



Town Council Meeting
November 21, 2019



A quorum being duly present, Chair Eric Steinhilber called the November 21, 2019, Town Council meeting to order at 7:00 p.m. in the James H. Crocker, JR. hearing room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by Chair Steinhilber regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: Britt Beedenbender, David Bogan, Kristine Clark, Jennifer Cullum, Debra Dagwan, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracey Shaughnessy, Gordon Starr, Eric Steinhilber

The Pledge of Allegiance was led by Chair Steinhilber followed by a moment of silence.

Chair Steinhilber welcomed the new councilor members: David Bogan, Kristine Clark, Tracey Shaughnessy and Gordon Starr as this was their first Town Council meeting as Town Councilors.

PUBLIC COMMENT:

Chuck Tuttle felt the Town should not buy property for future pump station rather the town should utilize other available public land. He felt the Town should adopt a resolution consistent with not buying property for the sewer expansion.

John Chrome spoke about the short term rentals. He requested disclosure and a transparent process.

Bill Robbins acknowledged the passion and dialogue for taking of 310 Main Street. He urged the Town to work with the village association before deciding on a property.

Janet Davis had concerns regarding the 5G technology roll out in Barnstable. She mentioned other states had passed laws to study the new technology before allowing it into their area. She felt radiation outside the home was an issue.

Adam Henson from Cannabis Cape Cod discussed the need to explore the cannabis options. He urged Council to adopt a committee to look into all cannabis options.

Bo Chu welcomed the new councilors and serenaded the James H. Crocker, JR. hearing room with his song about good deeds for the next decade.

Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

Thank you, Janet Davis for your discussion regarding the 5G technology. Thank you for the key message about process and transparency regarding taking of land for the sewer project. Town Council is very serious about forming policies on short term rentals. We need to look at the economic impact of cannabis because there is a legal right to have a cannabis business.

TOWN MANAGER COMMUNICATIONS: (Exhibit A)

- Budget calendar Fiscal Year 2020
- Fee hearings – November 22nd meeting
- Vineyard Wind - November 12th meeting
- MGL Environment – solid waste management
- DPW Public meeting on new location
- State Bond Bill
- Suffolk Fall Classes 2020

Councilor questions and comments:

What phase is the Vineyard Wind Project in? [Not clear Assistant Town Attorney Charlie McLaughlin is in discussion with them] MPA program with Suffolk University [Subsidy details to you later] There is one more Vineyard Wind public session at the Centerville Library

Dan Santos, Public Works Director, gave an update on the Comprehensive Waste Water Management Plan. He discussed the draft timeline and submission dates: October 10th was the technical plan, October 30th was the cost/expense plan, and November 7th was the approval and release of the plan. He added there were four public meetings conducted by staff to help the public understand the plan and get their thoughts/feedback. He noted on November 26th the plan would be sent to the Cape Cod Commission and in December the plan would be given to Massachusetts Environmental Protection Agency Staff. The next steps were ongoing public outreach, updating the draft with comments from other agencies.

Councilor questions and comments:

How can the Town trigger specific communities which will be affected by the plan? [At the conceptual design stage we can be more specific] Please send the draft as a PDF to Council [Yes] We need to have more civic engagement especially by those that will be affected. Please give as much information as possible at the council meeting as we have two newspapers in attendance at our meetings.

ACT ON MINUTES:

Upon a motion duly made and seconded it was voted to approve the minutes of the November 7, 2019 as written.

VOTE: PASSES UNANIMOUS

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

We will miss Richard Aliberti from our Golf Committee and the First Tee program. Centerville Stroll – December 8th; Osterville Stroll – December 6th; Parade and rally for

Barnstable High School Football Team; Hyannis Stroll and Boat Parade – December 7th; Marstons Mills Stroll December 7th; West Barnstable tree lighting December 1st. Chair Steinhilber discussed the Town Manager evaluations which were completed by the previous Council prior to the November 5, 2019 elections. The final report was based on 8 sections and Mark Ells received an overall score of 4.5. Well Done!

