



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail : council@town.barnstable.ma.us

Original posted
03/14/2025@10:03
am. Updated on
03/18/2025 to add
Item 2025-146

TOWN COUNCIL MEETING AGENDA

March 20, 2025

6:00 pm

Councillors:

Craig Tamash
President
Precinct 4

Kris Clark
Vice President
Precinct 11

Gordon Starr
Precinct 1

Dr. Kristin Terkelsen
Precinct 2

Betty Ludtke
Precinct 3

John Crow
Precinct 5

Paul C. Neary
Precinct 6

Seth Burdick
Precinct 7

Jeffrey Mendes
Precinct 8

Charles Bloom
Precinct 9

Matthew P. Levesque
Precinct 10

Paula Schnepf
Precinct 12

Felicia Penn
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.lovell@town.barnstable.ma.us

The March 20, 2025, Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2nd Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

1. The meeting will be televised live via Xfinity Channel 8 or 1070 or High-Definition Channel 1072 or may be accessed via the Government Access Channel live stream on the Town of Barnstable's website:
<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to: <https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/TownCouncil/Agenda-Comment.asp>

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/84091898305> Meeting ID: 840 9189 8305
US Toll-free • 888 475 4499

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS (Pre-Recorded and available on Video on Demand on the Town website)

7. MINUTES

- ACT ON PUBLIC SESSION MINUTES: March 06, 2025

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

- Workshop on Stretch Code and Potential Green Communities Designation
Barry J. Sheingold, Chair, Infrastructure and Energy Committee

9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: April 03, 2025

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2025-060	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to revise the definition of Accessory Dwelling Unit (ADU) and to revise use and dimensional requirements, floor area definition, and clarify parking restrictions and no owner-occupancy requirement for ADU's (Public Hearing) (Roll Call Majority Vote Full Council)	3-8
2025-083	Appropriation Order in the amount of \$160,000 to fund the due diligence efforts needed to assist the Town Council in its evaluation of a potential acquisition by the town of the property located at 0, 167 and 177 Pleasant Street in Hyannis (Public Hearing) (Roll Call Majority Vote Full Council)	9-10
2025-140	Order confirming the longstanding recreational uses of a portion of Wianno Avenue, known as the Wianno Avenue Town Landing, and dedicating the town landing to these uses subject to the protections of Article 97 of the amendments to the State Constitution (May be acted upon) (Majority Vote)	11-14
2025-141	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 121 Licensing to delegate authority to the Town Manager to act on petitions for grants of location for gas lines and associated infrastructure (Public Hearing) (Roll Call Majority Vote Full Council)	15-16
2025-143	Order approving amendments to the Town Council Rules (May be acted upon) (Majority Vote)	17-64
B. NEW BUSINESS		
2025-144	Authorization to contract for and expend a supplemental Fiscal Year 2024 HousingWorks Infrastructure Grant in the amount of \$298,200 from the Commonwealth of Massachusetts, Executive Office of Housing and Livable Communities (May be acted upon) (Majority vote)	65-66
2025-145	Authorization to contract for and expend a Fiscal Year 2025 Land Conservation Assistance Grant in the amount of \$20,000 from the Executive Office of Energy and Environmental Affairs to update the Town's Open Space and Recreation Plan (May be acted upon) (Majority vote)	67-68
2025-146	Authorization to accept a gift from the Boy Scouts of America, Troop #52, and Scout David Ellis of a reflection tree and related items and services to be used to create a designated outdoor reflection area at the Barnstable Police Department Building in Hyannis (May be acted upon) (Majority vote)	69-71

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it votes, the Council may go into executive session. The Council may also act on items in an order other than as 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, it may be continued to a future meeting, and with proper notice.

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2025-060

INTRO: 12/05/2024, 02/06/2025, 03/06/2025, 03/20/2025

2025-060 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING TO REVISE THE DEFINITION OF ACCESSORY DWELLING UNIT (ADU) AND TO REVISE USE AND DIMENSIONAL REQUIREMENTS, FLOOR AREA DEFINITION, AND CLARIFY PARKING RESTRICTIONS AND NO OWNER-OCCUPANCY REQUIREMENT FOR ADUS

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

SECTION 1

By amending Article XIV, Section 240-128 by deleting the definition of “Accessory Dwelling Unit (ADU)” in its entirety and inserting the following new definition in its place:

ACCESSORY DWELLING UNIT (ADU)

An accessory dwelling unit (ADU) is a self-contained dwelling unit that provides complete independent living facilities for one or more persons, as outlined herein, including permanent provisions for living, sleeping, eating, cooking and sanitization, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum gross floor area that is not larger than 1/2 of the gross floor area of the principal single-family dwelling unit (exclusive of floor area that was converted to the ADU), or 900 square feet, whichever is smaller, unless special permit relief is granted with respect to the requirements of § 240-47.2C (4) with regard to square footage.

SECTION 2

By amending Article V Accessory Uses, Section 240-47.2 Accessory Dwelling Units (ADUs), by deleting subsection (C)(1) in its entirety and inserting the following new subsection (C)(1) in its place:

“(1) A Special Permit is required if an applicant is seeking more than one ADU in a single-family residential zoning district.”

SECTION 3

By further amending said Section 240-47.2 by inserting the following sentence after the second sentence in subsection (C)(3):

“The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress.”

SECTION 4

By further amending said Section 240-47.2 by deleting the word “habitable” wherever it appears in Subsection (C)(4) and replacing it with the word “gross” in each instance.

SECTION 5

By further amending said Section 240-47.2 by adding the following sentence at the end of Subsection (C)(7):

“No more than one additional parking space per ADU shall be required, provided that no additional parking shall be required when an ADU is located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.”

SECTION 6

By further amending said Section 240-47.2 by inserting the following new Subsection (C)(12) and by renumbering the existing Subsection (C)(12) as Subsection (C)(13):

“(12) The use of land or structures for an accessory dwelling unit shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling.”

SPONSOR: Craig Tamash, Town Council President, upon recommendation of the Planning Board

DATE	ACTION TAKEN
<u>12/05/2024</u>	<u>Referred to Planning Board</u>
<u>02/06/2025</u>	<u>Item pulled from 02/06 Agenda to readvertise for 03/06/2025 Agenda</u>
<u>03/06/2025</u>	<u>Public Hearing continued to 3/20/2025</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2024-060

INTRO: 12/05/2024, 02/06/2025, 03/06/2025, 03/20/2025

TO: Town Council
FROM: Craig Tamash, Town Council President
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: December 05, 2024
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to Revise the Definition of Accessory Dwelling Unit (ADU) and to Revise Use and Dimensional Requirements, Floor Area Definition, and Clarify Parking Restrictions and No Owner Occupancy Requirement for ADUs

RATIONALE: These items propose to amend the Town's Zoning Ordinance to address recent revisions to Chapter 40A of the General Laws, the State Zoning Act, as set forth in the Affordable Homes Act, which was signed into law on August 6, 2024, as Chapter 150 of the Acts of 2024. The Affordable Homes Act permits Accessory Dwelling Units (ADUs) to be built by-right in single family zoning districts. Barnstable already has an ADU Ordinance, but because certain of its provisions as currently written are now inconsistent with state law, those provisions need to be revised to bring them into conformance. The ADU changes to the State Zoning Act will supersede any inconsistent local ADU ordinance when the changes go into effect on February 2, 2025.

The Affordable Homes Act changes the definition of an ADU under Section 1A of Chapter 40A of the General Laws to clarify that the maximum size of an ADU is no more than half of the gross floor area of the principal dwelling, or 900 square feet, whichever is smaller; and that the ADU must maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress.

Section 3 of Chapter 40A was also amended to prohibit owner-occupancy requirements and to require that no more than one (1) additional parking space shall be required for an ADU. This section was further amended to require that no additional parking space shall be required for an ADU located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station. Finally, Section 3 provides that a Special Permit shall be required for more than one (1) accessory dwelling unit in a single-family residential zoning district. This item amends the ADU provisions in Barnstable's Zoning Ordinance to make them consistent with these changes to state law. The proposed changes are reflected in the red-lined changes to the Town's Zoning Ordinance attached to this memo.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

STAFF SUPPORT: James Kupfer, Director of Planning and Development; Corey Pacheco, Senior Planner; Brian Florence, Building Commissioner; Karen L. Nober, Town Attorney; Kathleen Connolly, Assistant Town Attorney

§ 240-128. Definitions.

In the interpretation of this chapter, the following words and terms are to be used and interpreted as defined herein unless the context otherwise requires:

ACCESSORY DWELLING UNIT (ADU) ~~An accessory dwelling unit (ADU) is a self-contained dwelling unit that provides complete independent living facilities for one or more persons, as outlined herein, including permanent provisions for living, sleeping, eating, cooking and sanitation, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum gross floor area that is not larger than 1/2 of the gross floor area of the principal single-family dwelling unit (exclusive of floor area that was converted to the ADU), or 900 square feet, whichever is smaller, unless special permit relief is granted with respect to the requirements of § 240-47.2C (4) with regard to square footage. Added 07/15/2021 by Order No. 2021-174; amended 07/15/2021 by Order No. 2021-175.~~ An accessory dwelling unit (ADU) is a self-contained dwelling unit that provides complete independent living facilities for one or more persons, as outlined herein, including permanent provisions for living, sleeping, eating, cooking and sanitation, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum gross floor area that is not larger than 1/2 of the gross floor area of the principal single-family dwelling unit (exclusive of floor area that was converted to the ADU), or 900 square feet, whichever is smaller, unless special permit relief is granted with respect to the requirements of § 240-47.2C (4) with regard to square footage.

§ 240-47.2. Accessory dwelling units (ADUs).

Purpose and intent. The intent of permitting accessory dwelling units (ADUs) is to: (1) Increase the number of dwelling units available for year-round rental in Town while remaining within our current wastewater capacity limitations;

(2) Adapt single-family residential properties so they are supportive of residents at a variety of stages in their life cycle;

(3) Encourage greater diversity and support of all populations with particular attention to young adults and senior citizens; and

(4) Encourage a more economic and efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and

(5) Provide homeowners with a means of obtaining rental income to defray housing costs.

Procedural requirements. (1) An ADU that conforms to the requirements contained herein shall be permitted as an accessory use to a lawful single-family dwelling use, except that no ADU shall be permitted on a lot at the same time either an affordable accessory apartment exists on that lot pursuant to Chapter 9, Article II, §§ 9-12 through 9-16, of the General Ordinances of the Code of the Town of Barnstable or as a family apartment exists on that lot pursuant to § 240-47.1.

(2) Prior to issuance of a building permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new buildings and improvements on a lot associated with a proposed ADU.

(3) The construction of any accessory dwelling unit must be in conformity with the federal, state, and local laws and regulations, including all historic, and Old King's Highway requirements if applicable.

Use and dimensional requirements. The Building Commissioner may issue a building permit authorizing the installation and use of an accessory dwelling unit within a lawful existing or new single-family dwelling to which the ADU is accessory, or in a new or existing detached building accessory to and on the same lot as the principal dwelling subject to the following:

(1) ~~No more than one ADU may be created per lot. This provision is not subject to variance. A Special Permit is required if an applicant is seeking more than one ADU in a single-family residential zoning district.~~

(2) If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.

(3) An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property. Any addition or new construction shall be consistent in design with the principal single-family dwelling, considering the following: architectural details, roof design, building spacing and orientation, door and window location, and building materials. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. Any person aggrieved by the determination of a Town official with respect to a determination under this subsection may appeal said determination to the Zoning Board of Appeals.

(4) The ADU shall contain no more than two bedrooms. ADUs, in accordance with the definition, shall have a maximum gross habitable floor area that is not larger than 1/2 of the gross habitable floor area of the principal single-family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller. ADUs with more than two bedrooms and/or a maximum gross habitable floor area greater than 900 square feet may be permitted by special permit from the Zoning Board of Appeals. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.

(5) Occupancy of the ADU shall not exceed two persons; occupancy limitations shall not apply to children ages 18 and under. Occupancy of an ADU by more than two persons over the age of 18 may be permitted by special permit from the Zoning Board of Appeals.

(6) Once an ADU has been added to a single-family dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section.

(7) All parking for the ADU shall be off street. No more than one additional parking space per ADU shall be required, provided that no additional parking shall be required when an ADU is located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.

(8) The Board of Health must have documented to the Building Commissioner that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and accessory dwelling unit shall meet all wastewater requirements for the combined number of bedrooms/wastewater flow on the lot. If the property is served by municipal sewer, the Department of Public Works shall certify adequate capacity is available to serve the additional unit.

(9) The rights and requirements of this section hereby transfer upon the sale of a property containing an ADU built under the provisions of this section.

(10) An ADU and the principal dwelling to which it is accessory may be rented only in accordance with the terms of this section.

(11) An ADU shall be used only as a rental, except that the owner of the property may reside in the ADU while renting the principal dwelling. The rental period for an ADU and for a principal dwelling shall not be shorter than 12 consecutive months. Either the principal dwelling or ADU, but not both, may be rented at any given time.

~~(11)~~(12) The use of land or structures for an accessory dwelling unit shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling.

~~(12)~~(13) Any commercial use, with the exception of permitted home occupations, shall not be allowed on a property on which there is an ADU.

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-083
INTRO: 03/06/2025, 03/20/2025**

2025-083 APPROPRIATION ORDER IN THE AMOUNT OF \$160,000 TO FUND THE DUE DILIGENCE EFFORTS NEEDED TO ASSIST THE TOWN COUNCIL IN ITS EVALUATION OF A POTENTIAL ACQUISITION BY THE TOWN OF THE PROPERTY LOCATED AT 0, 167 AND 177 PLEASANT STREET IN HYANNIS

ORDERED: That the amount of **\$160,000** be appropriated from the General Fund reserves for the purpose of funding initial due diligence efforts needed to effectively assist the Town Council in its evaluation of a potential acquisition by the Town of the property located at 0, 167 and 177 Pleasant Street in Hyannis, with such efforts to include, but not be limited to, architectural building evaluation, architectural code evaluation, building hazardous materials testing, site surveys, waterfront infrastructure assessments, architectural staff costs and environmental permitting review.

SPONSOR: Mark S. Ells, Town Manager, at the request of Felicia Penn, Councilor, Precinct 13

DATE	ACTION TAKEN
<u>03/06/2025</u>	<u>Refer to Public Hearing 03/20/2025</u>

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2025-083
INTRO: 03/06/2025, 03/20/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: February 27, 2025
SUBJECT: Appropriation Order in the amount of **\$160,000** to fund the due diligence efforts needed to assist the Town Council in its evaluation of a potential acquisition by the town of the property located at 0, 167 and 177 Pleasant Street in Hyannis

BACKGROUND: The property owner of 0, 167 and 177 Pleasant Street, which is comprised of three parcels identified by the Town of Barnstable Assessor Maps as Map 326 Parcel 050, Map 326 Parcel 051, and Map 326 Parcel 145, (collectively, the “Property”) at the Hyannis Inner Harbor, has approached the Town about a potential sale to the Town of the Property, including all structures, piers, and other existing improvements. A comprehensive review of the Property, as part of prudent due diligence, would allow the Town Council to better understand the Property’s current condition and needs, and the effect of both on the Property’s present value and future capital funding requirements. This due diligence would be needed for Town staff to provide the necessary information to the Town Council for the Town Council to consider as it deliberates and makes a decision concerning the Town’s possible acquisition of the Property. Town staff have prepared a scope of work with associated costs for such due diligence efforts.

