



Town Council Meeting
August 15, 2024



A quorum being duly present, Vice President Craig Tamash called the August 15, 2024, Town Council meeting to order at 6:14 PM.

An announcement was made by Vice President Tamash 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: Kristine Clark, John Crow, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Gordon Starr, Craig Tamash, Kristin Terkelsen **Absent:** Charles Bloom, Seth Burdick, Felicia Penn, Paula Schnepf

Vice President Tamash invited veteran Bob Jones to the podium to lead the Pledge of Allegiance, followed by a moment of silence to remember Lucien Poyant, Marilyn Fifield, George Jessop, Jr. and those close to you.

Vice President Tamash announced that Town Manager Ells was withdrawing Item No. 2025-006, which was an appropriation request for funding for outside counsel to assist the Town in opposing the New England Wind 2 (formerly, Commonwealth Wind) offshore renewable wind project proposed to land at Dowses Beach. Town Manager Ells confirmed that he was withdrawing that item, and Vice President Tamash announced the item was withdrawn.

Vice President Tamash then announced that Paul Phalan had asked to have his nomination to the Airport Commission withdrawn and said that there would be some procedural motions to remove Mr. Phalan from that item later in the evening.

PUBLIC COMMENT:

In-Person:

Debra Aguiar a non-spokesperson of United Sovereign Americans, stated the numbers of voters using only official data, by city and town clerks may not have been accurate. Asking that the Town Council listen to the resolution and vote promptly.

Laura Mitchell a non-spokesperson of United Sovereign Americans read a part of the resolution, that voter rolls must be accurate, votes counted must be from eligible voters, and the number of votes counted must be equal to the number of voters.

Phyllis Sprout a non-spokesperson of United Sovereign Americans state we must provide relief to the people, proof of citizenship, voter rolls certified accurate and available for public review prior to voting.

Virginia Apel a non-spokesperson of United Sovereign Americans wants hand marked secure ballots, like currency. Where imaging technology is used for tabulation, must have verifiable ballot images

William Winters a non-spokesperson of United Sovereign Americans stated you need to be responsive to what we have found. You have a chance to pass these proactive resolutions to support of the 2024 elections. (Exhibit A)

Rick Brigham has been exploring the elections process, and discovered how complicated the rules are for elections. Would like to have one or two Councilors join him in asking procedural questions of the Registry of Motor Vehicles, regarding citizenships questions.

Andrew Bonney, CEO of Cape Air, one of the largest commuter airlines in the world is based at Cape Cod Gateway Airport. We are dependent on the facilities at Cape Cod Gateway Airport. Thanked the Council for their support.

Susan Batista stated residents of 525 South Street, graduates of the Riverview School, are thriving and working in the Hyannis Community. She commended the walkability allows the graduates to travel independently. Speaking in support of Great Streets, the plan has been delayed, we have had a lot of close calls on South Street due to traffic and unsafe crosswalks

Van talked about the safety issues at the unsafe crosswalk in his neighborhood. If the people could park halfway up the block, it could make a difference. Move the crosswalk a little further up the street.

Ava Klaetke lives at 525 South Street every time a dart bus goes by, they can't see the cars speeding by.

Fritz Klaetke, Ava's dad, this is a real critical safety issue in our town, we have done the study, it has been approved it is time to move forward.

Dianne Dupuis a transitional employment manager for the Clean Team program, said her concerns are for the safety of crosswalks on Main Street, spoke about the 2023 fatal accident between a person and a motor vehicle that occurred on Main Street. We can make Main Street safer for everyone.

Mark Onorato, Director of Aviation Operations was in support of Cape Cod Gateway Airport for Boston Med Flight. We routinely use the Cape Cod Gateway Airport, as the closest and safest for our helicopters to land and we utilize the fuel available at the airport. The concept of using the Joint Base Cape Cod is not viable, lives depend on a thriving Cape Cod Gateway Airport.

Norm Weill current Airport Commissioner, talked about the Airport as an asset of the community, provides for high value jobs, and is an economic development engine. The Commission needs diverse people on it, we have a variety of backgrounds. The management is second to none, very proactive. What you vote on and what you say impacts the value of the Airport.

Vice President Tamash, explained one of our Town Council members may have to leave due to a family emergency. Please keep your comments short and succinct, please.