• **Joint Meeting Town Council/ Barnstable School Committee**

Michael Judge opened the School Committee meeting and took roll call. **Present:** Kathleen Bent, Barbara Dunn, Stephanie Ellis, Michael Judge, Joe Nystrom

Mark Milne, Finance Director gave an overview of the PowerPoint Presentation. He discussed the Finance Report Card; Standard & Poor's AAA rating of the Town of Barnstable, Major revenue accounts, Enterprise Fund Reserve, Other Reserves, Largest Trust fund, Budget performance, Enterprise fund budget performance, trends in major revenue sources, new property tax growth, property tax debt exclusions, General fund state trends, history of Chapter 70 program, motor vehicle excise tax revenues and trends in other major local revenues. Gareth Markwell Assistant Finance Director spoke about the operating budget and allocation trends. He mentioned the 60/40 split of dollars to fund both the schools and the general government budget. He discussed the budget history with fixed costs and student enrollment.

Councilor questions and comments:

Please tell us what is the student enrollment numbers look like for this year? [Barnstable sent out of their district 130 more students than they received]

Michael Judge closed the School Committee meeting.

Upon a motion duly made and seconded it was to take a recess for two (2) minutes.

VOTE: PASSES UNANIMOUS

2020-045 APPROPRIATION AND LOAN ORDER OF \$515,400 PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING WHEELER ROAD IN BARNSTABLE INTRO: 11/07/19, 11/21/19

Councilor Levesque recused himself and left the dais. Councilor Schnepf then added she would sub sponsor this agenda item as Councilor Levesque had recused himself. Dan Santos, Public Works Director gave the rationale. He added this repair was at no cost to the Town due to the betterment to the two land owners.

Open public hearing

Wendy Bierwirth urged Council to approve this agenda item.

Close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$515,400 be appropriated for the purpose of making temporary repairs to Wheeler Road in the Village of Marstons Mills, Barnstable, MA, a private road within the town of Barnstable, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow \$515,400 under and pursuant to Chapter 174 of the Acts of 1994, as amended by Chapter 350 of

the Acts of 2014 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes assess betterments in accordance with M.G.L. c. 80, and further that the Town Manager is authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 12 YES 1 RECUSE (LEVESQUE)

2020-046 SUPPLEMENTAL APPROPRIATION REQUEST IN THE AMOUNT OF \$66,800 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2020 OPERATING BUDGET FOR THE PURPOSE OF FUNDING THE HIRING OF FIVE CURRENT PATROL OFFICER VACANCIES INTRO: 11/07/19, 11/21/19

Upon a motion duly made and seconded it was moved to amend Item Number 2020-046 by striking the sum of \$100,200 and substituting in place thereof the sum of \$66,800.00

VOTE: PASSES UNANIMOUS

Barnstable Police Chief Matthew Sonnabend gave the rationale.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$66,800** be added to the Fiscal Year 2020 Police Department General Fund Operating Expense Budget for the purpose of funding Fiscal Year 2020 expenses related to hiring and training new officer set-up expenses.

VOTE: PASSES 13 YES

2020-048 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$134,281.00 FOR THE REHABILITATION AND RESTORATION WORK TO THE UNITARIAN CHURCH OF BARNSTABLE LOCATED AT 3330 MAIN STREET (ROUTE 6A), BARNSTABLE, MA INTRO: 11/07/19, 11/21/19

Lindsey Counsell, Community Preservation Commission Chair, gave the rationale. He discussed the rehab and renovations on the Unitarian Church. Chrystal Gibbs, Chair of the church task force, explained how the rehabilitation would preserve the historic integrity of the building and the village. Steven Thomas, member of the church task force, spoke about the process, and how the group diligently worked to keep the costs down.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$134,281.00** be appropriated for the purpose of rehabilitation and restoration work at the Unitarian Church of Barnstable, 3330 Main Street (Route 6A), Barnstable, MA, and that to fund this appropriation, that pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Thirty-four Thousand Two-hundred and Eighty-one dollars and NO/100 (\$134,281.00) be transferred from the amount set aside for historic preservation within the Community Preservation Fund, including without limitation the restoration or replacement of 33 windows; repairs and renovations to the church entrance including a front door with hardware; repairs to the granite wall and stairwell; replacement of the cupola on Warren Hall with a replica; installation of dehumidification and vapor barrier in the basement/crawl space; and siding for Warren Hall, subject to oversight by the Community Preservation Committee, and that