ANALYSIS: Purchasing a waterfront property involves a unique set of due diligence and cost considerations given the building’s age, infrastructure, location, and potential historical or regulatory challenges in a marine environment subject to potential climate change impacts. With that in mind, Town staff have reviewed and identified prudent tasks that should be completed as part of any due diligence effort. An appropriation would be needed to fund this due diligence effort.

The proposed scope of work for the due diligence efforts would include an architectural building evaluation, architectural code evaluation, building hazardous materials testing, site survey, waterfront infrastructure assessment, including the use of divers for underwater investigations, architectural staff soft costs, and environmental permitting review.

This appropriation request would fund only this initial due diligence. If funded, the results of this due diligence would assist the Town Council with deciding whether to direct Town staff to negotiate with the property owner regarding an acquisition of the Property. Further property, financial, market assessments and title certification costs may be necessary if the Town Council later directs Town staff to engage in negotiations to acquire the Property.

FINANCIAL IMPACT: Funding for this request will be provided from the General Fund reserves, which were last certified by the State as of July 1, 2024 at \$30,900,988.

STAFF SUPPORT: Planning & Development Department; Department of Public Works; Asset Management; Marine and Environmental Department; Inspectional Services Department; and Legal Department.

A. OLD BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2025-140

INTRO: 03/06/2025, 03/20/2025

2025-140 ORDER CONFIRMING THE LONGSTANDING RECREATIONAL USES OF A PORTION OF WIANNO AVENUE, KNOWN AS THE WIANNO AVENUE TOWN LANDING, AND DEDICATING THE TOWN LANDING TO THESE USES SUBJECT TO THE PROTECTIONS OF ARTICLE 97 OF THE AMENDMENTS TO THE STATE CONSTITUTION

WHEREAS, the Town Council hereby confirms that a portion of Wianno Avenue has been available and used for generations by residents of and visitors to the Town for public recreational purposes, including, without limitation, for travel and access to and use of its beach, public tidelands and Nantucket Sound for bathing, swimming, fishing, boating and other permissible uses of public trust lands; and

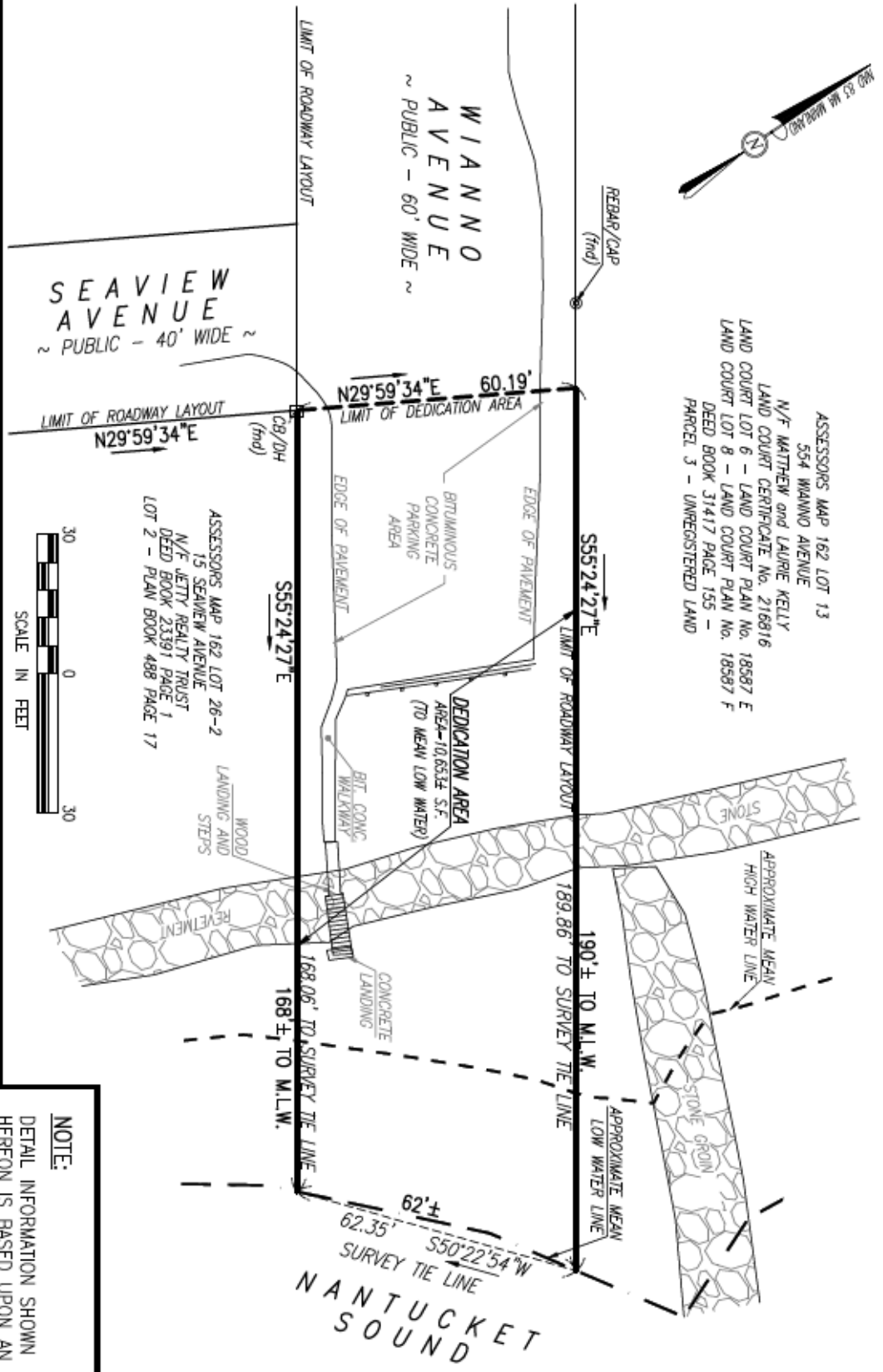
WHEREAS, said portion of Wianno Avenue has long been known as the Wianno Avenue Town Landing, referred to as a part of a Way to Water, and is more specifically identified as the “Dedication Area” containing 10,653± square feet as shown on a plan captioned “Wianno Avenue Landing Dedication Area Exhibit Plan”, dated January 29, 2025, and prepared by the Town of Barnstable, Department of Public Works, and attached hereto;

NOW, THEREFORE, IT IS ORDERED: In recognition of these longstanding public recreational uses, the Town Council, on behalf of the Town of Barnstable, hereby dedicates the Dedication Area to public recreational purposes, including, without limitation, for travel and access to and use of its beach, public tidelands and Nantucket Sound for bathing, swimming, fishing, boating and other permissible uses of public trust lands, and hereby declares that the Dedication Area is hereby subject to the protections afforded under Article 97 of the Amendments to the State Constitution. It is hereby further Ordered that the Dedication Area shall remain under the care and control of the Town Manager, and, consistent with this Order, the Town Manager may continue to maintain and set rules and regulations for the use of the Dedication Area; and this Order shall not be construed to enlarge, diminish or modify the Town’s property interest and rights in the Dedication Area; and that the Town Manager is authorized to take any action necessary to implement this Order, including without limitation, filing an affidavit or other document with the Registry of Deeds for notice of this Order and the Town’s dedication hereunder.

SPONSOR: Councilor John R. Crow, Precinct 5

DATE	ACTION TAKEN
<u>03/06/2025</u>	<u>Refer to Public Hearing 03/20/2025</u>

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Vote



ASSESSORS MAP 162 LOT 13
 554 WIANNO AVENUE
 N/F MATTHEW and LAURIE KELLY
 LAND COURT CERTIFICATE NO. 216816
 LAND COURT LOT 6 - LAND COURT PLAN NO. 18587 E
 LAND COURT LOT 8 - LAND COURT PLAN NO. 18587 F
 DEED BOOK 31417 PAGE 155 -
 PARCEL 3 - UNREGISTERED LAND

ASSESSORS MAP 162 LOT 26-2
 15 SEAVIEW AVENUE
 N/F JETTY REALTY TRUST
 DEED BOOK 23391 PAGE 1
 LOT 2 - PLAN BOOK 488 PAGE 17



**WIANNO AVENUE LANDING
 DEDICATION AREA
 EXHIBIT PLAN**

SCALE: 1" = 30'
 DATE: JANUARY 29, 2025
 JOB NO: 24-020

TOWN OF BARNSTABLE
 Department of Public Works
 Administration & Technical Support
 382 Falmouth Road, Hyannis, MA 02601
 Phone: (508) 790-6400
<https://www.barnstable.ma.us>



NOTE:
 DETAIL INFORMATION SHOWN
 HEREON IS BASED UPON AN
 ON THE GROUND SURVEY
 PERFORMED BY TOWN OF
 BARNSTABLE DPW SURVEY
 SECTION DURING JANUARY OF
 2025.

M.L.W. = MEAN LOW WATER

BARNSTABLE TOWN COUNCIL

ITEM# 2025-140

INTRO: 03/06/2025, 03/20/2025

SUMMARY

TO: Town Council
FROM: Thomas J. LaRosa, First Assistant Town Attorney
THROUGH: Mark S. Ells, Town Manager
DATE: March 06, 2025
SUBJECT: Order confirming the longstanding recreational uses of a portion of Wianno Avenue, known as the Wianno Avenue Town Landing, and dedicating the town landing to these uses subject to the protections of Article 97 of the Amendments to the State Constitution

BACKGROUND:

Wianno Avenue is a Town public way allowing travel along its entire length. At its southerly end, vehicular travel on the paved roadway turns onto Seaview Avenue. However, the roadway layout for Wianno Avenue extends further, as it has since its creation in the late 1800s, to Nantucket Sound. This portion of the public way, between Seaview Avenue and Nantucket Sound, has long been used as a Town Landing and has been referred to as a part of a “Way to Water.” The involved area contains 10,653± square feet, being more specifically identified as the “Dedication Area” on the plan captioned “Wianno Avenue Landing Dedication Area Exhibit Plan”, dated January 29, 2025, and prepared by the Town of Barnstable, Department of Public Works and attached to the Order.

For generations, this area has been used for recreational purposes and has provided public access to the beach, public tidelands and Nantucket Sound for recreational boating, swimming and fishing and otherwise exercising permissible public trust rights. These uses of the Town Landing are consistent with those protected under Article 97 of the Amendments to the State Constitution (“Article 97”). Residents and others familiar with the Town Landing and its historic uses may have assumed the area was protected already under Article 97.

The Legal Department was asked whether the Town Landing is protected already under Article 97 and, if not, what steps would be required to provide that protection. Following review, the Legal Department found that these historic uses are of the type that would qualify for protection under Article 97. However, while one could argue that the area might be protected already based on its historic use, we also believe an argument could be made that the Town may not have taken the appropriate action to dedicate this area to Article 97 protection in a manner that court opinions would recognize as sufficient. Action by the Town Council would definitively resolve the issue.

ANALYSIS: If the Town seeks to confirm the historical use and ensure protection for the Town Landing under Article 97, the Town should take action to do so by dedicating this area for protection under Article 97. Court opinions provide that such action must indicate, based on the totality of the circumstances, a clear and unequivocal intent to dedicate the area to Article 97 purposes. The Town Council’s Order, if passed under this item, would be that action. The Order would not change the Town’s property interest in the Town Landing. Instead, the Order would recognize and confirm the longstanding recreational uses of the Town Landing and dedicate the area to those purposes for protection under Article 97. If the Town Council passes the Order, then any change of use of or disposition of an interest in the Town Landing, such as an easement, would require approval of the State

Legislature by a two-thirds roll-call vote of each branch. Following the Town Council's approval, the Legal Department would record an affidavit or other document, signed by the Town Manager, at the Registry of Deeds to provide notice on the record of the Order and the area's protection under Article 97.

FINANCIAL IMPACT: None

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this item.

STAFF ASSISTANCE: Thomas J. LaRosa, First Assistant Town Attorney

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-141
INTRO: 03/06/2025, 03/20/2025**

2025-141 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 121 LICENSING TO DELEGATE AUTHORITY TO THE TOWN MANAGER TO ACT ON PETITIONS FOR GRANTS OF LOCATION FOR GAS LINES AND ASSOCIATED INFRASTRUCTURE

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 121 Licensing be amended by inserting in Section 121-6(J) a new line after

“Pole location permits for utility wires 166 22”

that reads as follows:

“Location permits for gas lines and related infrastructure 164 70”

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>03/06/2025</u>	<u>Refer to Second Reading 03/20/2025</u>

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2025-141

INTRO: 03/06/2025, 03/20/2025

SUMMARY

TO: Town Council
FROM: Thomas J. LaRosa, First Assistant Town Attorney
THROUGH: Mark S. Ells, Town Manager
DATE: March 06, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 121 Licensing to delegate authority to the Town Manager to act on petitions for grants of location for gas lines and associated infrastructure

BACKGROUND: The Town Manager, supported by the Department of Public Works (DPW), routinely issues grants of locations involving poles, wires and conduits for the transmission of electricity or intelligence in accordance with G.L. c. 166, section 22. The Town Manager does so under delegated authority from the Town Council pursuant to Section 2-9 of the Charter and Section 121-6(J) of the Town Code. The Council has delegated authority to the Town Manager and other town officials for an array of license authorizations under Section 121-6 of the Code. However, following National Grid's recent inquiry regarding two projects, we realized that the Code does not include an explicit delegation of authority for grants of locations for gas projects. Accordingly, at its meeting on February 6, 2025, under Item No. 2025-060, the Council delegated authority to the Town Manager to act on and issue grants of locations for the two projects.

At that time, we noted that now that this gap in delegated authority had been identified, we planned to return to the Council with a proposed amendment to Section 121-6(J) of the Code that would delegate authority to the Town Manager for future requests for grants of locations for gas projects. The proposed amendment would allow the Town Manager to efficiently handle these requests in the same way as the Town presently handles grants of location for poles, wires and conduits for the transmission of electricity or intelligence.

ANALYSIS: The vote would amend Section 121-6(J) of the Code of the Town of Barnstable to delegate authority to the Town Manager to act on petitions for grants of location for gas lines and associated infrastructure. If approved, the Town Manager, supported by the DPW, would handle requests involving grants of location for gas infrastructure in the same way as handled for grants of location for poles, wires and conduits for the transmission of electricity or intelligence.

FINANCIAL IMPACT: None

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this item.

STAFF ASSISTANCE: Thomas J. LaRosa, First Assistant Town Attorney

A. OLD BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2025-143

INTRO: 03/06/2025, 03/20/2025

2025-143 ORDER APPROVING AMENDMENTS TO THE TOWN COUNCIL RULES

ORDERED: That the Town Council does hereby amend the Town Council Rules, as most recently amended on October 3, 2019, by striking the Rules in their entirety and inserting the Town Council Rules of Procedure, dated February 10, 2025, attached hereto, in place thereof.