Wendy Bierwirth discussed the Cape Cod Gateway Airport. She felt this is an asset for the Town of Barnstable and its residents.

Susanne Conley Save Greater Dowses Beach, spoke with Governor Healy about the cable landings, that there are much better options available. She reminded her that she fought very

hard to protect our article 97 land, do not buy into the myth that your hands are tied. There should be no price tag on the Town of Barnstable.

Conrad Watson spoke about the safety issue at the intersection of Main Street. The big problems are the lights, the speeding vehicles and the crosswalks.

Matt Clark owns the property at 252 Main Street, have seen three people get hit by cars, and close calls. Try to move this forward as a safety issue and invest in this part of town, continue to improve this end of Main Street, invite development.

Elizabeth Wurfbain supported the Great Streets plan, stating she is overwhelmingly in favor of safety. Change is hard, it looks busy when you have a two way Main Street. Main Street Hyannis is the busiest commercial corridor on Cape Cod.

Bruce Prescott, please implement the Great Streets project.

Cheryl Powell spoke about her sister who was an addict and had mental health issues. She continued with what it takes to care for the people who have mental health issues and addictions. Project for the Opioid funds is very important. She ended with a quote from Stephen King.

Zoom:

Paul Phalan thanked the nomination committee, decided to withdraw his application, I am not a cheerleader, I am a spokesperson for the town. The lack of transparency, this isn't a closure it's a merger. It is an opportunity to use Cape Cod Gateway Airport property.

In-Person:

Larry Morin not going to take your time tonight, but I will come back in September.
Close Public Comment

COUNCIL RESPONSE TO PUBLIC COMMENT: None

TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded) (Exhibit A) 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 (Exhibit B)

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded, it was voted to accept the minutes of July 18, 2024, as presented.

VOTE: PASSES UNANIMOUS

ANNOUNCEMENT REGARDING EXECUTIVE SESSION MINUTES

In accordance with Section 22(g)(1) of Chapter 30A of the General Laws, prior to tonight's Town Council meeting, the Town Council President reviewed 2 sets of Executive Session minutes with the Town Clerk and the Town Attorney. Based upon that review, President Penn has asked me to make the following announcement on her behalf:

The Town Council President approved the Executive Session minutes of January 18, 2024, and February 1, 2024, relating to litigation strategy regarding Park City Wind's proposed offshore renewable wind project in the Town, and authorized the release of said minutes with the redaction of the portions of said minutes protected by attorney-client privilege and for which

continued non-disclosure is warranted. No votes were taken in those executive sessions.

DELEGATION OF OPEN MEETING LAW COMPLAINT

Proposed Vote: To delegate to the Town Attorney responsibility for responding to the following Open Meeting Law Complaints submitted to the Town Council President and Town Clerk:

Four complaints submitted by Maria and Greg Gerdy dated July 21, July 22, July 25 and July 27, 2024. One complaint submitted by Brian Koelbel dated July 23, 2024

Vice-President Tamash proposed a motion, duly seconded that the Town Council delegates to the Town Attorney responsibility for a response to the Open Meeting Law Complaint submitted to the Town Council President and Town Clerk.

VOTE: PASSES UNANIMOUS

Jump to 2025-001

2025-001 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$227,000 FOR TEMPORARY REPAIRS TO HARBOR VIEW ROAD IN THE VILLAGE OF BARNSTABLE PURSUANT TO TEMPORARY REPAIRS TO PRIVATE ROADS PROGRAM FOR CERTAIN PRIVATE WAYS INTRO: 07/18/2024, 08/15/2024

Dan Santos, Director of Public Works gave the rationale
Open Public Hearing seeing no one, close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$227,000** be appropriated for the purposes of making temporary repairs to Harbor View Road in the village of Barnstable, a private road within the Town of Barnstable, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow \$227,000 under and pursuant to Chapter 174 of the Acts of 1994, as amended by Chapter 350 of the Acts of 2014 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes assess betterments in accordance with M.G.L. c. 80, and further that the Town Manger is authorized to access any grants or gifts in relation thereto.

VOTE: PASSES 9 YES.