the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: PASSES 13 YES

2020-049 AMENDMENTS TO THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE IV, MUNICIPAL ORGANIZATION CHANGING THE SENIOR SERVICES DIVISION OF THE COMMUNITY SERVICES DEPARTMENT TO THE COUNCIL ON AGING DIVISION INTRO: 11/07/19, 11/21/19

Lynne Poyant, Community Services Director gave the rationale.

Upon a motion duly made and seconded it was

ORDERED that pursuant to Section 5-1 and Section 10-7(k)(1)-(2) of the Town of Barnstable Home Rule Charter, the Administrative Code, Section 241, Article IV, Municipal Organization, is hereby amended by striking out Section 241-47.10 C in their entirety and substituting in place thereof the following:

§ 241-47.10 Community Services Department.

The Community Services Department provides an array of recreation, social, leisure time, and informative services to the citizens of Barnstable that appeal to a wide range of ages and interests.

C. Council on Aging Division.

- (1) Purpose. The Council on Aging Division supports older adults in our community by providing programs and services designed to optimize their quality of life and help them maintain their independence so they may successfully age-in-place in the Town of Barnstable. The Council on Aging assesses the needs of citizens age 60 and over and develops programs to meet those needs, advocates and educates the community on issues affecting older people, and enlists support and funding for the programs from federal, state, Town, and other public and private organizations.
- (2) Authorities and responsibilities. The Council on Aging provides a wide and diverse array of programs designed to meet the needs of older adults that includes, but is not limited to, the following: community outreach, health and wellness education and assistance, supportive day, social, recreational and educational programming, benefits counseling, information and referral, caregiver support, nutrition, and transportation. Services are developed and provided through staff, volunteers and cooperative efforts with community groups and agencies. It also serves as a resource to other departments and community groups concerning issues having an impact on older people, as well as regularly assessing needs and developing financial resources.
- (3) Interrelationships.
 - (a) Town Manager. The Council on Aging interacts with the Town Manager primarily for program approval, budget expenditures, secondarily and for all other appropriate matters.
 - (b) Other departments. The Council on Aging interacts with Public Works relative to facilities program preparation, maintenance, and improvement. It interacts with the Health Division for cooperation in providing appropriate health services. Ongoing

interaction with all other departments and

organizational components to insure accomplishment of its goals and objectives is commonplace.

- (c) Multiple-member boards. The Council on Aging provides administrative support to the Council on Aging Board and receives advisory information regarding program service delivery.
- (d) Other interactions. The Council on Aging interacts with appropriate community agencies and groups as well as state and regional agencies to seek effective accomplishment of the departmental programming.

VOTE: PASSES 13 YES

Taking 2020-065 out of order, with the consent of the council

2020-065 ACCEPTANCE OF A GIFT IN THE AMOUNT OF \$20,000 FROM THE GLENNA KOHL FUND FOR HOPE, INC. FOR BARNSTABLE RECREATION DIVISION'S AQUATIC PROGRAM INTRO: 11/21/19

Lynne Poyant, Community Services Director gave the rationale. She explained this was the 11th year after Glenna Kohl's passing in which the family had gifted the Town with melanoma awareness products: sunscreen, shade canopies, and lifeguard umbrellas. This year the money will be utilized for the aquatic program.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a gift of **\$20,000** from the Glenna Kohl Fund for Hope, Inc. with such funds to be used for Barnstable Recreation Division's Aquatic Program and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

VOTE: PASSES UNANIMOUSLY

2020-052 SUPPLEMENTAL APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$150,000 FOR THE FISCAL YEAR 2020 AIRPORT CAPITAL BUDGET FOR THE PURPOSE OF FUNDING AIRPORT CAPITAL IMPROVEMENT PROJECTS FOR MITIGATION OF PER AND POLYFLUOROALKYL SUBSTANCES (PFAS) AND 1,4 DIOXANE INTRO: 11/07/19,11/21/19

