



# Town of Barnstable Town Council

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## MEETING AGENDA

### JAMES H. CROCKER, JR. HEARING ROOM

**December 19, 2019  
7:00 PM**

#### Councillors:

Paul Hebert  
President  
Precinct 3

Jessica Rapp Grassetti  
Vice President  
Precinct 7

Gordon Starr  
Precinct 1

Eric R. Steinhilber  
Precinct 2

Britt Beedenbender  
Precinct 4

David Bogan  
Precinct 5

Paul C. Neary  
Precinct 6

Debra S. Dagwan  
Precinct 8

Tracy Shaughnessy  
Precinct 9

Matthew Levesque  
Precinct 10

Kristine Clark  
Precinct 11

Paula Schnepf  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. TOWN MANAGER COMMUNICATIONS**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements**

Original posted 12/17/19@1:14pm.  
Updated on 12/18/19@ 11:15 to add  
Appointments to a  
Board/Committee/Commission

- **18-U Tier II National Bound Massachusetts State Hockey 2019 Champions**

#### **9. ORDERS OF THE DAY**

- A. Old Business**
- B. New Business**

- **Approval of 2020 Town Council Calendar of Meetings**

#### **10. ADJOURNMENT**

**NEXT REGULAR MEETING: January 2, 2020**

ITEM NO.	INDEX TITLE	PAGE
<b>A. OLD BUSINESS</b>		
2020-029	Amendment of the Zoning map of the Town of Barnstable, MA to amend and expand the Ground-Mounted Solar Photovoltaic Overlay District to include Parcels 013004, 013005, and 013052 (Public Hearing) (Roll Call 2/3).....	3-4
<b>B. NEW BUSINESS</b>		
2020-068	Appropriation and Transfer Order in the amount of <b>\$2.5 million</b> in Community Preservation Funds to increase the number and availability of community housing units in the Town of Barnstable (Refer to Public Hearing 01/23/20).....	5-6
2020-069	Authorization to accept, contract for and expend a grant in the amount of <b>\$23,570.00</b> from MassWildlife’s Habitat Management Grant Program (May be acted upon) (Majority vote).....	7-8
2020-070	Authorization to accept, contract for and expend a grant in the amount of <b>\$14,300</b> from the Massachusetts Department of Environmental Protection for the purpose of enhancing Waste Reduction Programs (May be acted upon) (Majority vote).....	9-10
2020-071	Authorization to accept, contract for and expend a grant in the amount of <b>\$154,140</b> to the Barnstable Council on Aging Division from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Adult Community Center (May be acted upon) (Majority vote) .....	11-12
2020-072	Authorization to accept, contract for and expend a Fiscal Year 2020 Traffic Enforcement Grant from the Executive Office of Public Safety and Security, Office of Grant and Research, Highway Safety Division in the amount of <b>\$16,000</b> for the purpose of conducting specific types of traffic enforcement mobilizations (May be acted upon) (Majority vote) .....	13-14
2020-073	Appointments to a Board/ Committee/ Commission: <b>Airport Commission:</b> John G. Flores, 83 Keveney Lane, Cummaquid, MA as a regular member to a term expiring 06/2021; <b>Land Acquisition and Preservation Committee:</b> Douglas Payson, 110 Commerce Road, Barnstable, MA as a regular member to a term expiring 06/2020; <b>Planning Board:</b> Aimee Guthinger, 27 Holly Hill Road, Centerville, MA as a regular member to a term expiring 06/2021; <b>Recreation Commission:</b> Nickolas Atsalis, 290 Elliott Road, Centerville, MA as a regular member to a term expiring 06/2022 (First Reading) .....	15

Approve Minutes; December 05, 2019

**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion 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 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, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-029**  
**INTRO: 09/19/19, 12/19/19**

**2020-029 AMENDMENT OF THE ZONING MAP OF THE TOWN OF BARNSTABLE MASSACHUSETTS TO AMEND AND EXPAND THE GROUND-MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT TO INCLUDE PARCELS 013004, 013005, AND 013052.**

**ORDERED:** That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

**SECTION 1**

That Chapter 240, Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to expand the Ground-Mounted Solar Photovoltaic Overlay District as shown on maps entitled;

- “Proposed Amendment to the Town Zoning Map Expanding the Ground Mounted Solar Photovoltaic Overlay District In Marstons Mills”
- “Proposed Amendment to the Marstons Mills Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District In Marstons Mills”

Dated July 10, 2019 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit.