Roll Call: Clark, Crow, Levesque, Ludtke, Mendes, Neary, Starr, Tamash, Terkelsen

2025-002 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$321,000 FOR TEMPORARY REPAIRS TO OTTER LANE IN THE VILLAGE OF BARNSTABLE PURSUANT TO TEMPORARY REPAIRS TO PRIVATE ROADS PROGRAM FOR CERTAIN PRIVATE WAYS INTRO: 07/18/2024, 08/15/2024

Dan Santos, Director of Public Works gave the rationale
Open Public Hearing seeing no one, close public hearing

Discussion:

(Ludtke) What is the difference between a temporary and a permanent repair (Santos)
Estimated life span of temporary repair is up to 15 years, permanent repair would be up towards 30 years.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$321,000** be appropriated for the purposes of making temporary repairs to Otter Lane in the village of Barnstable, a private road within the Town of Barnstable,

and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow \$321,000 under and pursuant to Chapter 174 of the Acts of 1994, as amended by Chapter 350 of the Acts of 2014 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes assess betterments in accordance with M.G.L. c. 80, and further that the Town Manger is authorized to access any grants or gifts in relation thereto.

VOTE: PASSES 9 YES,

Roll Call: Clark, Crow, Levesque, Ludtke, Mendes, Neary, Starr, Tamash, Terkelsen

<p>2025-005 ORDER AUTHORIZING A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND BRATT, LLC FOR 36 NEW MARKET RATE RESIDENTIAL RENTAL UNITS LOCATED AT 199 BARNSTABLE ROAD, HYANNIS, MA 02601 INTRO: 07/18/2024, 08/15/2024</p>
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Jim Kupfer, Interim Director of Planning and Development gave the rationale.

There is one substantive correction that needs to be made as well as certain other minor amendments to make the agreement consistent with what the state requires. As follows:

(Nober) Recommends that Item 2025-005 be amended to amend Section 4B of the Tax Increment Exemption (TIE) Agreement to change “60%Years 11-20” to “55% Years 11-20” and to authorize the Town Attorney to make such other minor amendments to the agreement as may be necessary.

A motion was made and duly seconded to vote on the motion to amend to change “60%Years 11-20” to “55% Years 11-20” and to authorize the Town Attorney to make such other minor amendments to the agreement as may be necessary.

VOTE: PASSES UNANIMOUS

Discussion:

(Starr) thinks everyone should be here to discuss the changes. (Clark) Is there any timeline or downside to postponing (Tim Talman) we did get a thorough vetting from the subcommittee, we are ready to get our building permit, I would request a vote on this tonight, this sets it in motion. With this approval we can move forward. (Ludtke) Would like to see this go forward tonight. Never been a fan of these huge projects, like to get this going. (Crow) Do you still have time to tweak the actual design of this project. (Talman) short answer is yes (Starr) Good faith efforts to maintain is there a reason for that verbiage (Kupfer) State language

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and BRATT, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00, for thirty-six (36) market rate residential units located at 199 Barnstable Road, Hyannis, MA 02601 substantially in the form presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

VOTE: AS AMENDED PASSES 8 YES, 1 NO (STARR)

2025-006 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$35,000 FOR THE PURPOSE OF PAYING OUTSIDE COUNSEL EXPENSES OF THE LEGAL DEPARTMENT INTRO: 07/18/2024, 08/15/2024

VOTE: WITHDRAWN

2025-007 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 MASSTRAILS GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS IN THE AMOUNT OF \$400,000 FOR DESIGN AND ASSOCIATED SERVICES TO ADVANCE THE CAPE COD RAIL TRAIL PHASE 4 EXTENSION IN THE TOWN OF BARNSTABLE INTRO: 08/15/2024

Dan Santos, Director of the Department of Public Works gave the rationale

Discussion:

(Starr) is this 100 percent design (Santos) No, just another step in the process (Starr) Is this done in house (Santos) No

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 2025 MassTrails Grant in the amount of **\$400,000** from the Commonwealth of Massachusetts for the purpose of studying, designing, permitting, and otherwise advancing the Cape Cod Rail Trail Phase 4 extension in the Town of Barnstable.

VOTE: PASSES UNANIMOUS

2025-008 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2024 JAIL/ARREST DIVERSION PROGRAM CO-RESPONDER GRANT IN THE TOTAL AMOUNT OF \$185,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF MENTAL HEALTH INTRO: 08/15/2024

Chief Challies of the Barnstable Police Department gave the rationale

Discussion:

(Terkelsen) the rates of recidivism will that info come before us (Chief) Yes, the Clinicians track that information.

