the next step will be to review the proposals and have a larger group from our residents to work on this with us.

Soon we will have a website to go forward and answer their frequently asked questions.

Questions and comments:

Schnepp how many responses did we receive (Jenkins) we received 3.

The Town of Barnstable was asked to participate in a small working group will discuss the various aspects and governance associated with the expansion of Restaurants to outdoors.

Manager Ells, testified before the “per” and “polyfluoroalkyl” substances (PFAS) Interagency Task Force as a municipality that is currently addressing issue of PFAS chemicals in our water resources.

People of Action, the Barnstable Police Department and the Town of Barnstable are proud to announce the 5th Annual Barnstable Unity Day Celebration on the Hyannis Village Green on Friday, August 6, 2021.

Conversations with Vineyard Wind (VW) regarding the status of Phase 1 & II VW Projects are continuing.

Cape Cod Commission is hosting the seventh annual One Cape Summit on August 23rd and 24th at the Wequasset Resort in Harwich

Ponds and Lake Monitoring and Management Plan is an effort to remedy issues that inhibit the use of our freshwater resources. A three step approach.

A Pond Prioritization list has been developed by members of DPW, Conservation, Health and MEA using a set of criteria based on water quality.

Review of the National Guard Armory Project (Exhibit B)

Questions and comments:

(Clark) Thank you for making you presentations available on the website. Will the part time position be expanded for more water testing? (Ells) That was extended for this fiscal year; we now have a project manager that is a pond expert. We have a hundred ponds, which we need to have a ranking system; the staff is reviewing as to how we do this in the future. (Clark) Does that mean that the town dovetails with the work of Association to Preserve Cape Cod (Ells) Yes, and we are right now? (Rapp) Who remains at 200 Main? (Ells) Building and Health; (Rapp Grassetti) Is there a possibility to bring over Marine and Environmental Affairs (MEA) (Ells) not at this time, but we are constantly looking at efficiency gains. We are trying to identify what we might do next. (Rapp) I am looking forward to having the armory project coming to fruition. We should be looking at some type of parking facility. (Dagwan) Happy to see the Armory moving forward, that we are staying on top of this. Unity day is a very important initiative, a group of young men of color worked together to set an example for the younger people in the community and the relationship with the Barnstable Police officers. Come out and have fun.

5 minute break Councilor Atsalis left the meeting.

Comprehensive Wastewater Management Plan-Available options for General Fund Contribution: Mark S. Ells, Town Manager, Mark A. Milne, Director of Finance.

Town Manager, Mark Ells utilized a power point program beginning with the Fiscal Policy under review by the Town Council on how to equitably distribute the cost to the Comprehensive Wastewater Management Plan (CWMP). The policy under discussion is how to pay for the remaining costs. We have spent decades to provide our community with the services they want and need. We are suggesting a debt exclusion vote as we continue to need more services for the town.

Mark Milne, Finance Director talked about the Implementation of an Adaptive and Changing Plan, and the slide showed the projected existing resources for this program along with the projected commitments. It is anticipated that we will have a deficit in year fiscal year 25(FY). We have options, tax levy, debt exclusion, wastewater infrastructure investment fund, etc.

Questions and comments:

(Cullum) is the tax impact annual or quarterly (Milne) annually (Neary) by FY2027 what is our available capital in terms of revenue. (Milne) 10 million at that point then the deficit, (Neary) what is our current balance? (Milne) 17 million dollars is the beginning balance, then we add about 7 million each year but we are spending that money. We have to make sure that we have a fund balance of more than what it will cost us to do business. (Neary) we have to have over an above to not be in a deficit (YES) Schnepf could you fill in the blank on the debt exclusion (Milne) Yes (Schnepf) this is the funding gap for how long (Milne) this is for four years, we may not need to do this again, we have so many different factors, trying to narrow down to five year increments. (Schnepf) the possibility is that we would have to go out for additional debt exclusion? Do we have to have tangible costs (Milne) caution not to go over what we actually do need? (Bogan) Assume these are five year segments; this is only the first of what could be several debt exclusion requests. I heard the mention innovative alternatives including what about those people who are not getting sewerage. We have to think about those issues before we go before the voters. We have to have an answer for those folks that have Title 5 septic systems before we go forward, we should explore the real estate transfer tax. (Ells) What you are calling upon us to do is prepare a comprehensive water resources management plan. Barnstable has always tried to stay ahead of the curve and manage our water resources. In many cases, the funding sources we have available are attached to regulatory requirements, which leave out emerging contaminants. We need to understand what we want to achieve as an outcome. (Bogan) not lost on me, we do not have infinite time, I agree with what you are saying; (Cullum) precedence in all communities for everyone chipping in, such as people with out children paying for the schools. The numbers are actually better than I thought they would be, especially as a hybrid solution. Are we expecting that these questions are going on the ballots simultaneously? That is a lot to digest at the voting booth, this could be too much for people to understand. (Cullum) do not want to see this fail due to a lack of understanding. (Milne) You could place both those questions on the same ballot, but it would be confusing. Previously, we have gone the route of debt exclusion, which is our best choice. (Rapp Grasseti) Revenue sharing and how that will affect the bottom line after our meeting with the School Committee. Know some communities have looked to reduce their Community Preservation Act (CPA) funds how do they work? (Milne) we would have to go back to the voter to seek their authorization to change the amount. To raise it again it would require another vote of the voters. (Steinhilber) my concern is the voter turnout; we need to have a better turnout for debt exclusion. When we are establishing fiscal policy that we are doing everything we can to stop the expanse of government, point to a tightening, changing the definition of recreation under CPA funds to sewer/water quality funds for those purposes (Ells) Bigger fiscal policy discussion of

