



Town Council Meeting
November 7, 2024



A quorum being duly present, Vice-President Craig Tamash called the November 7, 2024, Town Council meeting to order at 6:00 PM.

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

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

Councilor Clark invited veteran Ron Timm to the podium, to lead the Pledge of Allegiance, which was followed by a moment of silence.

PUBLIC COMMENT:

In-Person:

Joanne Oconner discussed the need for traffic calming. She noted there is a problem with speeding in Barnstable. She mentioned there was a government regulation that allowed towns to set their own speed limits, she hoped the Town of Barnstable would be able to utilize this information. She asked for the permitting fees to be waived for the Centerville Civic Association's tent during the Centerville Stroll.

Cliff Carroll discussed the petition he sponsored. He inquired how the language had changed from the original document. He hoped the language of the petition and the spirit of the petition had not changed. He commented how the Centerville – Osterville – Marston Mills (C.O.M.M.) Water Department made the negotiations with Avangrid 100 percent open to public.

Zoom: none

Close Public Comment.

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Ludtke) supported the idea of speed limits through regulations and noted that the City of Worcester had regulated their speed utilizing this method. (Terkelsen) thank you for asking about speeding in Barnstable. This public comment discussion will help make roads in Barnstable safer for all. (Ludtke) Understand we are removing just the Chief of Police at this time but hope the entire police department will benefit and be removed from the civil service requirements. (Ells) Yes, we are struggling with hiring new police officers. We are actively working on this change from civil service status hopefully this will take place around the first quarter of 2025. (Ludtke) Cape Cod Community College (CCCC) moving to 200 Main Street, Hyannis please update. (Ells) The Town is the owner of the building 200 Main Street. We are leasing the building for 1 (one) year to CCCC. We are still negotiating with Steamship on the

building, Assistant Town Manager Andy Clyburn is involved in the negotiations. (Clyburn) We are working on the contracts trying to consolidate them and working on our first right of refusal for 200 Main Street and Pleasant Street.

TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded) 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. The Town Manager and staff will be available to answer any questions regarding the report as presented. The Town Managers communication for the period of October 23 through November 5, 2024, included an update on:

1. Fiscal Year 2026 Capital and Operating Budget – update
2. Finance Department presentation on the Fiscal Year 2025 tax levy shifting position
3. Town of Barnstable Opioid Abatement grant application process
4. The Information Technology Department is replacing the Town's network firewall
5. S. 2746, an act exempting the position of police chief in the Town of Barnstable from the civil service law was signed into law by Governor Healey
6. Town Manager Mark Ells's two letters sent on September 10, 2024, regarding Vineyard Wind turbine blade failure
7. Town of Barnstable will be partnering with Cape Cod Community College's (CCCC) newly formed Social and Economic Justice Institute to create internship opportunities
8. Town of Barnstable and the Cape Cod Community College have entered into a short-term license to use a portion of the building at 200 Main Street for their expanding school offerings
9. Recreational oyster season begins November 6th
10. Hyannis Youth and Community Center will provide an opportunity for The Cordial Eye, Amplify POC, People of Action and the Arts and Justice Collective to install a mural inside the gymnasium at the Hyannis Youth and Community Center
11. James Kupfer, Director of Planning and Development will provide an update on the Local Comprehensive Plan, Marstons Mills School Property Master Plan and upcoming Digital Equity Plan events

WORKSHOP

- Presentation on the Allocation of the Tax Levy – Adoption of a Residential Exemption and Residential Factor, Mark Milne, Director of Finance

Mark Milne, Director of Finance, gave an overview of his PowerPoint presentation. He discussed the residential and commercial makeup of the town. He spoke about the impact of Vineyard Wind 14 percent increase in personal property tax. He explained the split tax rate and the residential exemption.

Discussion:

(Bloom) residents who domicile their Barnstable property as their primary home can apply for a residential exemption. Now the reassessment process or requalify process is needed after 5 (five) years. (Milne) Yes (Schnepp) Letters went out explaining if residents do not reassess then they will lose their residential exemption. (Mendes) What about a S Corporation. (Curran) Residential exemption is for the owner, and ownership

does and can affect a residential exemption. (Ludtke) What about the Seasonal Community Act – communities are looking at residential exemption in connection with the term seasonal community. (Milne) We will get that information out to the Council. (Tamash) 40 percent of housing in Barnstable is year-round housing or primary housing.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded, it was voted to accept the minutes of September 5, 2024, as presented.