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 2025 Jail/Arrest Diversion Program Co-Responder Grant from the Commonwealth of Massachusetts Department of Mental Health in the amount of **\$185,000** for the purpose of funding the costs of contracting for the services of two full-time licensed clinicians as part of the Barnstable Police Department's Co-Response Jail Diversion Program.

VOTE: PASSES UNANIMOUS

2025-009 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 08/15/2024

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Comprehensive Financial Advisory Committee:** Hector Guenther, as a regular member to a term expiring 06/30/2027; **Council On Aging:** John Jope, as a regular member to a term expiring 06/30/2027; Kathleen Strudwick, as a regular member to a term expiring 06/30/2027; **Disability Commission:** Sheila Mulcahy, as a regular member to a

term expiring 06/30/2027; Lori Gillen, as a regular member to a term expiring 06/30/2027; **Housing Committee:** Emily Cornett, as a regular member to a term expiring 06/30/2027; Evan Gaudette, as a regular member to a term expiring 06/30/2027; Donald Lynde, as a regular member to a term expiring 06/30/2027; **Hyannis Main Street Waterfront Historic District Commission:** Tom Doherty, as a Hyannis Business District Representative member, to a term expiring 06/30/2027; **John F. Kennedy Memorial Trust Fund Committee:** Robert Jones, as a regular member, to a term expiring 06/30/2027; Lynne Poyant, as a regular member, to a term expiring 06/30/2027; **Mid Cape Cultural Council:** Margeaux Weber, as a regular member to a term expiring 06/30/2025; **Recreation Commission:** Brendan Burke, as a regular member to a term expiring 06/30/2027; Tim Lus, as a regular member to a term expiring 06/30/2027; **Sandy Neck Board:** Richards French, as a regular member to a term expiring 06/30/2027; Thomas O'Neill, as a member-at large to a term expiring 06/30/2027; Maureen Piccione, a member-at-large to a term expiring 06/30/2027; **Waterways Committee:** Gregory Egan, as a regular member to a term expiring 06/30/2027; **Scholarship Committee:** John Marsden, as a regular member to a term expiring 06/30/2027; **Zoning Board of Appeals:** Emmanuel Alves, as an associate member to a term expiring 06/30/2027; Jake Dewey, as a regular member to a term expiring 06/30/2025

VOTE: TO 2ND READING PASSES UNANIMOUS

2025-010 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 08/15/2024

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: **Historical Commission:** John Richmond, as an alternate member to a term expiring 06/30/2026; **Hyannis Main Street Waterfront District Appeals Committee:** Stephen Peckham, as a Hyannis resident, to a term expiring 06/30/2025

Vice President Tamash asked for a motion to suspend the Town Council Rules on appointments to allow for a motion to remove Mr. Phalan from this item.

Upon a motion duly made and seconded to suspend the Rules.

VOTE: PASSES UNANIMOUS

Vice President Tamash then asked for a motion to remove Mr. Phalan's nomination from the item. Upon a motion duly made and seconded to remove Paul Phalan's name from the item # 2025-010

VOTE: PASSES UNANIMOUS

Upon a motion duly made and seconded it was to refer this item to a second reading on September 5, 2024

VOTE: TO 2ND READ AS AMENDED PASSES UNANIMOUS

2025-011 APPOINTMENT TO A BOARD/COMMITTEE/COMMISSION: IINTRO 08/15/2024

Upon a motion duly made and seconded it was to suspend the rules for a second reading

VOTE: PASSES UNANIMOUS

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: **Committee to Review and Assess Zoning and Review the Town's use of Regulatory Agreements:** Seth Etienne, registered voter, Town of Barnstable

VOTE: PASSES UNANIMOUS

2025-013 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 MUNICIPAL LOCAL CYBERSECURITY GRANT IN THE AMOUNT OF \$70,975 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANTS AND RESEARCH FOR CYBERSECURITY IMPROVEMENTS WITHIN TOWN DEPARTMENTS, INCLUDING THE SCHOOL DEPARTMENT AND POLICE DEPARTMENT INTRO: 08/15/2024

James Benoit, Director of Information Technology gave the rationale

Discussion:

(Clark) thank you for securing this grant

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 2025 Municipal Local Cybersecurity Grant in the amount of **\$70,975** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Office of Grants and Research for the purpose of implementing cybersecurity improvements within Town departments, including the School Department and Police Department.