SPONSORS: Councilors Kris Clark, Craig Tamash, Seth Burdick, Betty Ludtke and Kristin Terkelsen, as Chair and members, respectively, of the Town Council Ad Hoc Committee to Review Town Council Rules and the Town Code

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2025-143

INTRO: 03/06/2025, 03/20/2025

SUMMARY

TO: Town Council
FROM: Kris Clark, Chair, Ad Hoc Committee to Review Town Council Rules and Town Code
DATE: March 06, 2025
SUBJECT: Order Approving Amendments to the Town Council Rules

BACKGROUND: The Ad Hoc Committee to Review Town Council Rules and Town Code has been meeting regularly since June 4, 2024 and is recommending for Town Council approval a number of changes to the current version of the Town Council Rules. In addition to substantive changes, certain sections and headings have been reorganized and renamed for clarity. While not an exhaustive list of every proposed change, the following is a summary of the key substantive changes that are being proposed:

- At the beginning of the Rules (now referred to as the Town Council Rules of Procedure), there is a new Subsection A, which sets forth a “Councilor Code of Conduct” and a new Subsection B, which addresses the use of Town phones and Town emails for the conduct of Town business by Councilors.
- While the Rules explicitly acknowledge that all meetings of the Town Council and Town Council committees are subject to the state Open Meeting Law (OML), the portion of the existing Rules which repeated verbatim the executive session provisions of the OML has been removed.
- A new rule (Rule 5C) has been added to address attendance and remote participation in Town Council meetings. The recently adopted Town Council Policy on Remote Participation is referenced in Rule 5C and will be included as an attachment to but not an integral part of the Rules, which will allow that policy to be amended separately without requiring an amendment to the Rules. Rule 5C addresses how technical problems will be handled if they affect the ability of a Councilor to participate remotely in a meeting.
- Rule 5E – “Agenda Setting” incorporates, as a goal, the current practice of posting the agenda for a Thursday Town Council meeting by the preceding Friday.
- Rule 5F – “Consent Agenda” is a newly added rule.
- The Rule addressing Public Comment (Rule 5H) has been revised to include a statement to be made by the presiding officer at the beginning of the public comment portion of the meeting.
- Rule 6D – “Order of Motions” was revised to include information on each motion.
- Under the current Rule on Reconsideration, a Councilor who voted with the prevailing side may make a motion for reconsideration at the meeting at which the vote was taken or may give notice at that meeting that a motion for reconsideration will be made at the next regular meeting. If no such notice was given, the Rule would need to be suspended to allow a motion for reconsideration at the next meeting. As revised, the Rule on Reconsideration (Rule 6G) allows a Councilor to give notice at the next meeting that he or she plans to make a motion for reconsideration at the following meeting without any need for suspending the Rules.
- Rule 8A – “Votes” was rewritten to include a discussion of recusals.
- Rule 11A – “Committee Guidelines and Parameters” retains the rule that the Council President and Vice President shall not serve as chair or vice-chair of any committee but permits a

Councilor who is already serving as chair or vice-chair of an Ad-Hoc Committee to continue in that role if subsequently elected President or Vice-President of the Council. Similarly, Rule 11A retains the rule that the President shall be an ex-officio member of all committees of the Council, while explicitly clarifying that the President shall be a non-voting member, but provides that the President may continue to be a voting member of any Ad-Hoc Committee on which he or she serves if such service pre-dates his or her election as President. These changes are intended to prevent any disruption to the work of such committees, since these committees are time-limited in nature.

- Rule 11B – “Ad-Hoc Committees” sets forth the process for ad-hoc committees and retains the current rule which provides that the Town Council President designates the members of such committees that are established by vote of the Council. Rule 11B provides that such committees shall include Councilors and may include registered voters. The Rule provides that the chair of any such committee shall be selected by vote of the committee, but notes that the Council vote creating the committee may impose additional requirements for the selection of a chair (e.g., the Council may wish to require that a chair of a particular committee be a Councilor). In recognition of the staff resources needed to assist ad-hoc committees, Rule 11B limits the number of ad-hoc committees that may exist and meet during any given period to no more than 2, but allows the Council to override this rule to create up to 2 additional committees.
- Rule 12 – “Liaisons to Boards, Committees and Commissions of the Town” sets forth the role of Council liaisons.
- Rule 17 – “Suspension of Rules” was amended to require a 2/3 vote of the Councilors present and voting to suspend a Town Council rule (currently, suspending the rules may be done by majority vote), and clarifies that the Council may suspend a provision of a Town ordinance by the same process that would be required to amend such ordinance.

Finally, it should be noted that, although discussed by the committee, no change was recommended to the provision of the existing Rules which states that, in matters of parliamentary procedure not explicitly addressed elsewhere, particular emphasis shall be given to Mason’s Manual of Legislative Procedure (see Rule 6A “Parliamentary Guidelines”). The Council may wish to discuss whether Robert’s Rules of Order should replace Mason’s as its primary reference guide.

To assist you in your review, attached is the current version of the Town Council Rules, a clean version of the proposed Rules of Procedure (Updated 02/10/2025), and a redlined version showing the changes made from the current version to the proposed version.

FISCAL IMPACT:None

STAFF ASSISTANCE: Karen L. Nober, Town Attorney; Allison Cogliano, Assistant Town Attorney

TOWN COUNCIL RULES OF PROCEDURE (Updated 02/10/2025)

These Town Council Rules of Procedure (“Rules” or “Town Council Rules”) are adopted pursuant to Section 2.6(c) of the Town of Barnstable Home Rule Charter (“Charter” or “Town Charter”). Amending or repealing these Rules shall require two readings and a majority vote of the full Council.

A. COUNCILOR CODE OF CONDUCT

Councilors shall conduct themselves in a professional and peaceable manner during Town Council meetings. Discourse shall be marked by civility, openness and respect, even in the face of disagreement. Councilors shall not make comments that are personal in nature and shall not use insulting, threatening or abusive language. Councilors should conduct themselves in a manner that respects the orderly procedure of the meeting to assure the business of the Town is attended to as expeditiously as the deliberative process allows. To that end, discussion and debate shall focus on the agenda item being discussed or voted on until a decision is made or the discussion is postponed to a later time. Councilors shall not engage in private conversations during Council meetings, including texting or emailing each other during a meeting. Cell phones shall be silenced during Council meetings.

Councilors shall strive for openness and transparency in the performance of their duties. Councilors shall comply with the state Conflict of Interest Law, M.G.L. c. 268A, and comply with and complete the conflict of interest law education and training requirements. Councilors shall comply with the state Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and shall certify, as required, receipt of copies of the Open Meeting Law, the regulations and the Open Meeting Law Guide prepared by the Attorney General’s Office.

B. USE OF TOWN PHONES AND EMAIL

Upon election, all Town Councilors shall be assigned a Town cellphone and provided with a Town email account, and Councilors shall use the Town cellphone and Town email to conduct Town business to facilitate compliance with the state public records law. No Town resources shall be used for political purposes.

C. TOWN COUNCIL RULES

RULE 1 ELECTION OF COUNCIL OFFICERS

The first Town Council meeting in December shall be an organizational meeting. At that time, Councilors shall nominate a President and a Vice President, election of which shall take place at the next regular meeting. At the meeting at which the election takes place, time shall be allotted for speeches by each candidate, limited to five (5) minutes per candidate per office. Voting will be done by roll call. Each Councilor shall state the name of the candidate of their choice. If no candidate receives a majority, the candidate receiving the smallest number of votes shall be eliminated and balloting shall continue until one candidate receives a majority vote.

RULE 2 ROLE OF COUNCIL PRESIDENT

Except as set forth in Rule 11A, the President shall serve as a non-voting ex-officio member of all standing and ad-hoc committees of the Council. The President and Vice President shall designate

Councilors to serve as liaisons between the Council and Town boards, committees and commissions. (See Rule 11D.) The President of the Barnstable Town Council shall be the official head of the Town of Barnstable for all ceremonial purposes and may designate other Councilors to serve in this ceremonial capacity.

RULE 3 PRESIDING OFFICER

The President of the Town Council shall preside at the meetings of the Town Council. In the absence of the Council President, the Vice President shall preside; and in the absence of both, the Clerk of the Council shall designate a Councilor to serve as presiding officer in rotating precinct order.

RULE 4 DUTIES OF THE PRESIDING OFFICER (OR “CHAIR”)

The presiding officer shall take the chair at the hour at which the Council is to meet and call the meeting to order.

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. Questions of order subject to appeal to the Council, by any motion regularly seconded, shall be put as follows: “Shall the decision of the chair stand as the judgment of the Council?” The vote shall be a roll call, and it shall be decided in the affirmative by a majority vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the presiding officer, without further debate upon the question, shall require a roll call vote.

The presiding officer shall vote on all matters that come before the Council. The presiding officer may at any time, during the debate and otherwise, declare a recess for not more than ten minutes and such action shall not be subject to appeal nor shall any motions apply thereto.

The presiding officer may state facts, ask questions (without commenting or giving an opinion) and give opinions upon questions of order without leaving the chair. The presiding officer also may explain his or her vote. When the presiding officer exercises the right to debate, the gavel shall be passed to the Vice President for the duration of the debate on that matter. In the event that the Vice President is absent or chooses to debate, the Clerk of the Council shall designate a presiding officer in rotating precinct order.

RULE 5 MEETINGS OF THE COUNCIL

RULE 5A TIME AND PLACE OF MEETINGS; MEETING REQUIREMENTS

The time and place of regular meetings shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once a month. The time and place of regular meetings shall be published in December of each year for the following calendar year in accordance with the ordinance governing Council meetings (see Chapter 220 of the Town Code).

No regular meeting shall be scheduled on a solemn or legal holiday. (See Rule 5B – Regular Meeting Schedule, and Chapter 220 of the Town Code.)

Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any four or more members, by written notice. Said notice will include the meeting agenda,

including all agenda items and supporting documents, which will be delivered to the Town Clerk and to each Councilor at least forty-eight (48) hours in advance of the time set. No special meeting shall be scheduled on a solemn or legal holiday. The meeting notice for a special meeting of the Town Council shall be posted in accordance with the requirements of the Open Meeting Law.

Open Meeting Law: All meetings of the Town Council and of Town Council committees are subject to the state Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and the Open Meeting Law regulations, 940 CMR 29.00.

Executive Session: The Council may enter Executive Session only after the Council has first convened in Public Session, provided that notice of the Executive Session has been appropriately posted in accordance with the Open Meeting Law. The presiding officer shall make the motion to go into Executive Session, citing the reason for going into Executive Session and stating whether the Council will or will not return to Public Session after the Executive Session. The vote to go into Executive Session is a roll call vote, and all votes taken in Executive Session are roll call votes. The reason(s) for going into Executive Session must be a reason permitted under the Open Meeting Law.

RULE 5B REGULAR MEETING SCHEDULE

The Barnstable Town Council shall meet on two Thursdays each month, with every effort made to schedule those meetings on the first and third Thursdays, except in the months of July and August when only one meeting will be held on the third Thursday. Meetings shall conclude at 11:00 P.M, except that the subject at hand may be finished if it was ongoing at 11:00 P.M. Thereafter, the meeting may continue after 11:00 P.M. with a two-thirds vote of the Councilors present and voting. If a regular meeting date falls on a solemn or legal holiday, the President shall make every effort to reschedule such meeting to another Thursday but may choose another day if necessary and warranted by the circumstances. In addition, regular meetings may be rescheduled by the President if necessary and warranted by the circumstances, including, for example, lack of quorum on the scheduled meeting date. Every effort shall be made to reschedule any such meeting to another Thursday, but another date may be chosen if necessary and warranted by the circumstances. No town board, commission, or committee shall meet on a regularly scheduled meeting night of the Town Council.

RULE 5C ATTENDANCE; REMOTE PARTICIPATION

Except in emergencies, Councilors shall notify the Council President and the Council Administrator in advance if they will be absent from a Town Council meeting. At the beginning of the meeting, the presiding officer shall announce the names of any absent Councilors. Councilors shall make every effort to notify the Council President and Council Administrator if they anticipate that they will arrive late to a Council meeting. The presiding officer shall note the arrival of any Councilor who joins the meeting late. Any Councilor who is leaving the meeting early shall announce their departure, and the presiding officer shall note the Councilor's departure for the record.

To the extent permitted by state law, Councilors may participate remotely in Town Council meetings in accordance with the Town Council Policy on Remote Participation then in effect, subject to any amendment or revocation of that policy as may occur; provided that any such amendment or revocation shall not require an amendment of these Rules. (A copy of the Town Council Policy on Remote

Participation approved by the Council at its February 15, 2024 meeting (Item No. 2024-162) shall be attached to these Rules for informational purposes as Attachment A, but such Policy shall not be deemed to be an integral part of these Rules, and such attachment shall be removed, updated or replaced, as appropriate.)

If technical problems interrupt or prevent remote participation, the presiding officer will wait up to five (5) minutes to allow for the connection or reconnection prior to beginning or resuming the meeting. After waiting five minutes, the meeting shall continue even if the technical problems have not been resolved, but, at the discretion of the presiding officer, the meeting may be delayed for an additional reasonable period to allow for a further attempt to try to resolve the problems or the meeting may resume. In such case, the presiding officer may choose to skip certain agenda items while an attempt is made to resolve the problems. If the Councilor is disconnected, the fact and time shall be noted in the minutes. If the Councilor reconnects, the fact and time shall be noted in the minutes.

RULE 5D INTRODUCTION OF COUNCIL BUSINESS

No measure or non-measure shall be received or acted upon unless introduced by a member of the Council, Town Manager, or by petition as provided by the Town Charter. Every measure or non-measure appearing on the Council agenda shall, if appropriate, be accompanied by the approximate amount of cost involved, and other background information prior to being placed on the agenda.

MEASURE: A “measure” is any matter coming before the Council that is inherently legislative in nature, including, but not limited to, ordinances, charter amendments, appropriations, loan orders, lease approvals, certain contract approvals (e.g., contracts which are required by law to be approved by the Council), and eminent domain authorizations.

Measures require 2 readings.

NON-MEASURE: A “non-Measure” shall include any matter to come before the Council which is not specified to be a “measure” under the Charter, such as any matter which is executive, administrative or ministerial, or quasi-judicial in nature, including, but not limited to, appointments, resolutions, proclamations, tax classification votes, contract approvals that are not measures and petitions to the General Court.

RULE 5E AGENDA SETTING

The Council President, after consultation with the sponsoring Councilor and Town Manager, shall determine placement of business on the Council meeting agenda, or other appropriate disposition. The Council President shall set deadlines for the submission of agenda items by other Councilors, by the Town Manager, and by Town staff through the Town Manager, with the goal of posting the agenda for a Thursday meeting by the preceding Friday. The Council agenda, including the Town Manager’s Report, complete with documentation, shall be delivered to the Town Councilors and posted in accordance with the Open Meeting Law no later than 48 hours prior to the regular meeting of the Council.

RULE 5F CONSENT AGENDA

A Consent Agenda may be used to approve a grouping of agenda items with one vote and no discussion; provided that upon objection by any Councilor to the inclusion of one or more items in any particular Consent Agenda, the item or items shall be removed from the Consent Agenda for separate deliberation and vote by the Town Council; and provided, further, that separate public hearings and votes shall be held for agenda items requiring a public hearing.

