



Town Council Meeting
December 15, 2022



A quorum being duly present, President Matthew Levesque called the December 15, 2022, Town Council meeting to order at 7:00 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: Nikolas Atsalis, Kristine Clark, Jennifer Cullum, Paul Cusack, Jessica Rapp Grasseti, Matthew Levesque, Jeffrey Mendes, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **Absent:** Betty Ludtke

The Pledge of Allegiance was led by President Levesque followed with a moment of silence.

PUBLIC COMMENT:

Lynn Rhodes supports the Zion Union Heritage Museum, please support our efforts and vote for the item.

Rene King gives her support for the Zion Union Heritage Museum, look at the good work of our community a place that has served our community in so many different ways. I think of it as more than just a museum it is the fabric of our community.

Robin Joyce Miller volunteer at Zion Union Heritage Museum, has been able to do a study and a show, for people around the country, learn about the icons, we talk about what is going on, so much history. It is so important to preserve the Zion Union Heritage Museum.
Close public comment

TOWN MANAGER'S COMMUNICATIONS:

Brian Florence, Director of Inspectional Services, provided an update on the Rental Registration Program utilizing a Power Point program.

3158 rental properties,
1631 advertised as vacation rentals
95.7% compliance rate

Councilor questions and comments:

(Cullum) Can you tell us about the overcrowding and substandard housing; (Florence) Yes we have been out there every day (Neary) How does the town determine that the places are rented (Carter) we use host compliance, when someone leaves a comment or a review that gives us the exact time they were there (Neary) If someone stays and doesn't leave a comment we don't have any information (Carter) Yes that is true (Neary) Something that shows it is open today for renting (Carter) No, we can't do that (Florence) With Air BNB's we would need an army of people to follow up on that (Cullum) of the Short Term Rental (STR) complaints are there other

complaints that bypass this and go directly to the Police Department, are we getting the full sum of complaints (Carter) we check in with the Police Department. (Cullum) When you receive a complaint do you follow up with the Barnstable Police Department (Florence) if the complaints are someone parking in the street, 10 cars in the yard or noise complaints, we do let the police know (Atsalis) Does the software differentiate if the complaint is coming from STR's or long term rentals, this is a hot topic, (Carter) we ask the question if the rental is under 31 days or over 31 days. (Atsalis) this is a hot topic, this is what is coming from STR's and this is what is coming from long term rentals; (Florence) We are working on that, trying to compare (Atsalis) Coming at some point, that's great. (Andy Clyburn) we are pretty much there, 16 complaints is from the short term rental; please call the hotline 68 are really on the STR's comparison is much more for the long term rentals are the overcrowding too many people. (Clyburn) we are looking to expand it, we may actually look to have a similar complaint hotline, complaints that you don't want to call 911 but perhaps 311 to make better use of the hotline. (Levesque) of the 68 total complaints, 14 were noise complaints, very few complaints about the STR's (Clark) talked about the hotline are there other avenues of complaint that get added in like by email (Clyburn) this is on the website, this is by phone and email (Carter) yes, we add in the phone calls that come straight to the office; (Shaughnessy) the 133 that are registered with the Department of Revenue (DOR) but not listed with the Town, fines are okay, but are we able to assess them for the taxes they owe. (Clyburn) the DOR is where the taxes go, that is where we get the money from (Shaughnessy) what about the 133 are not registered at all (Jeff) they are not registered with the town (Clyburn) we see you are advertising but you are not registered (Neary) annual cost of hot line (Florence) whole program is 90,000 per year. (Cullum) What is the cost for the hotline (Florence) I don't have that broken out, but I can get that for you (Florence) that one property that got the 14 calls, before it was a short term rental, we had dozens and dozens of calls for that same property until he moved out.