VOTE: PASSES UNANIMOUS

2025-014 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 911 DEPARTMENT SUPPORT AND INCENTIVE GRANT IN THE AMOUNT OF \$330,026 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 08/15/2024

Barnstable Police Chief Challies gave the rationale

Discussion:

(Clark) thank you for securing this grant.

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 2025 911 Department Support and Incentive Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security in the amount of **\$330,026** for the purpose of funding personnel costs in the Barnstable Police Department.

VOTE: PASSES UNANIMOUS

2025-015 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 STATE 911 DEPARTMENT TRAINING GRANT IN THE AMOUNT OF \$23,268.47 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 08/15/2024

Barnstable Police Chief Challies gave the rationale

Discussion:

(Clark) Please explain what PSAP means (Challies) Public Safety Answering Point.

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 2025 State 911 Department Training award in the amount of **\$23,268.47** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security for the purpose of funding costs associated with the mandatory training of all 911 dispatchers who perform emergency dispatch operations.

VOTE: PASSES UNANIMOUS

2025-016 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 STATE 911 DEPARTMENT EMERGENCY MEDICAL DISPATCH GRANT IN THE AMOUNT OF \$19,445.20 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 08/15/2024

Barnstable Police Chief Challies 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 2025 State 911 Department Emergency Medical Dispatch Grant in the amount of **\$19,445.20** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security for the purpose of funding costs associated with emergency dispatch operations.

VOTE: PASSES UNANIMOUS

2025-017 DESIGNATION OF THE HYANNIS DISTRICT IMPROVEMENT FINANCING DEVELOPMENT DISTRICT TO BE LOCATED IN DOWNTOWN HYANNIS AND APPROVAL AND ADOPTION OF THE DEVELOPMENT PROGRAM INTRO: 08/15/2024

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to M.G.L Chapter 40Q (District Improvement Financing), the Town Council hereby designates the Hyannis District Improvement Financing Development District (the "Development District"), to be located in Downtown Hyannis with an area of 973.64 acres, as further identified in Appendix C of the "Hyannis District Improvement Financing District: District Improvement Financing Master Plan" (the "Master Plan"), prepared by Camoin Associates and dated July 1, 2024, which is attached hereto and incorporated herein, and that the Town Council hereby approves and adopts the Development Program, as set forth in the Master Plan, such that the area where revenue is being generated through new growth is the same area in which the funds can be spent. The Town Council hereby finds that the designation of the Development District is consistent with the requirements of Section 2 of said Chapter 40Q and will further the public purpose of encouraging increased residential, industrial and commercial activity in the Commonwealth.

VOTE: TO 2ND READING-PASSES UNANIMOUS

2025-018 AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FROM BARNSTABLE LAND TRUST, INC. UPON A PORTION OF THE PROPERTY KNOWN AS FULLER FARM INTRO: 08/15/2024

Attorney Nober stated Councilor Levesque would need to recuse from this item, we would not have quorum, move to the September 5, 2024, meeting

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes the Town Manager, on behalf of the Town, to acquire by gift from Barnstable Land Trust, Inc. a perpetual public access easement for passive recreation purposes upon the property known as Fuller Farm, located in the village of Marstons Mills, as described in a deed recorded at the Barnstable County Registry of Deeds in Book 31739, Page 229. The easement area is shown as "8' Wide Easement Over Existing Path" on a plan captioned "Easement Plot Plan in Marstons Mills, MA 995 Route 149 prepared for Town of Barnstable", prepared by Down Cape Civil Engineering and dated May 17, 2024. The Town Manager is authorized to negotiate, accept, sign, deliver and record documents, and

make minor modifications to the plan, if needed, for the purposes necessary to effectuate this Resolve and complete this transaction.