VOTE: PASSES UNANIMOUS

COMMUNICATIONS - from elected officials, boards, committees and staff, commission reports, correspondence and announcements:(Schnepp) Discussed the November 14th public meeting regarding the Reuse of the Marstons Mills Elementary School. She explained it would be a live meeting, but questions would have to be posed in advance. (Tamash) Asked if a quorum of the councilors could attend the meeting. (Nober) Spoke about the quorum which could ask questions but not give opinions She explained if there was going to be a quorum then the meeting agenda should be posted (Kupfer) said there was no agenda for the meeting only a public presentation he added if there is a council quorum then we will need to post the agenda (Clark) mentioned the 7th Annual Veterans’ Day event at the Village Green (Ludtke) noted the November 12th joint Barnstable County and Airport Per and Polyfluoroalkyl Substances (PFAS) update and please look at the Cape Cod Sierra presentation to see how they utilized their grant money (Clark) Wimpy’s restaurant in Osterville a local restaurant is have a prix fixe free dinner for all veterans on November 11th from 4 pm to 9 pm

2025-034 ORDER AUTHORIZING A SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND BARNSTABLE COUNTY FOR DREDGING SERVICES INTRO: 10/24/2024, 11/07/2024

Karen Nober, Town Attorney, gave the rationale.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council authorizes the execution and delivery by the Town Manager of a second amendment to the existing Intergovernmental Agreement with Barnstable County, authorized by Item No. 2024-082, dated December 21, 2023, under which Barnstable County is performing dredging work for the Town at the Cotuit Bay Entrance and Embayment Channel, to add an additional \$427,100 for an amended not-to-exceed amount of **\$772,800**, and to extend the term to provide for an amended end date of no later than April 1, 2025.

VOTE: PASSES UNANIMOUS

2025-043 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$25,000 FOR THE PURPOSE OF PAYING OUTSIDE COUNSEL EXPENSES OF THE LEGAL DEPARTMENT INTRO: 10/24/2024, 11/07/2024

Open Public Comment

Karen Nober, Town Attorney, gave the rationale.

Seeing no one and no one on zoom, close public comment

Upon a motion it was duly made and seconded it was

ORDERED: That the amount of **\$25,000** be 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 the lawsuit filed against the Town in July 2024 by the Conservation Law Foundation; and to meet such appropriation, that **\$25,000** be provided from the General Fund Reserves.

VOTE: PASSES 12 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES,

NEARY, SCHNEPP, STARR, TAMASH, TERKELSEN

2025- 044 APPROPRIATION ORDER IN THE AMOUNT OF \$2,600,000 FOR THE PURPOSE OF ACQUIRING REAL PROPERTY CONSISTING OF APPROXIMATELY 10.4± ACRES OF LAND IN COTUIT, AS SHOWN ON ASSESSORS' MAP 037 AS PARCEL 010, FOR GENERAL MUNICIPAL PURPOSES

Open Public Comment

Dan Santos, Director of Public Works, gave the rationale. He said the Town and the Barnstable Land Trust were working together to purchase the 304 Putnam property. Janet Milkman, Executive Director of the Barnstable Land Trust, spoke about the importance of the property. Tom LaRosa, First Assistant Town Attorney discussed eminent domain and the legal action of obtaining this property.

Seeing no one and no one on zoom, close public comment

Discussion:

(Tamash) This is considered a friendly land taking correct (LaRosa) Yes, it is a friendly taking of the land (Schnepp) Will the Barnstable Land Trust look for community Preservation Committee funding (Milkman) Yes will also look at private fund raising and look for state grants.