(Schnepp) clarification, do we actually get a listing of all properties listed with the DOR (Florence) Yes, we get a report of those that are registered and the revenues (Rapp Grassetti) Annual fee to register your rental how do you collect (Florence) we used to send a bill, now it is registering on line, \$90 for a rental and \$25 for each unit (Mendes) of the properties that are out of compliance what are the levies applied by the town (Florence) we have done eleven citation this year, we try to get compliance first (Clyburn) benefit of getting them registered with the town, we can inspect those units, they are paying the taxes this allows us to do inspections for safety.

TOWN MANAGER'S COMMUNICATIONS continued

- The potential release of wastewater from the Pilgrim Nuclear Power Plant in Plymouth into Cape Cod Bay was taken under advisement and referred to our Legal Staff;

Councilor questions and comments:

(Starr) does this fall under the Nuclear Regulatory Commission (NRC), the nuclear waste and has nothing to do with the Environmental Protection Agency (EPA).

(McLaughlin) we render to the NRC all things nuclear and other substances are watched by the EPA, they have extensive requirements we will have to engage with experts, Holtec cannot now say that the EPA does not have a role in this.

- We are proceeding with the Budget Action Calendar for FY2024
- The Town of Barnstable received a \$1.0 million grant from the Seaport Economic Council on December 12, 2022 for the Bismore Park Marina Bulkhead replacement project.

- The Town of Barnstable has been provided notice that Eversource has applied for a Vegetation Management Plan (VMP)
- The Town's property values and tax rates (town and fire districts) for the fiscal year 2023 have all been approved by the DOR and the 3rd and 4th quarter tax bills for fiscal year 2023
- On June 1, 2022 the Town of Barnstable was informed of regulatory revisions the Massachusetts Department of Environmental Protection (MassDEP) was developing to ensure that timely actions are taken to restore and protect coastal estuaries that have been impacted by excessive nitrogen pollution.
- We continue to review the permits filed with regulatory agencies regarding the proposed Phase 3 (Commonwealth Wind) landing cable in Barnstable
- The Town of Barnstable received notice from the Mass Municipal Association this week that we are being recognized with an award for 1st place in Category 1 of the MMA's Annual Town Report contest

Councilor questions and comments:

(Clark) Thanks for taking a stand against using chemicals (Levesque) Thanks to the staff for 1.0 million dollar award, once the letter is written to Eversource, please email that to the Councilors, and congratulations to Director Poyant.

Daniel W. Santos, P.E., Director, Public Works Department gave an update on the Water Resource Management Plan utilizing a Power Point presentation

Councilor questions and comments:

(Rapp Grassetti) what is the fate of 310 Main, (Santos) Mothers park is where the pump station is going (Rapp Grassetti) is that vacant right now (Santos) Yes, we maintain it (Rapp Grassetti) Do you have the appetite at all to look at decentralizing the water system (Santos) DEP wants to see 75% of the load mitigated within 20 years (Starr) the duct banks coming into industrial park, is there still a section missing? (Santos) That is what they are doing right now, (Starr) are they pulling the cables through (Santos) not all one continuous cable. (Starr) under the beach to the parking lot those are watertight (Santos) Yes, another thing I meant to mention our role is just monitoring the Joint Base Cape Cod plant, they need to permit additional effluent disposal there, less likely we will be moving in that direction, very expensive to pump effluent onto the Base; secondly, the depth of the sewer it may be costly if they have to go down 12 feet, looking at getting a price to bring the sewer connection up to help the homeowners to limit the cost of connection. (Schnepp) appreciation to the staff for the great work on the ponds, do you anticipate the floating islands being part of this (Santos) Yes, it is possible (Atsalis) thank you to the staff sharing information regarding 310 Main St; the information has been shared with the Civic Association; hoping for another update towards the first of the year (Cullum) happy to hear about the ombudsman; focus on the ponds is very important, mentioned speaking to businesses, Cape Cod Package could use a phone call regarding the closed roads, they are a good community partner. (Clark) What is the basic difference between Long Pond and Shubael Pond, regarding alum treatment(Santos) Long Pond holds the alum more than Shubael's Pond (Ells) In addition speaking with the President of the Council to have a discussion of financing we have some decision points to make as we move forward; when they established the American Rescue Plan Funds (ARPA), utilizing the state revolving fund as a eligible project, nutrient removal were a priority, want to do the same thing with the principal subsidy; 7.5 percent principal subsidy is very disappointing, we are asking for 20 percent for nitrogen removal! (Levesque) In our leadership discussions with Vice President Schnepp, we have projects that

were not approved (Schnepp) where is this originating? Is this a legislative change? (Ells) I will have to ask Senator Cyr.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of December 1, 2022 as presented.