RULE 5G ORDER OF BUSINESS

At every regular meeting of the Town Council, the order of business as set forth on the agenda shall be as follows; provided that matters may be taken out of order at the meeting at the discretion of the presiding officer:

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Public Comment
5. Council Response to Public Comment
6. Town Manager Report (which may be pre-recorded)
7. Act on Public Session Minutes
8. Communications from Elected Officials, Boards, Committees and Commissions, and Staff, Correspondence and Announcements
9. Orders of the Day
 - A. Old Business
 - B. New Business
10. Adjournment

RULE 5H PUBLIC COMMENT

At each regular meeting of the Council there shall be a period set aside for public comment. Any member of the public who wishes to participate in public comment shall be recognized by the presiding officer and shall be asked to state his/her name and, if a resident of Barnstable, asked to state the village in which they reside (if not a resident of Barnstable, they shall be asked to state their town of residence) for the record. Generally, public comment will be limited to three minutes for each individual speaking, but additional time may be granted at the discretion of the presiding officer. All remarks and questions shall be addressed to the Council as a whole, through the presiding officer, and not to any individual member. No member of the public may speak at a Council meeting without first being recognized by the presiding officer. The purpose of the public comment period is for the Council to hear comments from

the public, and not for the public to engage in discussions or debate with the Council or with any member of the audience. If any person persists in disorderly behavior after a warning from the presiding officer, the presiding officer may order the person to leave the meeting (see Open Meeting Law). At the beginning of public comment, a statement shall be read by the presiding officer or his or her designee substantially in the form set forth below:

I wish to remind everyone that no member of the public may speak without first being recognized by the Council President (or presiding officer). The public will have an opportunity to speak during the public comment portion of the meeting and during any public hearing on an agenda item.

You are free to express your thoughts, opinions and criticisms during public comment. However, your comments must be directed to the Council as a body, through the President of the Council (or presiding officer). You may not speak directly to any individual Councilor. You also should not be addressing your comments to anyone else in this room – not to Town staff and not to another member of the audience. Public comment is to be directed to the Council.

We also ask that the members of the public refrain from making audible comments during the meeting unless they have been recognized to speak by the Council President (or presiding officer). The Council President (or presiding officer) will request silence in the chamber if anyone ignores this rule.

RULE 6 PROCEDURAL MATTERS

RULE 6A PARLIAMENTARY GUIDELINES

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth, the charter, or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity and efficiency, in that order. In determining any parliamentary question, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Mason's Manual of Legislative Procedure, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.

RULE 6B QUORUM

One half of the total membership of the Town Council plus two shall constitute a quorum. A quorum for the current 13-member Council is nine (9).

RULE 6C ORDER OF SPEAKING; LENGTH OF SPEAKING

Councilors shall not speak without being recognized by the presiding officer except to call the previous question or to doubt the presence of a quorum. When two or more members request the floor at the same time, the presiding officer shall name the member who shall first be heard. During debate, no Council member shall speak to the same question more than once until all other members choosing to speak have spoken. The length of time that any member may discuss the subject on the floor of the Council shall be limited to three minutes, unless otherwise voted by the Council. When debate centers on committee reports, committee members may be recognized beyond the time limit to answer questions.

RULE 6D ORDER OF MOTIONS

(Note: See Rule 8A regarding quantum of votes.)

When a motion is under debate, the chair shall receive no motion except the following (in order of preference):

1. To adjourn
2. To take a recess (not debatable)
3. To lay on the table (not debatable)
4. For previous question (not debatable)
5. To limit or extend limits of debate (not debatable)
6. To postpone to certain date (debatable, but just the motion, not the main question) (may be amended but only as to the date)
7. To refer (to committee) (debatable; may be amended only as to the committee)
8. To amend (motion to amend a debatable question is debatable; motion to amend a question that is not debatable is not itself debatable)
9. To postpone indefinitely (motion is debatable and opens the main question to debate; has the effect of rejecting the main motion)
10. Leave to withdraw (not debatable; may be made at any time before voting has commenced; request for leave to withdraw, presiding officer asks if any objection, if none, motion is withdrawn; if there is an objection, then motion for leave to withdraw and vote on that motion)

RULE 6E PREVIOUS QUESTION

The previous question shall be put as follows: "I call the previous question" or "I move the question." All further amendments or debate on the main question shall be suspended until the previous question has been decided by a two-thirds vote of the Councilors present and voting. If the motion to move the question passes, the Council shall immediately take a vote on the main question.

RULE 6F REFERRAL TO COMMITTEE

When a matter properly before the Council relates to a subject which may properly be examined and reported upon by an existing or new ad-hoc committee or standing committee of the Council, such matter shall, upon motion and a majority vote of the Council, be referred to such committee. Any matter may be referred to a standing committee, commission or board of the Town with appropriate jurisdiction for advice sought by the Town Council upon motion and a majority vote of the Council.

RULE 6G RECONSIDERATION

At any meeting at which a vote has been taken, it shall be in order for any Councilor who has voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the Council. In addition, any Councilor who has voted with the prevailing side may make a motion for reconsideration at the next regular meeting of the Council following the vote; provided, that if such motion for reconsideration was not noticed on that next regular meeting's agenda, then any such Councilor shall give notice that a motion for reconsideration shall take place at the following regular meeting of the Council. The vote for reconsideration shall be open to debate. The debate shall be limited to twenty minutes. A motion to reconsider requires a majority vote

RULE 7 MATTERS REDUCED TO WRITING

Any substitute motion or amendment shall be in writing when the presiding officer so directs or any member so requests. All substitute motions and amendments shall be written and given to the Clerk of the Council to assure accuracy of the minutes.

RULE 8 VOTING

RULE 8A VOTES

Except as otherwise provided by the General Laws of the Commonwealth, the Town Charter, Town ordinance (or these Town Council Rules, which are established pursuant to Section 2-6(c) of the Town Charter), any action taken by the Town Council requiring a vote shall be by a majority of the Councilors present and voting.

No vote shall take place unless a quorum of the Council is present (abstentions count toward the quorum but are not considered votes; recusals do not count towards the quorum).

Councilors who need to recuse themselves should announce that they are recusing themselves and leave the room during the discussion and until the vote has been taken. If participating remotely, Councilors who need to recuse should announce their recusal, turn off their cameras and mute themselves during the discussion and until the vote has been taken.

RULE 8B ROLL CALL

As required by the Town Charter, all final votes of the Town Council on ordinances, appropriation orders and loan authorizations shall be taken by roll call vote and shall be duly recorded by the Clerk of the Council. On other matters requiring a vote, a roll call may be requested by any Councilor. The order of the roll call voting shall be alphabetical and rotated after each vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the presiding officer, without further debate upon the question, shall require a roll call vote. All votes taken in Executive Session shall be roll call votes. All votes taken in meetings in which any Councilor is participating remotely shall be roll call votes.

When the question is put to a vote, every Councilor present shall vote yes, no, abstain, or pass. If a Councilor passes, his or her name will be called again at the end of the vote for his/her vote. Prior to the

announcement of the results of the roll call vote, any Councilor, at their request, may have his/her name called again to record him/her differently.

RULE 9 REJECTED MEASURES

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for its resubmission, unless resubmission is approved by a majority of the Council present and voting, or as otherwise provided by the Charter.

RULE 10 RECORD-KEEPING

Unless otherwise provided by the Town Council, the Town Clerk shall be the Clerk of the Council at regular meetings of the Council. The Assistant Town Clerk may serve in place of the Town Clerk. Said clerk shall keep a record of its proceedings and perform such duties as may be assigned by the Barnstable Home Rule Charter, by ordinance, or other Council vote. The Council Administrator shall prepare the meeting agenda and give notice of all meetings of the Town Council by transmitting a copy of the meeting agenda to its members and posting meeting notices for the public in accordance with the Open Meeting Law. Communications staff shall make best efforts to record on video all Public Sessions of Council meetings and post said video recordings on the Town website. The Town Council Administrator shall be the clerk of Town Council committee meetings.

RULE 11 COMMITTEES OF THE COUNCIL

RULE 11A COMMITTEE GUIDELINES AND PARAMETERS

After the organization of the Council, the President, subject to approval by the Council, may appoint members to standing committees of the Town Council. Appointments of Councilors to the Appointments Standing Committee shall be made in accordance with Section 37-3 of the Town Code. All Standing and Ad-Hoc Committees of the Council shall be advisory to the Town Council and shall take no actions that bind the Council. Committees shall follow a schedule of meetings to be coordinated through the Council Administrator, who will notify the Council President and post as required with the Town Clerk. The President and Vice President of the Council shall not serve as a chair or vice-chair of any committee of the Council, except that a Councilor already serving as chair or vice-chair of an Ad-Hoc Committee may continue in that role if subsequently elected as President or Vice-President of the Council.

The President shall be a non-voting ex-officio member of all committees of the Council, except that the President may continue to be a voting member of any Ad-Hoc Committee on which he or she serves if such service pre-dates his or her election as President. Meetings of committees may be called by the chair or upon the written request of two members of the committee. All committees of the Town Council shall keep records of proceedings, and a copy of said records shall be filed with the Town Clerk by the Council Administrator, within 30 days following each meeting. Committees have the right and obligation to be creative, offer opinions, minority opinions, produce documents, communicate and participate with town departments/agencies, other government agencies and the general public, subject to the rules and procedures of the Town Council, the Town Charter, the General Laws of the Commonwealth, or as otherwise voted by the Town Council. All new standing committees, boards and

commissions of the Town Council will be evaluated at the end of the first year, at which time a decision will be made by the Town Council whether to continue, disband, or change the entity.

RULE 11B AD-HOC COMMITTEES

The President of the Town Council may designate the members of ad-hoc committees that are established by vote of the Council, the members of which shall include Councilors and may include registered voters in the Town of Barnstable, as is deemed necessary. The chair of any such ad-hoc committee shall be selected by vote of the committee, except that the Council vote creating the committee may impose additional requirements. At the discretion of the committee, a vice-chair may be selected by vote of the committee. Ad-hoc committees shall be comprised of an odd number of members. The period of existence for an ad-hoc committee, as specified by the Town Council vote creating the committee, shall commence from the date of the first meeting of the committee. The Town Council shall limit the number of ad-hoc committees in existence and meeting during any given period to no more than two (2); provided, however, that the Town Council by majority vote of its members may override this rule and allow for the creation of up to two (2) additional ad-hoc committees.

The chair shall organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council. The Town Council Administrator shall record the minutes. Ad-hoc Committees shall have access to the Council Administrator under the direction of the Council President. Ad-hoc Committees shall work through their chair to have access to town agencies/departments or the schools, respectively, in order to avoid duplication of effort.

RULE 11C STANDING COMMITTEES

Standing committees shall select a chair who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council, town agencies, other government agencies, and the general public. A clerk shall be appointed from the committee to record the minutes.

RULE 12 LIAISONS TO BOARDS, COMMITTEES AND COMMISSIONS OF THE TOWN

In accordance with Section 241-8 of the Town Administrative Code, the President and Vice President shall designate each Councilor as the Council liaison to one or more of the multiple-member bodies of the Town. As set forth in said Section 241-8, each Council liaison shall meet with the chair of the board, committee or commission to which they serve as liaison to discuss and define an appropriate reporting relationship.

Council liaisons shall not participate in the deliberations or votes, nor shall they participate in or attend any executive session, of such board, committee or commission. Liaisons shall sit where the public are seated. Liaisons who wish to express a personal opinion shall do so during the public comment portion of the meeting in the same manner as other members of the public and shall state that they are speaking in their personal capacity. When recognized by the Chair, liaisons may ask questions and make comments during discussion and shall identify themselves as liaisons prior to the first instance of speaking, unless speaking in their personal capacity during public comment. Liaisons shall not commit the Council to a course of action and are not to speak on behalf of the Council.

Liaisons shall receive meeting postings, agendas, reports, and minutes from the other body. Liaisons shall attend or watch the meetings of the other body, as they deem appropriate, and should be familiar with the materials provided as above and maintain contact with the other body's Chair.

RULE 13 APPOINTMENTS - (Nominations by the Appointments Committee)

Appointments require 2 readings. Any Council action regarding appointments shall be acted upon at the regular meeting succeeding that in which said appointments were presented to the Council as a first read.

RULE 14 VACANCY IN OFFICE OF PRESIDENT OR VICE PRESIDENT

In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President. If a vacancy occurs in the office of Vice President, either because the Vice President can no longer serve or because the Vice President has assumed the powers and duties of the President, as set forth in the preceding sentence, the Council shall elect a new Vice President from among its members. The election of a new Vice President shall occur as soon as practicable but with the goal of ensuring that no office of the Council shall remain vacant for more than two regular meetings. The nomination and election process shall conform with the process set forth in Rule 1 above.

RULE 15 INQUIRIES AND INVESTIGATIONS

In accordance with and as set forth in Section 2-10 of the Town Charter, the Town Council may conduct inquiries or investigations.

INQUIRIES:

An inquiry may be called for by a majority vote of those present at a regular Council meeting. An inquiry shall be made through the Town Manager if it concerns areas under the Town Manager's authority, and specific questions asked shall be answered in a report by the Town Manager to the Council within 60 days. If independent expertise is needed, the Manager shall so notify the Council. If an inquiry is made into an area outside the Town Manager's area of authority, the Council may require such persons as described in Section 2-10 of the Charter to appear to give information or make a report within 60 days. In either case, a report may be considered final by the Council, or the Council may call for further information so that its questions may be answered.

INVESTIGATIONS:

If the Manager or other person(s) requested to make a report shall fail to do so, or if the Council finds that there has been unsatisfactory resolution of allegations of serious misconduct on the part of any Town officer, board or commission or their members, or if the Council finds that it needs information not readily forthcoming in order to make a determination, the Council may proceed with an investigation. Investigations are considered the last resort by the Council and should be entered into seriously and advisedly. The procedure to be taken shall be as follows:

1. A motion calling for an investigation shall clearly state in writing the purpose of the investigation and those persons, departments, or topics to be investigated. A resolution calling for an

investigation shall not be voted at the first meeting at which it is introduced. A two-thirds vote of the full Council shall be required in order to authorize an investigation to proceed.

2. The Council may, by an affirmative vote of a majority of the full Council, establish a three-person committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for completion of the committee's work, subject to review at the request of the committee. If the committee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council.

3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or quasi-judicial in nature. If the investigative committee is quasi-judicial in nature, it shall proceed substantially along the lines of an informal adversarial proceeding, including the right on behalf of any person who is the subject of the investigation to be represented by counsel and to confront and cross-examine witnesses. In such proceedings, witnesses shall be sworn, but the strict rules of evidence shall not apply. If the Council determines that the investigation is legislative in nature, the foregoing need not apply.

4. The Council may, consistent with existing ordinances and the Administrative Code, request the services of an independent attorney and/or other individuals qualified to conduct such an investigation who shall be engaged for the purposes of the inquiry or investigation, subject to approval by a majority of the full Council.

5. Funds for the employment of an independent attorney shall come from the Council's budget.

6. All meetings of the Council or its committee shall be held in accordance with the Open Meeting Law.

7. Preparation and serving of all subpoenas and letters of notice to witnesses and/or subjects of discussion shall be included in the duties of the legal counsel employed by the Town Council.

8. The proceedings of all public sessions of the committee meetings shall be recorded on video and provided to the full Council along with a copy of committee findings.