**SPONSOR: ITEM TO BE WITHDRAWN**

DATE	ACTION TAKEN
<u>09/19/19</u>	<u>Refer to Planning Board</u>

\_\_\_\_\_

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2020-029**  
**INTRO: 09/19/19, 12/19/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Michael J. Ford, Esq. Attorney for TJA Solar through Elizabeth S. Jenkins, Planning & Development Director  
**DATE:** September 19, 2019  
**SUBJECT:** Zoning amendment to expand the Ground-Mounted Solar Photovoltaic Overlay District to include Parcels 013004, 013005, and 013052.

**SUMMARY:** This proposed amendment to the Ground-Mounted Solar Photovoltaic Overlay District (GMSPOD) would expand the GMSPOD to include 3 parcels of land located at 810 Wakeby Road in the Village of Marstons Mills, shown on Town of Barnstable Assessor Map 013 as Parcels 004, 005, and 052. The proposed area of expansion consists of approximately 19 acres of land previously and approximately 13 acres of which has been substantially disturbed. The site would continue to be located in the underlying RF Zoning District for all other potential uses.

**STAFF ASSISTANCE:** Elizabeth S. Jenkins, Director, Planning and Development

**B. NEW BUSINESS (Refer to Public Hearing 01/23/20)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-068  
INTRO: 12/19 /2019**

**2020-068 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**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Million Five Hundred Thousand (**\$1,500,000**) Dollars be appropriated and transferred from the set-aside for Community Housing Funds within the Community Preservation Fund and the sum of One Million (\$1,000,000) Dollars be appropriated and transferred from the undesignated amount 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 appropriation 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.

**SPONSOR:** Mark S. Ells, Town Manager upon recommendation of the Community Preservation Committee.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2020-068  
INTRO: 12/19 /2019

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** December 19, 2019  
**SUBJECT:** 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

**BACKGROUND:** The Affordable Housing/Growth & Development Trust Fund Board is seeking approval from the Town Council through the Town Manager for \$1.5 million in Community Preservation Community Housing Funds and \$1 million from the Community Preservation Undesignated Fund. At the September 16, 2019 Community Preservation Committee meeting, the seven members present voted 6 yes and 1 no for recommendation to the Town Council through the Town Manager, for the Affordable Housing/Growth & Development Trust Fund Board's request. Administered by the Trust, the purpose of this project is to increase the number and availability of community housing in Barnstable by both funding programs and projects and initiating same as well. This funding request represents a portion of the total project budget of \$2,673,814 with \$173,814 matching funds provided by the Trust. The Trust was established in 2007 by Town Council order 2007-158 with the purpose of providing for the preservation and creation of affordable housing and promoting sound and prudent economic development. With the increasing housing crisis and renewed sense of purpose, the Trust is preparing to shift to a proactive role in promoting and funding affordable housing in Barnstable. The Trust expects to fund a variety of projects such as: pre-development tasks, feasibility studies on town-owned land; programs to assist first-time homebuyers, gap funding to assist developers in the community, working together with affordable housing programs that are already in place. Maintenance of a reserve fund will allow the Trust flexibility to react to market real estate opportunities as they occur. The use of Community Preservation Act funds must be in accordance with the Community Preservation Act legislation to create, preserve, and support community housing. A provision within the Community Preservation Act legislation specifically allows the Trust to receive a portion of Community Preservation Funds. The project goals outlined by the Trust are consistent with the Local Comprehensive Plan, the Housing Production Plan, and the Town Council Strategic Plan.

**FISCAL IMPACT:** This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund. \$1.5 million of this request will be provided from the set-aside in the Community Preservation Fund for Community Housing which has a current balance of \$1,583,087 and \$1 million will be provided from the Community Preservation Fund's undesignated fund balance which has a current available balance of \$6,029,688.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager

**STAFF ASSISTANCE:** Lindsey Counsell, Chair, Community Preservation Committee

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-069**

**INTRO: 12/19/19**

**2020-069 AUTHORIZATION TO ACCEPT, CONTRACT FOR AND EXPEND A GRANT IN THE AMOUNT OF \$23,570.00 FROM MASSWILDLIFE'S HABITAT MANAGEMENT GRANT PROGRAM**

**RESOLVED:** That the Town Council hereby authorizes the Town Manager to accept, contract for and expend a grant in the amount of **\$23,570.00** from the MassWildlife Habitat Management Grant Program by the State of Massachusetts to conduct prescribed burning in an effort to improve pitch pine/oak woodland habitat at West Barnstable Conservation Area, located at #875 Service Road, West Barnstable (Map 086 Parcel 001).