VOTE: MOVED TO SEPTEMBER 5, 2025

2025-019 AUTHORIZING THE ACQUISITION OF AN EASEMENT FOR SEWER PURPOSES ON LAND AT 268 STEVENS STREET IN HYANNIS INTRO: 08/15/2024

Tom LaRosa, First Assistant Town Attorney, gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes the Town Manager, on behalf of the Town, as part of a negotiated transaction and for no monetary consideration, to take or acquire a perpetual easement for sewer purposes, including for the construction and operation of a sewer pump station, on a portion of the land located at 268 Stevens Street in Hyannis and described in a deed recorded at the Barnstable County Registry of Deeds in Book 30351, Page 194. The easement area consists of 1,785± square feet as shown on a plan captioned "Sewer Easement Exhibit Plan Assessors Map 308 Lot 17 268 Stevens Street, Hyannis Village Barnstable, MA", dated June 14, 2024, and prepared by the Department of Public Works. The Town Manager is authorized to negotiate, accept, sign, deliver and record any documents, and make minor modifications to the plan, if needed, for the purposes necessary to effectuate this Resolve and complete the transaction.

VOTE: PASSES UNANIMOUS

2025-020 AUTHORIZATION TO CONTRACT FOR AND EXPEND A MASSACHUSETTS DREDGING GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT IN THE AMOUNT OF \$375,000 FOR THE COTUIT BAY ENTRANCE AND EMBAYMENT CHANNEL DREDGING PROJECT INTRO: 08/15/2024

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 Massachusetts Dredging Grant in the amount of **\$375,000** from the Commonwealth of Massachusetts, Executive Office of Economic Development for the Cotuit Bay Entrance and Embayment Channel Dredging Project.

VOTE: PASSES UNANIMOUS

2025-021 RESOLVE TO APPROVE THE APPOINTMENT OF JAMES S. KUPFER AS THE DIRECTOR OF PLANNING AND DEVELOPMENT FOR THE TOWN OF BARNSTABLE INTRO: 08/15/2024

Mark Ells, Town Manager gave the rationale

Discussion:

(Ludtke) what is the process, how many people applied (Ells) 5 applied, 4 outside, one internal (Ludtke) Is the housing position still advertised (Kupfer) we have seen some interest, we have tweaked the scope we hired our senior planner primarily in the housing position (Terkelsen) will the four other people that applied, will they apply for the position Jim is leaving (Ells) No, we will begin again.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby approve the appointment by the Town Manager of James S. Kupfer as the Director of Planning and Development.

VOTE: PASSES UNANIMOUS

There were 9 Councilors in attendance, which is the number needed for a quorum. Because Councilor Mendes needed to leave the meeting early, the following items did not get addressed:

All of the items listed under Communications did not get discussed;
Item 2025-012 was not discussed or voted on and will be moved to the September 5 agenda;
Item 2025-018 was not discussed or voted on due to Councilor Levesque's recusal, which resulted in a lack of quorum for that item; that item will be moved to the Sept 5 agenda;

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

Great Streets Update: James Kupfer, Interim Director, Planning and Development Department; Dan Santos, Director, Department of Public Works

Opioid Settlement Funds Working Group Update: Peter Burke, Hyannis Fire Chief, and Jennifer Ellis, Barnstable Deputy Police Chief

Workshop Discussion on the New England Wind 2 (formerly, Commonwealth Wind) offshore renewable wind project proposed to land at Dowses Beach

Private Roads Workshop: Mark S. Ells, Town Manager

Town Council Strategic Plan Update process discussion: Craig Tamash, Vice President

2025-012 RESOLVE APPROVING A LETTER OF SUPPORT FOR ESTABLISHMENT OF A PAINT STEWARDSHIP PROGRAM INTRO: 08/15/2024

RESOLVED: That the Town Council does hereby approve sending a letter, in the form as presented at this meeting, in support of H. 4263, a bill which would require manufacturers of certain types of paint to establish a postconsumer paint stewardship program and authorizes the Town Council President or Vice President to sign said letter on behalf of the Council.

VOTE: MOVE TO SEPTEMBER 5, 2024

At 8:14 PM Councilor Mendes left the meeting, and the meeting ended due to a lack of quorum.

**VOTED TO ADJOURN:
VOTE: LACK OF QUORUM
Adjourned at 8:14 PM**

Respectfully submitted,

Ann M. Quirk
Town Clerk

NEXT MEETING: September 5, 2024

Exhibits:

- A. Resolution
- B. Town Managers update