9. The committee will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The Council, by an affirmative vote of a majority of the full Council, will make the final determination and shall take any action it deems necessary, consistent with the General Laws, the Town Charter, Town ordinances, collective bargaining agreements and personnel rules and regulations.

RULE 16 AGENDA ITEMS

The following agenda items may be acted upon at a first reading:

Proclamations; Individual and Group Petitions; Resolutions; Transfer Orders, and other non-measures, except appointments

The following agenda items require a first and second reading:

Appointments; Appropriation Orders; Amendments to General and Zoning Ordinances, as well as Administrative Code and other Rules of the Town of Barnstable, including amendments to or repeal of the Town Council Rules of Procedure; Loan Authorizations; Supplemental Appropriations; and any other measures.

No debate shall take place at the first reading of any item requiring a second reading.

Certain items require public hearings, including, but not limited to, budget items, Capital Improvement Plan items, supplemental budget/appropriation items and ordinances.

RULE 17 SUSPENSION OF RULES

Upon a motion and an affirmative vote of two-thirds of the Councilors present and voting, any rule set forth in these Rules may be suspended in relation to a particular agenda item or for the duration of the Council meeting at which such vote is taken, provided that any requirement imposed by the Town Charter or the General Laws may not be suspended. The Council may suspend a provision of a Town ordinance by the same process that would be required to amend said ordinance.

ATTACHMENT A

[Attach Town Council Policy on Remote Participation then in effect]

TOWN COUNCIL RULES (Updated 10/3/19)

RULE 1 COUNCIL OFFICERS

The first Town Council meeting in December shall be an organizational meeting. At that time, the Council shall nominate a President and a Vice President, election of which shall take place on or before the next regular meeting. Time should be allotted for nomination speeches which would be limited to five (5) minutes per candidate per office. Voting will be done by roll call. Each councilor shall state the name of the candidate of their choice. If no candidate receives a majority, the candidate receiving the smallest number of votes shall be eliminated and balloting shall continue until one candidate receives a majority vote.

RULE 2 ROLE OF COUNCIL PRESIDENT

The President shall serve as ex-officio member of all Council Committees. The President may also be designated by the Council to be its representative to all boards and commissions. The President may delegate that responsibility in whole or in part to any member or members of the Council, subject to the approval of the Council. The President of the Barnstable Town Council shall be the official head of the Town of Barnstable for all ceremonial purposes, and may designate other councilors to serve in this ceremonial capacity. (In accordance with Rule 11B)

RULE 3 PRESIDING OFFICER

The President of the Town Council shall preside at the meetings of the Town Council. In the absence of the Council President, the Vice President shall preside; and in the absence of both, the Clerk of the Council shall designate a presiding chair in rotating precinct order. In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President. If a vacancy occurs in the office of Vice President, the Council shall elect a new Vice President from among its members before two regular meetings have passed. No office of the Council shall remain vacant for more than two regular meetings.

RULE 4 DUTIES OF THE PRESIDING OFFICER

The presiding officer shall take the chair at the hour at which the Council is to meet, and call the members to order. The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. Questions of order subject to appeal to the Council, by any motion regularly seconded, shall be put as follows: "Shall the decision of the chair stand as the judgment of the Council?" The vote shall be a roll call and it shall be decided in the affirmative by a majority vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the chair, without further debate upon the question, shall require a roll call vote. No decision shall be declared unless a quorum of the Council shall have voted. The presiding officer shall vote on all matters that come before the Council. The presiding officer may at any time, during the debate and otherwise, declare a recess for not more than ten minutes and such action shall not be subject to appeal nor shall any motions apply thereto. The presiding officer may state facts and give

opinions upon questions of order without leaving the chair. When the presiding officer exercises the right to debate, the gavel shall be passed to the Vice President for the duration of the debate on that matter. In the event that the Vice President is absent or chooses to debate, the Clerk of the Council shall designate a presiding chair in rotating precinct order.

RULE 5 MEETINGS

The time and place of regular meetings shall be published in December of each year for the following calendar year in accordance with the ordinance governing Council meetings.

RULE 5A MEETING DEFINITIONS

Regular meetings of the Town Council shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once monthly. (See Rule 5B) Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any five or more members, by written notice. [online code reads 220-2Special meetings.

Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any four or more members, by written notice. Said notice shall include agenda items and pertinent documents pertaining to those items which will be delivered to the Town Clerk and to each Councilor at least 48 hours in advance of the time set. No special meeting shall be scheduled on a solemn or legal holiday.

Said notice will include relevant agenda items and pertinent documents pertaining to those items which will be delivered to the Town Clerk and to each councilor's residence at least forty-eight hours in advance of the time set. Executive session may be entered only after the council has first convened in open session for which notice has been appropriately posted. The presiding officer cites the reason for going into executive session and calls for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate an executive session.

Purposes Warranting Executive Session:

1. To discuss the reputation, character, physical condition, or mental health, rather than professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least 48 hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights.

(a) To be present at such executive session during discussions or considerations which involving that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) To speak in his own behalf.

2. To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be 4 of 15 Amended TC Rules 11/06/14 cap waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) To be present at such executive session during discussions or considerations involving that individual.

(b) To have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.

(c) To speak in his own behalf. 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

4. To discuss the deployment of security personnel or devises.

5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

6. To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

7. To comply with the provisions of any general or special law or federal grant-in-aid requirements.

8. To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

9: To meet or confer with a mediator, as defined in section twenty three C of chapter two hundred and thirty three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that:

9(a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed,; and

(b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice may be required in this section.

(Adopted by TC Item 96-061, 1/4/96) (The above rules are extracted from MGL Chapter 39 Section 23B.)

RULE 5B MEETING SCHEDULE

The Barnstable Town Council shall meet on the first and third Thursdays of each month except in the months of July and August when meetings will be held on the third Thursday only. Meetings shall conclude at 11:00 P.M. The subject at hand could be finished if it was ongoing at 11:00 P.M. and the meeting could continue with a 2/3's vote of the council after 11 P.M. If a regular meeting date falls on a solemn or legal holiday, the president shall reschedule such meeting to the Thursday of the following week. No town board, commission, or committee shall meet on a regularly scheduled meeting night of the Town Council.

RULE 5C INTRODUCTION OF COUNCIL BUSINESS

No measure or non-measure shall be received or acted upon unless introduced by a member of the Council, Town Manager, or by petition as provided by the home rule charter. Every measure or non-measure, appearing on the Council agenda shall, if appropriate, be accompanied by the approximate amount of cost involved, and other background information prior to being placed on the agenda.

MEASURES:All matters to come before the Council that are inherently legislative in nature, including ordinances, charter amendments, appropriations, loan orders, lease approvals and eminent domain authorizations.

NON-MEASURES: Non-Measures shall include all matters to come before the council which are not specified to be measures such as any matter which is executive, administrative or ministerial, or quasi-judicial, including, without limitation, appointments, resolutions, proclamations, tax classification votes, contract approvals, and petitions to the General Court.

RULE 5D FILING DEADLINES FOR REGULAR MEETINGS

Any of the above items of business to be presented to the Town Council at its regular meeting for action shall be submitted in writing to the Administrative Assistant no later than 10:00 am, seven days, exclusive of Saturday and Sunday preceding the regular council meeting. The Council President and/or the Town Manager may in case of necessity, approve any additional items for inclusion in the agenda after said deadline. The Council President in consultation with the sponsoring councilor, Council Administrative Assistant and Town Manager shall determine placement of business on the Council meeting agenda, or other appropriate disposition. The Council agenda, including the Town Manager's Communication, complete with documentation shall be delivered to the Town Councilors no later than 48 hours prior to the regular meeting of the Council.

RULE 5E ORDER OF BUSINESS

At every regular meeting of the Town Council, the order of business shall be as follows:

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(Includes Executive Sessions)
 8. Communication from Elected Officials, Boards and Commissions and Staff, Correspondence, Announcements and Committee Reports
 9. Orders of the Day
 - A. Old Business
 - B. New Business
 10. Adjournment

(Adopted by Town Council Item 2006-010, 08/18/05)

(Adopted by Town Council 2007-067, 02/01/07)

(Adopted by the Town Council 2015-027, 11/06/14)

RULE 5F PUBLIC COMMENT

At each regular meeting of the Council there shall be a period set aside for public comment. Any member of the public desiring to address the Council may reserve a place on the agenda with the Council Administrative Assistant by 4:30 p.m. on the day of the Council meeting. Each person on the public comment docket shall be recognized by the chair, and shall state his/her name and address for the record. Other members of the public may also be heard at this time. Time allowed for public comment will be at the discretion of the chair. For the most part, public comment will be limited to three minutes for each individual speaking. All remarks and questions shall be addressed to the Council as a whole through the chair and not to any member thereof. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the Council without permission of the presiding officer. If any person persists in disorderly behavior after a warning from the presiding officer, the presiding officer may order the person to leave the meeting (in accordance with MGL CH. 39, S. 23C).

RULE 6 PARLIAMENTARY GUIDELINES

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth, the charter, or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity, and efficiency, in that order.

Indetermining any parliamentary question, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Mason's Manual of Legislative Procedure, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.

RULE 6A QUORUM

One half of the total membership of the Town Council plus two shall constitute a quorum. A quorum for the current 13-member council shall be eight (9).

RULE 6B ORDER OF SPEAKING; LENGTH OF SPEAKING

When two or more members request the floor at the same time, the presiding officer shall name the member who shall first be heard. During debate, no Council member shall speak to the same question more than twice until all other members choosing to speak have spoken. The length of time that any member may discuss the subject on the floor of the Council shall be limited to three minutes, unless otherwise voted by the Council. When debate centers on committee reports, committee members may be recognized beyond the time limit to answer questions.

RULE 6C ORDER OF MOTIONS

When a motion is under debate, the chair shall receive no motion except the following (in order of preference):

1. To adjourn
2. To take a recess
3. To lay on the table
4. For previous question
5. To limit or extend limits of debate
6. To postpone to certain date
7. To refer
8. To amend
9. To postpone indefinitely
10. Leave to withdraw

RULE 6D PREVIOUS QUESTION

The previous question shall be put as follows: "I call the previous question." All further amendments or debate on the main question shall be suspended until the previous question has been decided by a two-thirds vote.

RULE 6E REFERRAL TO COMMITTEE

When a matter properly before the Council relates to a subject which may properly be examined and reported upon by an existing or new ad hoc committee of the Council, such matter shall, upon motion and a majority vote of the Council, be referred to such committee. Any matter may be referred to a committee, commission or board for advice sought by Town Council.

RULE 6F RECONSIDERATION

At any meeting which vote has been taken, it shall be in order for any councilor who has voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the council. The vote for reconsideration shall be open to debate. The debate shall be limited to twenty minutes. A motion to reconsider requires a majority vote.

RULE 7 MATTERS REDUCED TO WRITING

Any substitute motion or amendment shall be in writing when the presiding officer so directs or any member so requests. All substitute motions and amendments shall be written and given to the Clerk of the Council to assure accuracy of the minutes.

RULE 8 VOTES

All action taken by the Town Council requiring a vote will be by a majority unless otherwise provided for in MGL, home rule charter, ordinance, or by rules set forth in the Policy and Procedures Manual of the Barnstable Town Council.

RULE 8A ROLL CALL

All final votes of the Town Council on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the town clerk. On other matters requiring a vote, a roll call may be requested by any councilor. The order of the roll call voting shall be alphabetical, and rotated after each vote.

Every councilor present when the question is put shall vote yes, no, abstention, or pass. If a councilor passes, his or her name will be called again at the end of the vote for his/her vote. Prior to the announcement of the roll call vote, any councilor may have his/her name called again to record him/her differently.”

RULE 9 REJECTED MEASURES

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for its resubmission, unless resubmission is approved by a majority of the Council present, or as otherwise provided by the charter.

RULE 10 RECORD KEEPING

Unless otherwise provided by the Town Council, the Town Clerk shall be the Clerk at regular meetings of the Council. The Assistant Town Clerk may serve in place of the Town Clerk. Said clerk shall keep a record of its proceedings and perform such duties as may be assigned by the Barnstable Home Rule Charter, by ordinance, or other council vote. The Council Administrative Assistant shall give notice of all meetings of the Town Council by transmitting a copy of the meeting agenda to its members and posting meeting notices for the public. Said Administrative Assistant shall also audio tape record all meetings and file said tapes with the Clerk of the Council. Said assistant shall coordinate with the Town Manager and/or any other committee currently in charge of the videotaping, to make sure that all meetings of the Town Council are videotaped. The Council Administrative Assistant shall be the clerk of workshops held by the Town Council. A transcription of a regular meeting, public hearing or debate, or any portion thereof may be requested through the Council Administrative Assistant, who shall arrange for the preparation of requested transcripts from tape recordings of meetings, hearings or debates.

RULES 11 COUNCIL COMMITTEES

After the organization of the Council, the President, subject to approval by the full Council, may appoint members to standing committees.

RULE 11A AD-HOC COMMITTEES

The President of the Town Council may designate such ad-hoc committees comprised of councilors or registered voters in the Town of Barnstable, as is deemed necessary.

RULE 11B COMMITTEE PARAMETERS AND GUIDELINES

All Committees shall be advisory to the Council and shall take no actions that bind the Council. Committees shall follow a schedule of meetings to be coordinated through the Council Administrative Assistant, who will notify the Council President and post as required with the Town Clerk. Standing committees shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council, town agencies, other government agencies, and the general public. A clerk shall be appointed from the committee to record the minutes. The President and Vice President of the Council shall not serve as a chairperson of any standing committee. Ad hoc committees shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council. A clerk shall be appointed from the committee to record the minutes. The President and Vice President of the Council shall not serve as a chairperson of any ad hoc committee. Ad Hoc Committees shall have access to the Council's Administrative Assistant under the direction of the Council officers. Ad Hoc Committees shall work through their chair to have access to town agencies/departments or the schools, respectively, in order to avoid duplication of effort. The President shall be an ex-officio member of all committees. Meetings of committees may be called by the chairperson or upon the written request of two members of the

committee. All committees of the Town Council shall keep records of proceedings, and a copy of said records shall be filed with the Town Clerk and the Council Administrative Assistant, within 30 days following each meeting. Committees have the right and obligation to be creative, offer opinions, minority opinions, produce documents, communicate and participate with town departments/agencies, other government agencies and the general public, subject to the rules and procedures of the Town Council, Barnstable Home Rule charter, MGL, or otherwise voted by the Town Council. All new committees, boards and commissions, will be evaluated at the end of the first year, at which time a decision will be made by the Town Council to continue, disband, or change the entity.

RULE 12 APPOINTMENTS - (Nominations by the appointments committee)

Any Council action regarding appointments shall be acted upon at the regular meeting succeeding that in which said appointments were presented.

RULE 13 COUNCIL VACANCY

A vacancy on the Council and or vacancy of an office on the Council shall be filled in accordance with Town Charter Section 2-5, and Council Rule 3.