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

## BARNSTABLE TOWN COUNCIL

ITEM# 2020-069

INTRO: 12/19/19

### SUMMARY

**TO:** Town Council  
**FROM:** Mark Ells, Town Manager  
**THROUGH:** Liz Hartsgrove, Assistant Director of Planning and Development  
**DATE:** December 19, 2019  
**SUBJECT:** Authorization to accept, contract for and expend a grant in the amount of **\$23,570.00** from MassWildlife's Habitat Management Grant Program

**BACKGROUND:** Mass Wildlife Habitat Management Grant Program award funding in the amount of \$23,570.00 has been secured to conduct prescribed burning in an effort to improve pitch pine/oak woodland habitat at West Barnstable Conservation Area near #875 Service Road, West Barnstable. Approximately 25-100 acres of the 1,275 acre Conservation area will be burned between March 1 and June 30, 2020, with a controlled low-flame fire. The Conservation Commission manages the land for recreation use, protection of open space, and wildlife habitat. This ecosystem depends on a periodic fire regime to maintain a native plant species composition and limit non-native and undesirable species. Regular surface fires provide habitat for a variety of wildlife, maximizing native plant and wildlife species biodiversity by creating a mosaic of successional stages. Without fire, large areas of forest within the West Barnstable Conservation Area will revert to a single successional stage, reducing overall biodiversity. Habitat will be significantly improved; creating habitat that will target game species and several "Species of Greatest Conservation Need." West Barnstable Conservation Area in West Barnstable was identified in the 2012 Barnstable County Wildfire Preparedness Plan as an extreme wildfire risk area. This prescribed burn will help reduce the fuel load and thereby reduce the chances of catastrophic wildfire.

**FISCAL IMPACT:** This is a cost reimbursement grant that requires the Town to expend the funds for the grant purpose and submit the expenditures to the state for reimbursement. No funding match is required by this grant program. The Town will support this grant through the dedication of staff time for project oversight and management. There are no impacts to the Town's operating budget.

**STAFF ASSISTANCE:** Darcy Karle, Conservation Administrator and Edwin Hoopes, Conservation Agent, Planning & Development Department



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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-070  
INTRO: 12/19/19**

**2020-070 AUTHORIZATION TO ACCEPT, CONTRACT FOR AND EXPEND A GRANT IN THE AMOUNT OF \$14,300 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF ENHANCING WASTE REDUCTION PROGRAMS**

**ORDERED:** That the Town Council hereby authorizes the Town Manager to accept, contract for and expend a grant award in the amount of **\$14,300** from the Massachusetts Department of Environmental Protection for the purpose of enhancing its waste reduction programs through the acquisition of recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other related expenses authorized in the Recycling Dividends Program (RDP) contract.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2020-070**  
**INTRO: 12/19/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director, Department of Public Works  
**DATE:** December 19, 2019  
**SUBJECT:** Authorization to accept, contract for and expend a grant in the amount of **\$14,300** from the Massachusetts Department of Environmental Protection for the purpose of enhancing Waste Reduction Programs

**BACKGROUND:** The Town has been awarded a **\$14,300** grant from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP). The grant award was made because of specific programs and policies the Town has implemented to maximize reuse, recycling and waste reduction.

**ANALYSIS:** The acceptance of this grant will allow the Solid Waste Division and the Town to enhance its waste reduction programs through the acquisition of recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other related expenses authorized in the Recycling Dividends Program (RDP) contract.

**FINANCIAL IMPACT:** There is no impact to the Town's operating budget and no matching requirement associated with this grant.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager requests favorable action by the Town Council.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director Department of Public Works;  
Patrick Kelliher, Supervisor, Solid Waste Division

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-071  
INTRO: 12/19/19**

**2020-071 AUTHORIZATION TO ACCEPT, CONTRACT FOR AND EXPEND A GRANT IN THE AMOUNT OF \$154,140 TO THE BARNSTABLE COUNCIL ON AGING DIVISION FROM THE EXECUTIVE OFFICE OF ELDER AFFAIRS TO SUPPORT STAFF SALARIES AND PROGRAMS OF THE BARNSTABLE ADULT COMMUNITY CENTER**

**RESOLVED:** That the Town Council hereby authorizes the Town Manager to accept, contract for and expend a grant in the amount of **\$154,140** received from the State Executive Office of Elder Affairs for the purpose of funding support staff salaries and elder programs at the Barnstable Adult Community Center.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move / Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2020-071**  
**INTRO: 12/19/19**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** December 19, 2019  
**SUBJECT:** Authorization to accept, contract for and expend a grant in the amount of **\$154,140** to the Barnstable Council on Aging Division from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Adult Community Center

**RATIONALE:** The Executive Office of Elder Affairs awards municipalities in Massachusetts an annual formula grant based on the census of residents aged 60 and above in each town. Based on 2010 census data, there were 12,845 residents over the age of 60 in the Town of Barnstable. The FY20 award is \$12 per older adult which will result in a total award of \$154,140.