VOTE: PASSES 12 YES

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

(Cullum) Barnstable High School is giving out seals of bi-literacy for students who have showed proficiency in two languages, I do hope that we soon move to a school that works towards students being bi-lingual (Schnepp) Next Wednesday is our shortest day of the year, please remember those that are homeless.

Break: 5 minute break

2023-064 APPROPRIATION ORDER IN THE AMOUNT OF \$1,337,890 FOR THE PURPOSE OF FUNDING THE RESTORATION WORK TO THE ZION UNION HISTORIC MUSEUM AND ORIGINAL CHAPEL, 296 NORTH STREET, HYANNIS, MA INTRO: 12/01/2022

Town Architect, Mark Marinaccio gave the rationale

Richard Vetrone, Preservation Architect, will present this project, this building was established in 1909 as the Zion Mission, and qualifies as an important building.

Open Public comment:

Lindsey Counsell this can be a town resource that we can all be proud of so thank you.

Julia Johnson Vice President of the Board of Directors of the Zion Union Historic Museum, we have no paid staff, our revenue is from the bus trips that come to the museum.

Debra Dagwan received an award for Human Rights, as did the Town Council President Levesque, mentioned she was afraid the museum may go into blight; Communications Director Lynne Poyant pulled people together and was able to get the ball rolling on this project. The original community was Cape Verdean, and they had housing in the area of the museum; that has all changed.

Ralph Dagwan lived in the neighborhood, lot of things we do for the community, the museum is the people's place, we have church that rents the chapel, and we do small weddings, baby showers, and hope to have WIFI someday.

Close public comment

Councilor questions and comments:

(Starr) Is the lift usable (Vetrone) yes, (Starr) can you change that (Vetrone) yes we will make it compliant (Rapp Grasseti) this project can be accepted by the Community Preservation Committee (CPC) and then be rejected at the State level, but I don't anticipate that, this project has my support; is the roof going to be asphalt or cedar shingles (Marinaccio)we are probably going with cedar shingles (Atsalis) fully support this item, paragraph two Lorruso is spelled

incorrectly; is there air conditioning currently in the building (Marinaccio) as a museum it should have air conditioning (Atsalis) will the exterior of this historic building be maintained and preserved (Atsalis) we should sing Happy Birthday to Deb Dagwan (Neary) we are involved with tax payer money, what is this building going to cost to maintain over time, as a town will we continue to maintain this building for many years, (Marinaccio) the Structures and Grounds Department has been maintaining this building and grounds for years; (Neary) It is a lease situation; there have been other churches with fundraising activities to help to pay or maintain the churches. Any discussion about changing usage or add an affordable housing unit to the back of the property; looking at the overall picture (David Anthony, Asset Manager) we have a number of museums that we own in town; in so many of these cases so many of these building are an artifact, we have preserved the historic buildings. They have put in money in the interior of this building. (Neary) marketing this is key, it is going to be an attraction; (Anthony) utilities are paid by the tenant, they take care of the everyday things. (Cullum) Fully support this item, thankful for all you do in the community. (Levesque) Close Public Hearing; (Clark) how long will it take to be completed (Marinaccio) 6 to 8 months once funding is available (Mendes) let's not lose the fact that the people of the Church paid the taxes and could not use the beaches, it is not what we make it, it is what we do that is right. The people in that area used to have to drive to Onset to go to public school (Schnepp) this is a very worthy project, one of the challenges is it costs money, I would hope that you could put as much of this budget into the actual building (Levesque) thank you for the presentation, the history of this building and I support this as well, we will have a place where history can be appreciated.