RULE 14 INQUIRIES AND INVESTIGATIONS

Section 2-10 of the Charter gives the Town Council the authority to conduct inquiries or investigations: Section 2-10 - Inquiries and Investigations: The Town Council may require any town officer or member of a board or commission to appear before it, and give such information as it may require in relation to an office held by such person, its function, and performance. The Town Council shall give at least forty-eight hours written notice of the general scope of the inquiry which is to be made; to any person it shall require to appear before it under this section. The Town Council may make investigation into the affairs of the town and into the conduct of any town agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

INQUIRIES:

An inquiry may be called for by a majority vote of those present at a regular council meeting. An inquiry shall be made through the Town Manager, if it concerns areas under his authority, and specific questions asked shall be answered in a report by the Town Manager to the Council within 60 days. If independent expertise is needed, the Manager shall so notify the Council. If an inquiry is made into an area outside the Town Manager's area of authority, the Council may require such persons as mentioned in Section 2-10 to appear to give information or make a report within 60 days. In either case, a report may be considered final by the Council or the Council may call for further information so that its questions may be answered.

INVESTIGATIONS:

If the Manager or other person(s) requested to make a report shall fail to do so; or if the Council finds that there has been unsatisfactory resolution of allegations of serious misconduct on the part of any Town officer, board, or commission or its members; or if the council finds that it needs information not readily forthcoming in order to make a determination, the Council may proceed with an investigation. Investigations are considered the last resort by the Council and should be entered into seriously and advisedly. The procedure to be taken shall be as follows:

1. A motion calling for an investigation shall clearly state in writing the purpose of the investigation and those persons, departments, or topics to be investigated. A resolution calling for an investigation shall not be voted at the first meeting at which it is introduced. A two-thirds vote of the full Council shall be required in order to authorize an investigation to proceed.

2. The Council may, by an affirmative vote of the full council, establish a three-person Committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for completion of the subcommittee's work, subject to review at the request of the subcommittee. If the subcommittee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council. 14 of 15 Amended TC Rules 11/06/14 cap

3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or quasi-judicial in nature. If the investigative committee is quasi-judicial in nature, it shall proceed substantially along the lines of an informal adversarial proceeding, including the right on behalf of any person who is the subject of the investigation to be represented by counsel and to confront and cross-examine witnesses. In such proceedings, witnesses shall be sworn, but the strict rules of evidence shall not apply. If the Council determines that the investigation is legislative in nature, the foregoing need not apply.

4. The Council may, consistent with existing ordinances and the Administrative Code, request the services of an independent attorney and/or other individuals qualified to conduct such an investigation who shall be engaged for the purposes of the inquiry or investigation, subject to approval by a majority of the full Council.

5. Funds for the employment of an independent attorney shall come from the Council's budget.

6. All meetings of the Council or its subcommittee shall be held in accordance with the Open Meeting Law, MGL C. 39, S. 23B.

7. Preparation and serving of all subpoenas and letters of notice to witnesses and/or subjects of discussion shall be included in the duties of the legal counsel employed by the Town Council.

8. The proceedings of the meetings shall be recorded and transcribed verbatim and provided to the full Council along with a copy of subcommittee findings. Transcripts of meetings held in open session shall be made readily available to the public in a timely fashion.

9. The subcommittee will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The full Council will make the final determination and shall take any action it deems necessary, consistent with the General Laws, the Charter, collective bargaining agreements and personnel rules and regulations.

RULE 15 AGENDA ITEMS

The following agenda items may be acted upon at a first reading:

Proclamations; Free Petitions; Resolutions; Transfer Orders, and other non-measures, except appointments

The following agenda items require a first and second reading:

Appointments; Appropriation Orders; Amendments to General and Zoning Ordinances, as well as Administrative Code and other Rules of the Town of Barnstable; Group Petitions; Loan Authorizations; Supplemental Appropriations; and other measures.

No debate shall take place at the first reading of any item requiring a second reading

TOWN COUNCIL RULES OF PROCEDURE (Updated 02/10/3/192025)

These Town Council Rules of Procedure (“Rules” or “Town Council Rules”) are adopted pursuant to Section 2.6(c) of the Town of Barnstable Home Rule Charter (“Charter” or “Town Charter”). Amending or repealing these Rules shall require two readings and a majority vote of the full Council.

A. COUNCILOR CODE OF CONDUCT

Councilors shall conduct themselves in a professional and peaceable manner during Town Council meetings. Discourse shall be marked by civility, openness and respect, even in the face of disagreement. Councilors shall not make comments that are personal in nature and shall not use insulting, threatening or abusive language. Councilors should conduct themselves in a manner that respects the orderly procedure of the meeting to assure the business of the Town is attended to as expeditiously as the deliberative process allows. To that end, discussion and debate shall focus on the agenda item being discussed or voted on until a decision is made or the discussion is postponed to a later time. Councilors shall not engage in private conversations during Council meetings, including texting or emailing each other during a meeting. Cell phones shall be silenced during Council meetings.

Councilors shall strive for openness and transparency in the performance of their duties. Councilors shall comply with the state Conflict of Interest Law, M.G.L. c. 268A, and comply with and complete the conflict of interest law education and training requirements. Councilors shall comply with the state Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and shall certify, as required, receipt of copies of the Open Meeting Law, the regulations and the Open Meeting Law Guide prepared by the Attorney General’s Office.

B. USE OF TOWN PHONES AND EMAIL

Upon election, all Town Councilors shall be assigned a Town cellphone and provided with a Town email account, and Councilors shall use the Town cellphone and Town email to conduct Town business to facilitate compliance with the state public records law. No Town resources shall be used for political purposes.

C. TOWN COUNCIL RULES

RULE 1 ELECTION OF COUNCIL OFFICERS

The first Town Council meeting in December shall be an organizational meeting. At that time, ~~the Council~~Councilors shall nominate a President and a Vice President, election of which shall

take place ~~on or before~~ the next regular meeting. ~~Time should~~ At the meeting at which the election takes place, time shall be allotted for ~~nomination~~ speeches ~~which would be by each candidate~~, limited to five (5) minutes per candidate per office. Voting will be done by roll call. Each ~~councilor~~ Councilor shall state the name of the candidate of their choice. If no candidate receives a majority, the candidate receiving the smallest number of votes shall be eliminated and balloting shall continue until one candidate receives a majority vote.

RULE 2 ROLE OF COUNCIL PRESIDENT

~~The~~ Except as set forth in Rule 11A, the President shall serve as a non-voting ex-officio member of all standing and ad-hoc committees of the Council. ~~Committees~~. The President ~~may also be designated by~~ and Vice President shall designate Councilors to serve as liaisons between the Council ~~to be its representative to all~~ and Town boards, committees and commissions. ~~The President may delegate that responsibility in whole or in part to any member or members of the Council, subject to the approval of the Council. (See Rule 11D.)~~ The President of the Barnstable Town Council shall be the official head of the Town of Barnstable for all ceremonial purposes; and may designate other ~~councilors~~ Councilors to serve in this ceremonial capacity. ~~(In accordance with Rule 11B)~~

RULE 3 PRESIDING OFFICER

The President of the Town Council shall preside at the meetings of the Town Council. In the absence of the Council President, the Vice President shall preside; and in the absence of both, the Clerk of the Council shall designate a presiding chair in rotating precinct order. ~~In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President. If a vacancy occurs in the office of Vice President, the Council shall elect a new Vice President from among its members before two regular meetings have passed. No office of the Council shall remain vacant for more than two regular meetings.~~

Councilor to serve as presiding officer in rotating precinct order.

RULE 4 DUTIES OF THE PRESIDING OFFICER (OR "CHAIR")

The presiding officer shall take the chair at the hour at which the Council is to meet; and call the ~~members~~ meeting to order.

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. Questions of order subject to appeal to the Council, by any motion regularly seconded, shall be put as follows: "Shall the decision of the chair stand as the judgment of the Council?" The vote shall be a roll call, and it shall be decided in the affirmative by a majority vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the ~~chair~~ presiding officer, without further debate upon the question, shall require a roll call vote. ~~No decision shall be declared unless a quorum of the Council shall have voted.~~

The presiding officer shall vote on all matters that come before the Council. The presiding officer may at any time, during the debate and otherwise, declare a recess for not more than ten minutes and such action shall not be subject to appeal nor shall any motions apply thereto.

The presiding officer may state facts, ask questions (without commenting or giving an opinion) and give opinions upon questions of order without leaving the chair. The presiding officer also may explain his or her vote. When the presiding officer exercises the right to debate, the gavel shall be passed to the Vice President for the duration of the debate on that matter. In the event that the Vice President is absent or chooses to debate, the Clerk of the Council shall designate a presiding ~~chair~~officer in rotating precinct order.

RULE 5- MEETINGS OF THE COUNCIL

RULE 5A TIME AND PLACE OF MEETINGS; MEETING REQUIREMENTS

The time and place of regular meetings shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once a month. The time and place of regular meetings shall be published in December of each year for the following calendar year in accordance with the ordinance governing Council meetings- (see Chapter 220 of the Town Code).

RULE 5A MEETING DEFINITIONS

~~Regular meetings of the Town Council shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once monthly. (See Rule 5B) Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any five or more members, by written notice. [online code reads 220-2Special meetings.~~

No regular meeting shall be scheduled on a solemn or legal holiday. (See Rule 5B – Regular Meeting Schedule, and Chapter 220 of the Town Code.)

Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any four or more members, by written notice. Said notice shall will include the meeting agenda, including all agenda items and pertinent supporting documents pertaining to those items, which will be delivered to the Town Clerk and to each Councilor at least forty-eight (48) hours in advance of the time set. No special meeting shall be scheduled on a solemn or legal holiday. The meeting notice for a special meeting of the Town Council shall be posted in accordance with the requirements of the Open Meeting Law.

~~Said notice will include relevant agenda items and pertinent documents pertaining to those items which will be delivered to Open Meeting Law: All meetings of the Town Clerk Council and of Town Council committees are subject to the state Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and to each councilor's residence at least forty-eight hours in advance of the time set. Executive session~~the Open Meeting Law regulations, 940 CMR 29.00.

Executive Session: The Council may be entered enter Executive Session only after the council Council has first convened in open session for which notice Public Session, provided that

notice of the Executive Session has been appropriately posted in accordance with the Open Meeting Law. The presiding officer shall make the motion to go into Executive Session, citing the reason for going into executive session and calls for Executive Session and stating whether the Council will or will not return to Public Session after the Executive Session. The vote to go into Executive Session is a roll call vote of the Council. The vote of each member is entered into the minutes, with, and all votes taken in Executive Session are roll call votes. The reason(s) for going into Executive Session must be a majority necessary to initiate an executive session—reason permitted under the Open Meeting Law.

Purposes Warranting Executive Session:

~~1. To discuss the reputation, character, physical condition, or mental health, rather than professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least 48 hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:~~

~~(a) To be present at such executive session during discussions or considerations which involving that individual.~~

~~(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.~~

~~(c) To speak in his own behalf.~~

~~2. To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty eight hours prior to the proposed executive session. Notification may be 4 of 15 Amended TC Rules 11/06/14 cap waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:~~

~~(a) To be present at such executive session during discussions or considerations involving that individual.~~

~~(b) To have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.~~

~~(c) To speak in his own behalf.~~ 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for

~~negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.~~

~~4. To discuss the deployment of security personnel or devices.~~

~~5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.~~

~~6. To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.~~

~~7. To comply with the provisions of any general or special law or federal grant in aid requirements.~~

~~8. To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.~~

~~9. To meet or confer with a mediator, as defined in section twenty three C of chapter two hundred and thirty three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that:~~

~~9(a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and~~

~~(b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice may be required in this section.~~

~~(Adopted by TC Item 96-061, 1/1/96) (The above rules are extracted from MGL Chapter 39 Section 23B.)~~

RULE 5B REGULAR MEETING SCHEDULE

The Barnstable Town Council shall meet on two Thursdays each month, with every effort made to schedule those meetings on the first and third Thursdays of each month, except in the months of July and August when meetings only one meeting will be held on the third Thursday only. Meetings shall conclude at 11:00 P.M. ~~The, except that the~~ subject at hand ~~could may~~ be finished if it was ongoing at 11:00 P.M. ~~and~~ Thereafter, the meeting ~~could may~~ continue after 11:00 P.M. with a 2/3 two-thirds vote of the ~~council after 11 P.M.~~ Councilors present and voting. If a regular meeting date falls on a solemn or legal holiday, the ~~president shall reschedule such meeting to the Thursday of the following week.~~ President shall make every effort to reschedule such meeting to another Thursday but may choose another day if necessary and warranted by the circumstances. In addition, regular meetings may be rescheduled by the President if necessary and warranted by the circumstances, including, for example, lack of quorum on the scheduled meeting date. Every effort shall be made to reschedule any such meeting to another Thursday, but another date may be chosen if necessary and warranted by the circumstances. No town board, commission, or committee shall meet on a regularly scheduled meeting night of the Town Council.

RULE 5C ATTENDANCE; REMOTE PARTICIPATION

Except in emergencies, Councilors shall notify the Council President and the Council Administrator in advance if they will be absent from a Town Council meeting. At the beginning of the meeting, the presiding officer shall announce the names of any absent Councilors. Councilors shall make every effort to notify the Council President and Council Administrator if they anticipate that they will arrive late to a Council meeting. The presiding officer shall note the arrival of any Councilor who joins the meeting late. Any Councilor who is leaving the meeting early shall announce their departure, and the presiding officer shall note the Councilor's departure for the record.

To the extent permitted by state law, Councilors may participate remotely in Town Council meetings in accordance with the Town Council Policy on Remote Participation then in effect, subject to any amendment or revocation of that policy as may occur, provided that any such amendment or revocation shall not require an amendment of these Rules. (A copy of the Town Council Policy on Remote Participation approved by the Council at its February 15, 2024 meeting (Item No. 2024-162) shall be attached to these Rules for informational purposes as Attachment A, but such Policy shall not be deemed to be an integral part of these Rules, and such attachment shall be removed, updated or replaced, as appropriate.)

If technical problems interrupt or prevent remote participation, the presiding officer will wait up to five (5) minutes to allow for the connection or reconnection prior to beginning or resuming the meeting. After waiting five minutes, the meeting shall continue even if the technical problems have not been resolved, but, at the discretion of the presiding officer, the meeting may be delayed for an additional reasonable period to allow for a further attempt to try to resolve the problems or the meeting may resume. In such case, the presiding officer may choose to skip

certain agenda items while an attempt is made to resolve the problems. If the Councilor is disconnected, the fact and time shall be noted in the minutes. If the Councilor reconnects, the fact and time shall be noted in the minutes.

RULE 5D INTRODUCTION OF COUNCIL BUSINESS

No measure or non-measure shall be received or acted upon unless introduced by a member of the Council, Town Manager, or by petition as provided by the ~~home rule charter.~~ Town Charter. Every measure or non-measure, appearing on the Council agenda shall, if appropriate, be accompanied by the approximate amount of cost involved, and other background information prior to being placed on the agenda.

~~MEASURES: All matters to come~~ MEASURE: A "measure" is any matter coming before the Council that ~~are~~ is inherently legislative in nature, including, but not limited to, ordinances, charter amendments, appropriations, loan orders, lease approvals, certain contract approvals (e.g., contracts which are required by law to be approved by the Council), and eminent domain authorizations.

~~NON MEASURES: Non-Measures~~ require 2 readings.

~~NON-MEASURE: A "non-Measure"~~ shall include all matters ~~any matter~~ to come before the ~~council~~ Council which ~~are~~ is not specified to be ~~measures a~~ "measure" under the Charter, such as any matter which is executive, administrative or ministerial, or quasi-judicial in nature, including, ~~without limitation~~ but not limited to, appointments, resolutions, proclamations, tax classification votes, contract approvals, ~~that are not measures~~ and petitions to the General Court.