Formula grant funding assists the Barnstable Council on Aging Division in maintaining adequate personnel to ensure sustained delivery of our programs and services. This year's grant will fully fund our Activity Coordinator, Marketing & Events Coordinator and also partially fund our Transportation Coordinator, part-time Van Driver, part-time Division Assistant and Custodian positions. Formula grant funds will also be used to offset other operating expenses including newsletter mailings, program supplies and repairs and maintenance of our vehicles.

We are extremely grateful to the Executive Office of Elder Affairs and the Commonwealth of Massachusetts for their continued support of the needs of older adults in our community.

**FISCAL IMPACT:** There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. The elimination of this grant in the future would require the Town to move the costs funded through the grant to the General Fund operating budget in order to maintain service levels.

**STAFF ASSISTANCE:** Madeline Noonan, Director, Council on Aging

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2020-072  
INTRO:12/19/19**

**2020-072 AUTHORIZATION TO ACCEPT, CONTRACT FOR AND EXPEND A FISCAL YEAR 2020 TRAFFIC ENFORCEMENT GRANT FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION IN THE AMOUNT OF \$16,000 FOR THE PURPOSE OF CONDUCTING SPECIFIC TYPES OF TRAFFIC ENFORCEMENT MOBILIZATIONS**

**RESOLVED:** That the Town Council hereby authorizes the Town Manager to accept, contract for and expend a Traffic Enforcement Grant in the amount of **\$16,000** from the Executive Office of Public Safety and Security, Highway Safety Division for the purpose of traffic enforcement mobilizations.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rational
- Council Discussion
- Move/Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2020-072  
INTRO:12/19/19

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Matthew K. Sonnabend, Chief of Police  
**DATE:** December 19, 2019  
**SUBJECT:** Authorization to accept, contract for and expend a Fiscal Year 2020 Traffic Enforcement Grant from the Executive Office of Public Safety and Security, Office of Grant and Research, Highway Safety Division in the amount of **\$16,000** for the purpose of conducting specific types of traffic enforcement mobilizations

**BACKGROUND:** The Department applied for and was awarded this grant in the amount of \$16,000, with initial funding limited until further notice of \$12,000, but will be increased incrementally over the grant period to the maximum amount of \$16,000. This initial funding will enable the Traffic Division to participate in the first of five traffic mobilizations designed to target specific area of concern with motorists as follows:

1. Winter Impaired Driving Focus (December 10 – January 20, 2020)
2. Speed (March 6 - 22, 2020 and June 11-July 5, 2020)
3. Distracted Driving (April 1 - 30, 2020)
4. Click It or Ticket (May 14 – 31, 2020)
5. Summer Impaired Driving Focus (August 2020)

This grant helps to raise awareness of both traffic safety challenges involving drinking and driving, distracted driving, and seatbelt usage.

**GRANT DETAIL:** \$16,000 of this grant award is allocated entirely to traffic enforcement.

**ANALYSIS:** Acceptance of this grant will assist the Department in the continuance of these important traffic safety mobilizations.

**FISCAL IMPACT:** This grant entirely funds the overtime costs of conducting the five mobilizations. There is no required match and the overtime costs of the grant will be reimbursed following the completion of each mobilization.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends acceptance of this grant.

**STAFF ASSISTANCE:** Matthew K. Sonnabend, Chief of Police; Anne Spillane, Barnstable Police Department

**B. NEW BUSINESS (First Reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2020-073**  
**INTRO: 12/19/19**

**2020-073 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Airport Commission:** John G. Flores, 83 Keveney Lane, Cummaquid, MA as a regular member to a term expiring 06/2021; **Land Acquisition and Preservation Committee:** Douglas Payson, 110 Commerce Road, Barnstable, MA as a regular member to a term expiring 06/2020; **Planning Board:** Aimee Guthinger, 27 Holly Hill Road, Centerville, MA as a regular member to a term expiring 06/2021; **Recreation Commission:** Nickolas Atsalis, 290 Elliott Road, Centerville, MA as a regular member to a term expiring 06/2022

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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