CWMP, it is not our only priority, education, public health, infrastructure, we need to talk about who we are and what our priorities are today. (Cullum) are there any state or matching funds for the WIIF (Milne) No (Clark) Wondering if it would be worth while perhaps we don't have to go the full 3% it might take the pressure off asking for the debt exclusion, might soften or lessen the price tag going to the voters. (Schnepp) we have a certain amount of money we have to raise, we have used debt exclusion before and the public has accepted it. What we need to do is persuade the public that this is a community need. If we go with the WIIF, we are just going to confuse the people, we will have a challenge, we have to do it and we are committed to it. When we come up to this need, we will feel confident that it is part of a bigger picture (Ells) Karen Nober can you share the updated memo. (Nober) sent out a memo to each Town Councilor, we have to be very careful of advocacy, and the use of public resources. (Levesque) whatever we choose to do we are the sales force, we are concerned about their home, value added to your home and community. We need to be unified, not confusing the process, keep it as simple as possible. (Nober) Elected officials can make the point to the voters; we can support the ballot questions. (Bogan) We can say certain things that others cannot; it seems to me that we have to throw everyone into the pool, make ten questions and answers on the website. (Steinhilber) can we put something up on the Town Council page with questions and answers (Nober) You cannot use the Town's website to promote the ballot question, because it is the town website (Bogan) If we have questions and answers we could send them to the attorney's staff to say yea or nay. (Cullum) what if there were friends of CWMP, to help share the message. (Nober) A ballot question committee can do that but will have to follow the guidelines of the Office of Campaign Finance (OCPF). Schnepp a friends group that wants to do something, should we limit it to 6 town councilors (Nober) let me check on that, regarding quorum. (Rapp Grasseti) we have to decide whether or not there is going to be quorum before we start something. (Hebert) When the school used to do an override, they would put the marching band before us to say if you don't vote this way no more marching band. We don't have a marching band, can we as the Council with the guidance of our Finance Director, could we get the job done by vote of the council alone? (Ells) unless we cut the general funded portion of our budget we do into a deficit scenario, what are we no longer providing to allocate those funds to CWMP. (Hebert) can we get one more percent out of our CPA funds, as an alternative, or can we say to the public unless we all work together or we are all going to suffer equally. (Ells) Mark Milne will be issuing the budget shortly, we will begin to plan so that we do not going into a deficit spending scenario, we want to look at this sooner rather than later. (Starr) As a reminder, remember that the sewer assessment is another thing we can revisit, the difference between 17,000 and 10,000 dollars is 35 million dollars we have deferred. (Atsalis left meeting)

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of July 15, 2021 as presented.

VOTE: PASSES 12 YES

Roll Call: Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepp, Shaughnessy, Starr, Steinhilber.

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

(Clark) please follow up with our boards/committees/commissions that they have collected everyone' certificates; every third Saturday West Barnstable Village's Festival and this year they will have vaccinations.

2022-002 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$15,000 FOR THE PURPOSE OF PAYING OUTSIDE COUNSEL EXPENSES OF THE LEGAL DEPARTMENT INTRO: 07/15/2021, 08/05/2021

Open to public hearing

Karen Nober, Town Attorney, gave the rationale

Comments and questions:

(Rapp Grassetti) can you remind us how much money has been spent to date, and what is the difference between filed but not served? (Nober) Litigation does not start until we are actually served, we are engaging in settlement communication; they have had extensive meetings with the staff and with Department of Environmental Protection (DEP), they are doing legal research and documents. We have spent just under 116,000 to date. (Neary) is it even conceivable that there is an end to this project? (Nober) They must serve us eventually, there is another deadline approaching in August, we would agree to an extension. (Clark) At this public meeting CLF is stealing money from the Town of Barnstable. (Nober) no question we would have better use of this money (Neary) Is this coming out of the general funds (Nober) Yes

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$15,000** be raised from current year revenue and appropriated for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger, which is serving as outside counsel to the Town with respect to two lawsuits filed against the Town by the Conservation Law Foundation.