RULE 5D — FILING DEADLINES FOR REGULAR MEETINGS

~~Any of the above items of business to be presented to the Town Council at its regular meeting for action shall be submitted in writing to the Administrative Assistant no later than 10:00 am, seven days, exclusive of Saturday and Sunday preceding the regular council meeting. The Council President and/or the Town Manager may in case of necessity, approve any additional items for inclusion in the agenda after said deadline. The Council President in~~ RULE 5E AGENDA SETTING

~~The Council President, after consultation with the sponsoring councilor, Council Administrative Assistant~~ Councilor and Town Manager, shall determine placement of business on the Council meeting agenda, or other appropriate disposition. The Council President shall set deadlines for the submission of agenda items by other Councilors, by the Town Manager, and by Town staff through the Town Manager, with the goal of posting the agenda for a Thursday meeting by the preceding Friday. The Council agenda, including the ~~Town Manager's~~ Communication ~~Manager's Report~~, complete with documentation, shall be delivered to the Town Councilors and posted in accordance with the Open Meeting Law no later than 48 hours prior to the regular meeting of the Council.

RULE 5E5F CONSENT AGENDA

A Consent Agenda may be used to approve a grouping of agenda items with one vote and no discussion; provided that upon objection by any Councilor to the inclusion of one or more items in any particular Consent Agenda, the item or items shall be removed from the Consent Agenda for separate deliberation and vote by the Town Council; and provided, further, that separate public hearings and votes shall be held for agenda items requiring a public hearing.

RULE 5G ORDER OF BUSINESS

At every regular meeting of the Town Council, the order of business as set forth on the agenda shall be as follows: provided that matters may be taken out of order at the meeting at the discretion of the presiding officer:

- 1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Public Comment
5. Council Response to Public Comment
6. Town Manager ~~Communications Report (which may be pre-recorded)~~
7. Act on Public Session Minutes ~~(Includes Executive Sessions)~~
8. ~~Communication~~ Communications from Elected Officials, Boards, Committees and Commissions, and Staff, Correspondence, and Announcements ~~and Committee Reports~~
9. Orders of the Day
 - A. Old Business
 - B. New Business
10. Adjournment

~~(Adopted by Town Council Item 2006-010, 08/18/05)~~

~~(Adopted by Town Council 2007-067, 02/01/07)~~

~~(Adopted by the Town Council 2015-027, 11/06/14)~~

RULE 5F5H PUBLIC COMMENT

-At each regular meeting of the Council there shall be a period set aside for public comment. Any member of the public ~~desiring who wishes~~ to ~~address the Council may reserve a place on the~~

~~agenda with the Council Administrative Assistant by 4:30 p.m. on the day of the Council meeting. Each person on the~~participate in public comment docket ~~shall be recognized by the chair, presiding officer and shall be asked to state his/her name and address, if a resident of Barnstable, asked to state the village in which they reside (if not a resident of Barnstable, they shall be asked to state their town of residence) for the record. Other members of the public may also be heard at this time. Time allowed for public comment will be at the discretion of the chair. For the most part~~Generally, public comment will be limited to three minutes for each individual speaking, but additional time may be granted at the discretion of the presiding officer. All remarks and questions shall be addressed to the Council as a whole, through the chair, presiding officer, and not to any individual member thereof. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the public may speak at a Council meeting without permission first being recognized by the presiding officer. The purpose of the presiding officer-public comment period is for the Council to hear comments from the public, and not for the public to engage in discussions or debate with the Council or with any member of the audience. If any person persists in disorderly behavior after a warning from the presiding officer, the presiding officer may order the person to leave the meeting (in accordance with MGL CH. 39, S. 23C)-see Open Meeting Law). At the beginning of public comment, a statement shall be read by the presiding officer or his or her designee substantially in the form set forth below:

I wish to remind everyone that no member of the public may speak without first being recognized by the Council President (or presiding officer). The public will have an opportunity to speak during the public comment portion of the meeting and during any public hearing on an agenda item.

You are free to express your thoughts, opinions and criticisms during public comment. However, your comments must be directed to the Council as a body, through the President of the Council (or presiding officer). You may not speak directly to any individual Councilor. You also should not be addressing your comments to anyone else in this room – not to Town staff and not to another member of the audience. Public comment is to be directed to the Council.

We also ask that the members of the public refrain from making audible comments during the meeting unless they have been recognized to speak by the Council President (or presiding officer). The Council President (or presiding officer) will request silence in the chamber if anyone ignores this rule.

RULE 6 PROCEDURAL MATTERS

RULE 6A PARLIAMENTARY GUIDELINES

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth, the charter, or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity, and efficiency, in that order.

~~In determining~~In determining any parliamentary question, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on ~~Mason's~~Mason's Manual of Legislative Procedure, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.

RULE ~~6A6B~~ QUORUM

One half of the total membership of the Town Council plus two shall constitute a quorum. A quorum for the current 13-member ~~council shall be eight~~Council is nine (9).

RULE ~~6B6C~~ ORDER OF SPEAKING; LENGTH OF SPEAKING

Councilors shall not speak without being recognized by the presiding officer except to call the previous question or to doubt the presence of a quorum. When two or more members request the floor at the same time, the presiding officer shall name the member who shall first be heard. During debate, no Council member shall speak to the same question more than ~~twice~~once until all other members choosing to speak have spoken. The length of time that any member may discuss the subject on the floor of the Council shall be limited to three minutes, unless otherwise voted by the Council. When debate centers on committee reports, committee members may be recognized beyond the time limit to answer questions.

RULE ~~6C6D~~ ORDER OF MOTIONS

(Note: See Rule 8A regarding quantum of votes.)

When a motion is under debate, the chair shall receive no motion except the following (in order of preference):

1. To adjourn
2. To take a recess (not debatable)
3. To lay on the table (not debatable)
4. For previous question (not debatable)
5. To limit or extend limits of debate (not debatable)
6. To postpone to certain date (debatable, but just the motion, not the main question) (may be amended but only as to the date)
7. To refer (to committee) (debatable; may be amended only as to the committee)
- ~~8. To amend~~
8. To amend (motion to amend a debatable question is debatable; motion to amend a question that is not debatable is not itself debatable)

9. To postpone indefinitely (motion is debatable and opens the main question to debate; has the effect of rejecting the main motion)

~~10. Leave to withdraw~~

10. Leave to withdraw (not debatable; may be made at any time before voting has commenced; request for leave to withdraw, presiding officer asks if any objection, if none, motion is withdrawn; if there is an objection, then motion for leave to withdraw and vote on that motion)

RULE ~~6D~~6E PREVIOUS QUESTION

The previous question shall be put as follows: “I call the previous question-” or “I move the question.” All further amendments or debate on the main question shall be suspended until the previous question has been decided by a two-thirds vote of the Councilors present and voting. If the motion to move the question passes, the Council shall immediately take a vote on the main question.

RULE ~~6E~~6F REFERRAL TO COMMITTEE

When a matter properly before the Council relates to a subject which may properly be examined and reported upon by an existing or new ad-hoc committee or standing committee of the Council, such matter shall, upon motion and a majority vote of the Council, be referred to such committee. Any matter may be referred to a standing committee, commission or board of the Town with appropriate jurisdiction for advice sought by ~~Town~~the Town Council upon motion and a majority vote of the Council.

RULE ~~6F~~6G RECONSIDERATION

At any meeting at which a vote has been taken, it shall be in order for any ~~councilor~~Councilor who has voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the ~~council~~Council. In addition, any Councilor who has voted with the prevailing side may make a motion for reconsideration at the next regular meeting of the Council following the vote; provided, that if such motion for reconsideration was not noticed on that next regular meeting's agenda, then any such Councilor shall give notice that a motion for reconsideration shall take place at the following regular meeting of the Council. The vote for reconsideration shall be open to debate. The debate shall be limited to twenty minutes. A motion to reconsider requires a majority vote.

RULE 7 MATTERS REDUCED TO WRITING

Any substitute motion or amendment shall be in writing when the presiding officer so directs or any member so requests. All substitute motions and amendments shall be written and given to the Clerk of the Council to assure accuracy of the minutes.

RULE 8 VOTING

RULE 8A VOTES

~~All~~Except as otherwise provided by the General Laws of the Commonwealth, the Town Charter, Town ordinance (or these Town Council Rules, which are established pursuant to Section 2-6(c) of the Town Charter), any action taken by the Town Council requiring a vote ~~will~~shall be by a majority of the Councilors present and voting.

No vote shall take place unless otherwise provided for in MGL, home rule charter, ordinance, or by rules set forth in the Policy and Procedures Manual of the Barnstable Town Council—a quorum of the Council is present (abstentions count toward the quorum but are not considered votes; recusals do not count towards the quorum).

Councilors who need to recuse themselves should announce that they are recusing themselves and leave the room during the discussion and until the vote has been taken. If participating remotely, Councilors who need to recuse should announce their recusal, turn off their cameras and mute themselves during the discussion and until the vote has been taken.

RULE ~~8A~~8B ROLL CALL

~~All~~As required by the Town Charter, all final votes of the Town Council on ordinances, appropriation orders, ~~or and~~ loan authorizations shall be taken by roll call vote, and shall be duly recorded by the ~~town clerk~~Clerk of the Council. On other matters requiring a vote, a roll call may be requested by any ~~councilor~~Councilor. The order of the roll call voting shall be alphabetical, and rotated after each vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the presiding officer, without further debate upon the question, shall require a roll call vote. All votes taken in Executive Session shall be roll call votes. All votes taken in meetings in which any Councilor is participating remotely shall be roll call votes.

~~Every councilor present when~~

When the question is put to a vote, every Councilor present shall vote yes, no, ~~abstention~~abstain, or pass. If a ~~councilor~~Councilor passes, his or her name will be called again at the end of the vote for his/her vote. Prior to the announcement of the results of the roll call vote, any ~~councilor~~Councilor, at their request, may have his/her name called again to record him/her differently²².

RULE 9 REJECTED MEASURES

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for its resubmission, unless resubmission is approved by a majority of the Council present and voting, or as otherwise provided by the ~~charter~~Charter.

RULE 10 RECORD-KEEPING

Unless otherwise provided by the Town Council, the Town Clerk shall be the Clerk of the Council at regular meetings of the Council. The Assistant Town Clerk may serve in place of the Town Clerk. Said clerk shall keep a record of its proceedings and perform such duties as may be assigned by the Barnstable Home Rule Charter, by ordinance, or other ~~council~~Council vote. The Council ~~Administrative Assistant~~Administrator shall prepare the meeting agenda and give notice of all meetings of the Town Council by transmitting a copy of the meeting agenda to its members and posting meeting notices for the public. ~~Said Administrative Assistant shall also audio tape record all meetings and file said tapes with the Clerk of the Council. Said assistant shall coordinate with the Town Manager and/or any other committee currently in charge of the videotaping, to make sure that all meetings of the Town Council are videotaped. The Council Administrative Assistant shall be the clerk of workshops held by the Town Council. A transcription of a regular meeting, public hearing or debate, or any portion thereof may be requested through the Council Administrative Assistant, who shall arrange for the preparation of requested transcripts from tape recordings of meetings, hearings or debates in accordance with the Open Meeting Law. Communications staff shall make best efforts to record on video all Public Sessions of Council meetings and post said video recordings on the Town website. The Town Council Administrator shall be the clerk of Town Council committee meetings.~~

RULE 11—COUNCIL COMMITTEES OF THE COUNCIL

RULE 11A COMMITTEE GUIDELINES AND PARAMETERS

After the organization of the Council, the President, subject to approval by the ~~full~~ Council, may appoint members to standing committees.

RULE 11A—AD-HOC COMMITTEES

~~The President of the Town Council may designate such ad-hoc committees comprised of councilors or registered voters. Appointments of Councilors to the Appointments Standing Committee shall be made in accordance with Section 37-3 of the Town of Barnstable, as is deemed necessary.~~

RULE 11B—COMMITTEE PARAMETERS AND GUIDELINES

Code. All Standing and Ad-Hoc Committees of the Council shall be advisory to the Town Council and shall take no actions that bind the Council. Committees shall follow a schedule of meetings to be coordinated through the Council ~~Administrative Assistant~~Administrator, who will notify the Council President and post as required with the Town Clerk. ~~Standing committees~~

~~shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council, town agencies, other government agencies, and the general public. A clerk shall be appointed from the committee to record the minutes. The President and Vice President of the Council shall not serve as a chairperson chair or vice-chair of any standing committee. Ad hoc committees shall select a chairperson who will organize of the committee and be responsible for the conduct Council, except that a Councilor already serving as chair or vice-chair of the committee and shall be the spokesperson for the committee in matters with the Council. A clerk shall be appointed from the committee to record the minutes. The an Ad-Hoc Committee may continue in that role if subsequently elected as President and/or Vice-President of the Council shall not serve as a chairperson of any ad hoc committee. Ad Hoc Committees shall have access to the Council's Administrative Assistant under the direction of the Council officers. Ad Hoc Committees shall work through their chair to have access to town agencies/departments or the schools, respectively, in order to avoid duplication of effort.~~

The President shall be ~~an~~ non-voting ex-officio member of all committees of the Council, except that the President may continue to be a voting member of any Ad-Hoc Committee on which he or she serves if such service pre-dates his or her election as President. Meetings of committees may be called by the chairperson chair or upon the written request of two members of the committee. All committees of the Town Council shall keep records of proceedings, and a copy of said records shall be filed with the Town Clerk and by the Council Administrative Assistant Administrator, within 30 days following each meeting. Committees have the right and obligation to be creative, offer opinions, minority opinions, produce documents, communicate and participate with town departments/agencies, other government agencies and the general public, subject to the rules and procedures of the Town Council, Barnstable Home Rule charter, MGL the Town Charter, the General Laws of the Commonwealth, or as otherwise voted by the Town Council. All new standing committees, boards and commissions of the Town Council will be evaluated at the end of the first year, at which time a decision will be made by the Town Council whether to continue, disband, or change the entity.

RULE 11B AD-HOC COMMITTEES

The President of the Town Council may designate the members of ad-hoc committees that are established by vote of the Council, the members of which shall include Councilors and may include registered voters in the Town of Barnstable, as is deemed necessary. The chair of any such ad-hoc committee shall be selected by vote of the committee, except that the Council vote creating the committee may impose additional requirements. At the discretion of the committee, a vice-chair may be selected by vote of the committee. Ad-hoc committees shall be comprised of an odd number of members. The period of existence for an ad-hoc committee, as specified by the Town Council vote creating the committee, shall commence from the date of the first

meeting of the committee. The Town Council shall limit the number of ad-hoc committees in existence and meeting during any given period to no more than two (2); provided, however, that the Town Council by majority vote of its members may override this rule and allow for the creation of up to two (2) additional ad-hoc committees.

The chair shall organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council. The Town Council Administrator shall record the minutes. Ad-hoc Committees shall have access to the Council Administrator under the direction of the Council President. Ad-hoc Committees shall work through their chair to have access to town agencies/departments or the schools, respectively, in order to avoid duplication of effort.