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$1,337,890** be appropriated for the purpose of funding the restoration and rehabilitation work to the Zion Union Historic Museum and original chapel located at 296 North Street, Hyannis MA, Map 308, Parcel 029, and to fund this appropriation that **\$457,390** be provided from the Capital Trust Fund, and that, pursuant to the provisions of G.L. c. 44B, the Community Preservation Act, **\$261,778** be transferred from the amount set aside for Historic Preservation within the Community Preservation Fund and **\$618,722** be transferred from the Undesignated Fund Balance within the Community Preservation Fund. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Mendes, Neary, Schnepp, Shaughnessy, Starr, Steinhilber.

2023-066 ORDER WAIVING FEES FOR CONSTRUCTION WORK BY THE BARNSTABLE FIRE DISTRICT FOR A NEW FIRE DISTRICT WATER TREATMENT PLANT OFF BREEDS HILL ROAD TO TREAT THE DISTRICT'S WELLS 2 & 5 INTRO: 12/01/2022
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Town Manager Mark Ells gave the rationale
Open public hearing seeing no one close public hearing

Councilor questions and comments:

(Schnepp) Explain why the fees would be \$200,000, what does that incorporate (Ells) these are fees that are part of the construction, and can only be waived by the Town Council (Neary) In favor of this item, survey done a few years back about wells in the town, can we take a long term look as to where the water is coming from in town (Ells) we are certainly working towards that, as we have with Hyannis Water, challenge we have is parts per trillion. (Starr) Barnstable

village filtration will cost, we are looking at water in West Barnstable that will need to have filtration (Ells) where our dense development is, we are going to have the existing to manage and then into the future potential.

Upon a motion duly made and seconded it was

ORDERED: Notwithstanding the provisions of any ordinance of the Town regarding schedules of fees, the construction project for the construction of a new water treatment plant off Breeds Hill Road by the Barnstable Fire District (the "Project") shall hereby be exempt from payment of such fees; provided that if the Town is required to hire outside inspectors with special expertise to inspect any aspect of the Project, the Barnstable Fire District will pay those costs; and provided further, that this Order shall not become effective until a Memorandum of Agreement between the Town of Barnstable and the Barnstable Fire District is executed and filed with the Barnstable Town Clerk in which the Barnstable Fire District agrees to pay any such costs for outside inspectors.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grassetto, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

<p>2023-067 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 COMMUNITY COMPACT GRANT IN THE AMOUNT OF \$25,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE, FOR THE DEVELOPMENT OF A CYBERSECURITY INCIDENT MANAGEMENT PLAN INTRO: 12/15/2022</p>

Director of Information Technology, James Benoit gave the rationale

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 Fiscal Year 2023 Community Compact Grant in the amount of **\$25,000** from the Commonwealth of Massachusetts, Executive Office for Administration and Finance, for the purpose of developing a cybersecurity incident management plan.

VOTE: PASSES 12 YES

TOWN COUNCIL ELECTIONS:

Upon a motion duly made and seconded it was to vote for the slate

VOTE: PASSES 12 YES

President Levesque thanked Vice President Schnepf for her two years of working as Leadership with him.

Upon a motion duly made and seconded it was to vote for the slate of officers; Matthew Levesque, President and Jennifer Cullum, Vice President.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grassetto, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

Congratulations to President Levesque and Vice President Cullum

Town Council Calendar

Upon a motion duly made and seconded it was to change the date of the April Meeting to April 27, 2022

VOTE: PASSES UNANIMOUS

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN: 9:52 pm

VOTE: PASSES UNANIMOUS

Adjourned at 9:52 PM

Respectfully submitted,

Ann M Quirk

Barnstable Town Clerk

NEXT MEETING: January 5, 2023

Exhibits

A. Town Manager Update