VOTE: PASSES 10 YES

Roll Call: Bogan, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Schnepf, Shaughnessy, Starr, Steinhilber. 2 NO Clark, Neary

2022-008 TRANSFER ORDER IN THE AMOUNT OF \$362,885.47 FOR THE TOWN HALL RESTROOM RENOVATIONS PROJECT INTRO: 08/05/2021

Dan Santos, Director of Public Works gave the rationale

10:50 Atsalis returned to meeting

Upon a motion duly made and seconded it was

ORDERED: That Town Council appropriation order number 2017-069 for the Town Hall Restroom Renovations project be increased by the amount of **\$362,885.47** from \$897,335 to \$1,260,220.47 for the purpose of funding the Town Hall Restroom Renovations Project; and that to provide for this increase, that the remaining available funds under Town Council appropriation and loan order 2020-106 in the amount of \$362,885.47 be transferred.

VOTE: PASSES 12 YES, 1 Abstain (Atsalis)

Roll Call: Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2022-009 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 08/05/2021

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: **Comprehensive Financial Advisory Board:**

Ronald Fone, as a regular member to a term expiring 06/2023; **Golf Committee:** Jason Aubee, as a regular member to a term expiring 06/2024; Mark Bushway, as a regular member to a term expiring 06/2022; Bill Sylva, as a regular member to a term expiring 06/2022; **Planning Board:** Raymond Sexton, as a regular member to a term expiring 06/2022; **Youth Commission:** Daniel Gomes, as a regular student member to a term expiring 06/2022; Jaden Jeffries, as a regular student member to a term expiring 06/2022
VOTE: to a 2nd reading on 8-19-21 PASSES 13 YES
Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2022-010 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 08/05/2021

Upon a motion duly made and seconded it was
RESOLVED: That the Town Council reappoints the following individual to a multiple-member Board/Committee/Commission: **Old King's Highway Historic District Commission:** Jeffrey Goldstein, as an alternate member to a term expiring 06/2024
VOTE: to a 2nd reading on 8-19-21 PASSES 13 YES
Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2022-011 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$2.5 MILLION IN COMMUNITY PRESERVATION FUNDS TO INCREASE THE NUMBER AND AVAILABILITY OF COMMUNITY HOUSING UNITS IN THE TOWN OF BARNSTABLE INTRO: 08/05/2021

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 One Million Sixty One Thousand Three Hundred and Thirty Two Dollars (\$1,061,332) be appropriated and transferred from the amount set-aside for Community Housing Funds within the Community Preservation Fund and the amount of One Million Four Hundred Thirty Eight Thousand Six Hundred and Sixty Eight Dollars (\$1,438,668) be appropriated and transferred from the budget reserve in the Community Preservation Fund to 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 oversight by the Community Preservation Committee.
VOTE: continued to public hearing on 8-19-21 PASSES 13 YES
Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2022-012 RESOLVE RATIFYING APPOINTMENTS TO THE APPOINTMENTS COMMITTEE INTRO: 08/05/2021

Karen Nober, Town Attorney, gave the rationale

(Hebert) Very strong people will be on this Appointments Committee (Starr) where is the list of those who wanted to be on the appointments committee? (Nober) The most practicable thing to do today is vote on this and going forward follow Chapter 37. (Starr) are these people staying on the committee for a year (Nober) until the end of this calendar

year. (Levesque) if we didn't have enough Councilors we could choose from the residents

Upon a motion duly made and seconded to go past 11 pm

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

(Dagwan) Thank you Attorney Nober for researching and clearing this up, we have a great group on this board, at the end of the year you can vote in new people

(Neary) Does this only have to do with the Appointment's Committee or does this extend to the other boards/committees/commissions. (Levesque) we realized we haven't done this in the last few years. (Neary) Thank you for doing this and putting the effort

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby approve and ratify the Town Council President's 2021 appointments of Councilors Jessica Rapp Grasseti, Eric Steinhilber, Paul Neary, David Bogan and Tracy Shaughnessy to the Appointments Committee of the Town Council.

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

Adjourned at 11:08 PM

Respectfully submitted,

Ann M Quirk

Town Clerk/Town of Barnstable

NEXT MEETING: August 19, 2021

Exhibits:

- A Town Manager Update
- B National Guard Armory Project
- C PFAS Interagency Task Force
- D Water Infrastructure Investment Fund