RULE 11C STANDING COMMITTEES

Standing committees shall select a chair who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council, town agencies, other government agencies, and the general public. A clerk shall be appointed from the committee to record the minutes.

RULE 12 LIAISONS TO BOARDS, COMMITTEES AND COMMISSIONS OF THE TOWN

In accordance with Section 241-8 of the Town Administrative Code, the President and Vice President shall designate each Councilor as the Council liaison to one or more of the multiple-member bodies of the Town. As set forth in said Section 241-8, each Council liaison shall meet with the chair of the board, committee or commission to which they serve as liaison to discuss and define an appropriate reporting relationship.

Council liaisons shall not participate in the deliberations or votes, nor shall they participate in or attend any executive session, of such board, committee or commission. Liaisons shall sit where the public are seated. Liaisons who wish to express a personal opinion shall do so during the public comment portion of the meeting in the same manner as other members of the public and shall state that they are speaking in their personal capacity. When recognized by the Chair, liaisons may ask questions and make comments during discussion and shall identify themselves as liaisons prior to the first instance of speaking, unless speaking in their personal capacity during public comment. Liaisons shall not commit the Council to a course of action and are not to speak on behalf of the Council.

Liaisons shall receive meeting postings, agendas, reports, and minutes from the other body. Liaisons shall attend or watch the meetings of the other body, as they deem appropriate, and should be familiar with the materials provided as above and maintain contact with the other body's Chair.

RULE 13 APPOINTMENTS - (Nominations by the ~~appointments committee~~Appointments Committee)

Appointments require 2 readings. Any Council action regarding appointments shall be acted upon at the regular meeting succeeding that in which said appointments were presented to the Council as a first read.

RULE 14 VACANCY IN OFFICE OF PRESIDENT OR VICE PRESIDENT

~~In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President.~~ **RULE 13 COUNCIL VACANCY**

~~A vacancy on the Council and or vacancy of an office on the Council shall be filled in accordance with Town Charter Section 2-5, and Council Rule 3.~~

~~**RULE 14**If a vacancy occurs in the office of Vice President, either because the Vice President can no longer serve or because the Vice President has assumed the powers and duties of the President, as set forth in the preceding sentence, the Council shall elect a new Vice President from among its members. The election of a new Vice President shall occur as soon as practicable but with the goal of ensuring that no office of the Council shall remain vacant for more than two regular meetings. The nomination and election process shall conform with the process set forth in Rule 1 above.~~

RULE 15 INQUIRIES AND INVESTIGATIONS

~~Section 2-10 of the Charter gives the Town Council the authority to conduct inquiries or investigations: Section 2-10 Inquiries and Investigations: The Town Council may require any town officer or member of a board or commission to appear before it, and give such information as it may require in relation to an office held by such person, its function, and performance. The Town Council shall give at least forty-eight hours written notice of the general scope of the inquiry which is to be made; to any person it shall require to appear before it under this section. The Town Council may make investigation into the affairs of the town and into the conduct of any town agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.~~

In accordance with and as set forth in Section 2-10 of the Town Charter, the Town Council may conduct inquiries or investigations.

INQUIRIES:

An inquiry may be called for by a majority vote of those present at a regular ~~council~~Council meeting. An inquiry shall be made through the Town Manager; if it concerns areas under ~~his~~the Town Manager's authority, and specific questions asked shall be answered in a report by the Town Manager to the Council within 60 days. If independent expertise is needed, the Manager shall so notify the Council. If an inquiry is made into an area outside the Town Manager's area of

authority, the Council may require such persons as ~~mentioned~~described in Section 2-10 of the Charter to appear to give information or make a report within 60 days. In either case, a report may be considered final by the Council, or the Council may call for further information so that its questions may be answered.

INVESTIGATIONS:

If the Manager or other person(s) requested to make a report shall fail to do so, or if the Council finds that there has been unsatisfactory resolution of allegations of serious misconduct on the part of any Town officer, board, or commission or ~~its~~their members, or if the ~~council~~Council finds that it needs information not readily forthcoming in order to make a determination, the Council may proceed with an investigation. Investigations are considered the last resort by the Council and should be entered into seriously and advisedly. The procedure to be taken shall be as follows:

1. A motion calling for an investigation shall clearly state in writing the purpose of the investigation and those persons, departments, or topics to be investigated. A resolution calling for an investigation shall not be voted at the first meeting at which it is introduced. A two-thirds vote of the full Council shall be required in order to authorize an investigation to proceed.
2. The Council may, by an affirmative vote of a majority of the full council~~Council~~, establish a three-person ~~Committee~~committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for completion of the ~~subcommittee's~~committee's work, subject to review at the request of the ~~subcommittee~~committee. If the ~~subcommittee~~committee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council. ~~14 of 15 Amended TC Rules 11/06/14 cap~~
3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or quasi-judicial in nature. If the investigative committee is quasi-judicial in nature, it shall proceed substantially along the lines of an informal adversarial proceeding, including the right on behalf of any person who is the subject of the investigation to be represented by counsel and to confront and cross-examine witnesses. In such proceedings, witnesses shall be sworn, but the strict rules of evidence shall not apply. If the Council determines that the investigation is legislative in nature, the foregoing need not apply.
4. The Council may, consistent with existing ordinances and the Administrative Code, request the services of an independent attorney and/or other individuals qualified to conduct such an investigation who shall be engaged for the purposes of the inquiry or investigation, subject to approval by a majority of the full Council.
5. Funds for the employment of an independent attorney shall come from the Council's budget.
6. All meetings of the Council or its ~~subcommittee~~committee shall be held in accordance with the Open Meeting Law, ~~MGL C. 39, S. 23B~~.
7. Preparation and serving of all subpoenas and letters of notice to witnesses and/or subjects of discussion shall be included in the duties of the legal counsel employed by the Town Council.

8. The proceedings of all public sessions of the committee meetings shall be recorded ~~and transcribed verbatim on video~~ and provided to the full Council along with a copy of ~~subcommittee~~committee findings. ~~Transcripts of meetings held in open session shall be made readily available to the public in a timely fashion.~~

9. The ~~subcommittee~~committee will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The Council, by an affirmative vote of a majority of the full Council, will make the final determination and shall take any action it deems necessary, consistent with the General Laws, the Town Charter, Town ordinances, collective bargaining agreements and personnel rules and regulations.

RULE ~~15~~16 AGENDA ITEMS

The following agenda items may be acted upon at a first reading:

Proclamations; ~~Free~~Individual and Group Petitions; Resolutions; Transfer Orders, and other non-measures, except appointments

The following agenda items require a first and second reading:

-Appointments; Appropriation Orders; Amendments to General and Zoning Ordinances, as well as Administrative Code and other Rules of the Town of Barnstable; ~~Group Petitions, including amendments to or repeal of the Town Council Rules of Procedure;~~ Loan Authorizations; Supplemental Appropriations; and any other measures.

No debate shall take place at the first reading of any item requiring a second reading.

Certain items require public hearings, including, but not limited to, budget items, Capital Improvement Plan items, supplemental budget/appropriation items and ordinances.

RULE 17 SUSPENSION OF RULES

Upon a motion and an affirmative vote of two-thirds of the Councilors present and voting, any rule set forth in these Rules may be suspended in relation to a particular agenda item or for the duration of the Council meeting at which such vote is taken, provided that any requirement imposed by the Town Charter or the General Laws may not be suspended. The Council may suspend a provision of a Town ordinance by the same process that would be required to amend said ordinance.

ATTACHMENT A

[Attach Town Council Policy on Remote Participation then in effect]

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-144
INTRO: 03/20/2025**

2025-144 AUTHORIZATION TO CONTRACT FOR AND EXPEND A SUPPLEMENTAL FISCAL YEAR 2024 HOUSINGWORKS INFRASTRUCTURE GRANT IN THE AMOUNT OF \$298,200 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a supplemental Fiscal Year 2024 HousingWorks Infrastructure Program Grant in the amount of **\$298,200** from the Commonwealth of Massachusetts, Executive Office of Housing and Livable Communities, which amount is in addition to the previous grant of \$1,379,840 awarded in September 25, 2023, resulting in a total adjusted grant amount of \$1,678,040, to be used to complete the design and construction of a pump station and other wastewater system improvements to support the development of a vacant 1.5 acre property at 268 Stevens Street, Hyannis, with 50 mixed-income condominium units.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

BARNSTABLE TOWN COUNCIL

ITEM# 2025-144
INTRO: 03/20/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Jim Kupfer, Director of Planning & Development
DATE: March 20, 2025
SUBJECT: Authorization to contract for and expend a supplemental Fiscal Year 2024 HousingWorks Infrastructure Grant in the amount of **\$298,200** from the Commonwealth of Massachusetts, Executive Office of Housing and Livable Communities

BACKGROUND: The HousingWorks program is part of a coordinated response by the Healey-Driscoll Administration to tackle the Commonwealth's housing crisis. The program is part of a five-year, \$1.55 billion capital plan to support the production and preservation of affordable housing opportunities. HousingWorks assists municipalities in addressing certain barriers to expanding housing through grants for public infrastructure projects and supports cities and towns to adopt best community planning practices. The HousingWorks Infrastructure Program makes funding available to cities and towns to finance infrastructure projects that support housing production.

ANALYSIS: The Town of Barnstable has been awarded supplemental funds in the amount of \$298,200.00 in additional support of wastewater improvements, including a sewer pump station, within the Downtown Hyannis Growth Incentive Zone. The Town of Barnstable submitted a grant application for this project to the Massachusetts OneStop for Growth Program; the Town collaborated with Housing Assistance Corporation on the application in June 2023. Since that time construction costs have risen. The project is underway, and construction is scheduled to start later this spring. This grant increase allows us to contract with our consulting design engineer for construction technical services (i.e. inspection and oversight) thus reducing the staff time that needs to be dedicated to the project.

The Town of Barnstable requested and received supplemental grant funds to cover the cost of the project. The award increases our previous grant award of \$1,379,840.00 from September 25, 2023 to a total grant award of \$1,678,040.00. The contract end date is June 30, 2027, unchanged from original award.

FISCAL IMPACT: No matching funds are required for this grant.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this item.

STAFF ASSISTANCE: James Kupfer, Director, Planning and Development; Griffin Beaudoin, Town Engineer, Department of Public Works; Miroslav Jakubicka, Lead Project Engineer, Department of Public Works; Alice Marcus-Krieg, Grants Coordinator

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-145
INTRO: 03/20/2025**

2025-145 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 LAND CONSERVATION ASSISTANCE GRANT IN THE AMOUNT OF \$20,000 FROM THE EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS TO UPDATE THE TOWN'S OPEN SPACE AND RECREATION PLAN

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2025 Land Conservation Assistance grant in the amount of **\$20,000** from the Executive Office of Energy and Environmental Affairs, Division of Conservation Services.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ____ Read Item
- ____ Rationale
- ____ Council Discussion
- ____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2025-145
INTRO: 03/20/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: March 20, 2025
SUBJECT: Authorization to contract for and expend a fiscal year 2025 Land Conservation Assistance Grant in the amount of **\$20,000** from the Executive Office of Energy and Environmental Affairs to update the Town's Open Space and Recreation Plan

BACKGROUND: The Town of Barnstable was awarded a grant in the amount of \$20,000 to contract with a consultant to update the Town's Open Space and Recreational Plan. These funds will be used to offset a portion of a \$50,000 Community Preservation Act (CPA) grant that was previously allocated for the same initiative.

ANALYSIS: An Open Space and Recreation Plan (OSRP) is a critical document that guides a municipality's efforts in land conservation, outdoor recreation, and sustainable growth. It ensures a balanced approach to preserving natural resources while enhancing recreational opportunities for residents. In Massachusetts, an up-to-date Outdoor Space and Recreational Planning (OSRP) is required for eligibility to receive state grants and funding from programs such as the **PARC Grant Program** and the **Land and Water Conservation Fund**.

The grant funds must be spent prior to the completion of Fiscal Year 2025.

FINANCIAL IMPACT: The grant is 100% reimbursable and budgeted for \$20,000.00; no matching funds are required.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this item.

STAFF SUPPORT: Planning & Development Department

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-146
INTRO: 03/20/2025**

2025-146 AUTHORIZATION TO ACCEPT A GIFT FROM THE BOY SCOUTS OF AMERICA, TROOP #52, AND SCOUT DAVID ELLIS OF A REFLECTION TREE AND RELATED ITEMS AND SERVICES TO BE USED TO CREATE A DESIGNATED OUTDOOR REFLECTION AREA AT THE BARNSTABLE POLICE DEPARTMENT BUILDING IN HYANNIS

RESOLVED: That the Town Council does hereby authorize the acceptance of a designated Reflection Tree, two granite benches, two stone markers, related items and fixtures and associated services from the Boy Scouts of America, Troop #52, and Scout David Ellis to be used to create a designated outdoor Reflection Area at the Barnstable Police Department building in Hyannis.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ____ Read Item
- ____ Rationale
- ____ Council Discussion
- ____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2025-146
INTRO: 03/20/2025

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Chief Jean B. Challies, Chief of Police
DATE: March 20, 2025
SUBJECT: Authorization to accept a gift from the Boy Scouts of America, Troop #52, and Scout David Ellis of a reflection tree and related items and services to be used to create a designated outdoor reflection area at the Barnstable Police Department Building in Hyannis.

BACKGROUND: Boy Scout David Ellis is currently working on an Eagle Scout community project. The project includes the design and construction of a designated outdoor reflection area on the grounds of the Barnstable Police Department for officers and employees to rest, reflect, and gather.

Mr. Ellis has raised \$2,805 through fundraising efforts for the purchase and donation of flagstone pavers and cobblestones. Additionally, the following donations have been made to the Eagle Scouts for the project:

- Joyce Landscaping, Inc. – services to prepare the site for the project and oversight of installation, loam and seed
- Beacon Gardens at Osterville – central tree and plantings
- Cape Cod Aggregates Corp. – pea stone and asphalt
- Maki Monument Co. – two granite benches
- Stonewood Products – 25% discount of materials purchased
- Blue Coats of Barnstable – donation in the amount \$3,800 for two granite markers and an outdoor low-voltage light fixture

With the assistance of volunteers from Boy Scout Troop #52 and the above-referenced donations, Scout David Ellis will oversee the preparation and installation of a new reflection area on the rear property of the Barnstable Police Department, adjacent to the K9 Kennels, for officers and employees to reflect, rest, and peacefully gather. The gift includes a central reflection tree encircled by loam, plantings, cobblestones and two granite benches. Two granite markers will designate the area and recognize the donors. Pea stone and pavers will define a walkway to the reflection tree and area.

RATIONALE: The acceptance of this gift will not only assist Boy Scout David Ellis in completing his community project in order to achieve the distinguished rank of Eagle Scout but will also establish a peaceful outdoor reflection area for Barnstable Police Department officers and employees to rest, gather, and reflect on particularly difficult days of service.

FISCAL IMPACT: This project does not have a fiscal impact.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends favorable action.

STAFF ASSISTANCE: Deputy Chief Jennifer Ellis; Officer Christopher Kelsey; Structures & Grounds Division Supervisor Patrick Kelliher; Structures and Grounds Section Foreman Tyler King; Assistant Town Attorney Allison Cogliano; Asset Management Director David Anthony Assistant Town Manager Andy Clyburn