Upon a motion duly made and seconded it was

ORDERED: The Town Council hereby authorizes the Town Manager, on behalf of the Town, to purchase or take by eminent domain for general municipal purposes a parcel of land located at 304 Putnam Avenue, Barnstable (Cotuit), Massachusetts, as shown on Town of Barnstable Assessors Map 037, Parcel 010, and as more particularly described in a deed recorded with the Barnstable County Registry of Deeds in Book 533, Page 426; and further authorizes that the amount of **\$2,600,000** be appropriated from the General Fund reserves for the purpose of funding this acquisition, including the payment of costs incidental or related thereto; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, is authorized to accept any grants or gifts in relation thereto, and is authorized to negotiate, accept, sign, deliver any documents or agreements, including an escrow agreement, and record any instruments necessary to effectuate this Order and complete this transaction.

VOTE: PASSESS 12 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, SCHNEPP, STARR, TAMASH, TERKELSEN

2025-038 APPROPRIATION ORDER IN THE AMOUNT OF \$65,381 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2025 OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH THE HIRING OF 5 PATROL OFFICERS INTRO: 11/07/2024

ORDERED: That the amount of **\$65,381** be appropriated and added to the Fiscal Year 2025 Police Department Operating Expense Budget for the purpose of funding the initial expenses related to hiring five new police officers including training, uniforms, assessments, ammunition and equipment purchases, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: REFER TO PUBLIC HEARING ON 11/21/2024 - PASSESS UNANIMOUS

2025-045 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 HOUSING CHOICE GRANT IN THE AMOUNT OF \$255,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF HOUSING & LIVEABLE COMMUNITIES FOR WATER LINE IMPROVEMENTS ON CROCKER STREET IN HYANNIS INTRO: 11/07/2024

Jim Kupfer, Director of Planning and Development, gave the rationale. It is for waterline improvements on Crocker Street. (Schnepp) Which property (Kupfer) all properties on the street. There are 2 (two) structures with 4 (four) duplexes. (Crow) agreed with this need but questioned if Hyannis was still buying water from other municipalities (Milne) Explained we do not purchase water from other municipalities ,however one time we did it purchase water when we were replacing our filters on our wells. (Ludtke) questioned the draws of water seasonally versus winter with all the water wells going. (Ells) added he would reach out to the Department of Public Works for clarification

Upon a motion, it was duly made and seconded it was

RESOLVED: the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2025 Housing Choice Grant in the amount of **\$255,000** from the Commonwealth of Massachusetts, Executive Office of Housing & Livable Communities for the purpose of funding water line improvements on Crocker Street in Hyannis.

VOTE: PASSES UNANIMOUS

2025-046 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 11/07/2024

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: Appointments to a Board/Committee/Commission:

Comprehensive Financial Advisory Committee: Chris King, as a regular member to a term expiring 06/30/2026; **Housing Committee:** Chris Beach, as a regular member to a term expiring 06/30/2025; **Mid Cape Cultural Council:** Rachel Jones, as a regular member to a term expiring 12/31/2026; **Shellfish Committee:** Timothy Hamel, as a commercial permitted member to a term expiring 06/30/2026; **Zoning Board of Appeals:** Natalie Pittinger, as an associate member to a term expiring 06/30/2026

VOTE: REFER TO SECOND READING ON 11/21/2024 – PASSES UNANIMOUS

2025-047 VOTE ON THE MERITS OF A CITIZENS' PETITION REQUESTING THAT THE TOWN COUNCIL VOTE TO REVOKE AND RESCIND THE ACTION TAKEN IN EXECUTIVE SESSION ON JUNE 13, 2024, APPROVING THE TERMS AND EXECUTION OF A CERTAIN "SIDE AGREEMENT" INTRO: 11/07/2024

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby vote to find that the citizens' petition submitted to it on August 22, 2024, requesting that the Town Council vote to "revoke and rescind the action taken in Executive Session on June 13, 2024 wherein the council, by a vote of 7-5, approved the terms and execution of a certain "Side Agreement", and to place that proposal on the council's agenda for consideration in open, public meetings of the Town Council", has merit.

VOTE: REFER TO PUBLIC HEARING ON 11/21/2024 – PASSES UNANIMOUS

VOTED TO ADJOURN:

VOTE: PASSES UNANIMOUS

Adjourned at 7:55 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk

NEXT MEETING: November 21, 2024

Exhibits:

A. Town Managers update