Katie Service, Barnstable Airport Manager gave the rationale. She gave an overview of the PowerPoint presentation. She explained the Aqueous Film Forming Foam (AFFF) a chemical agent which was required by the Federal Aviation Administration (FAA) to be at all airports was also the containment in the drinking water. She said the airport had not used the AFFF since 1980 except for the 2016 accident in which 10 gallons of AFFF leaked into the catch basin. She added the airport was comprised of 639 acres with a total of 2.25 acres affected by this AFFF chemical.

Open Public Hearing seeing no one close Public Hearing.

Councilor questions and comments:

What is the next step? [Responding to MassDEP and then mitigation]

What about a temporary cap [seems to be good for 3 years][Best solution is to keep the

containments onsite]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$150,000** be appropriated for the purpose of funding mitigation for the impacts of per and polyfluoroalkyl substances (PFAS) and 1,4-dioxane in soil and groundwater associated with the use of firefighting foams; and that to meet this appropriation that \$150,000 be transferred from the Airport Enterprise Fund reserves; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2020-053 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$100,000 FOR THE FISCAL YEAR 2020 AIRPORT CAPITAL BUDGET FOR THE PURPOSE OF FUNDING AIRPORT CAPITAL IMPROVEMENT PROJECTS FOR ONGOING EVALUATIONS OF PER AND POLYFLUOROALKYL SUBSTANCES (PFAS) AND 1,4 DIOXANE INTRO: 11/07/19, 11/21/19

Open Public Hearing seeing no one close Public Hearing.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$100,000** be appropriated for the purpose of funding ongoing investigations into the impacts of per and polyfluoroalkyl substances (PFAS) and 1,4-dioxane in soil and groundwater and to meet this appropriation that \$100,000 be transferred from the Airport Enterprise Fund reserves; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2020-060 APPROPRIATION ORDER OF \$730,000 FOR THE WATER ENTERPRISE FUND FISCAL YEAR 2020 OPERATING BUDGET INTRO: 11/21/19

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$730,000** be appropriated for the purpose of funding the Fiscal Year 2020 Water Enterprise Fund operating expense budget; and that this sum be added to the sum of **\$6,955,015** appropriated under council order 2019-177 resulting in a total revised Fiscal Year 2020 operating budget of **\$7,685,015**, and that to fund this appropriation that the sum of **\$730,000** be transferred from the Water Enterprise Fund reserves.

VOTE: TO A PUBLIC HEARING ON 12/5/2019-UNANIMOUS

Taking 2020-063 and 2020-064 out of order, with the consent of the council

2020-063 ORDER TO APPROVE TERM OF CONTRACT CHANGE FOR PERSONAL PROPERTY VALUATION UPDATE SERVICES IN THE TOWN OF BARNSTABLE MASSACHUSETTS FOR FISCAL YEAR 2021 THROUGH 2024 INTRO: 11/21/19

Upon a motion duly made and seconded it was

ORDERED, that the Town Council hereby supports the acceptance of a term of contract change under the MGL 30B, Uniform Procurement Act, Section 12, paragraph(b), which would allow Real Estate Research Consultants, Inc., 1538 Turnpike Street, North Andover, MA contract to be extended from three (3) years to five (5) years.

VOTE: TO A SECOND HEARING ON 12/5/2019-UNANIMOUS

2020-064 ORDER TO APPROVE TERM OF CONTRACT CHANGE FOR REAL PROPERTY VALUATION UPDATE SERVICES IN THE TOWN OF BARNSTABLE MASSACHUSETTS FOR FISCAL YEARS 2021 THROUGH 2024 INTRO: 11/21/19

Upon a motion duly made and seconded it was

ORDERED, that the Town Council hereby supports the acceptance of a term of contract change under the MGL 30B, Uniform Procurement Act, Section 12, paragraph(b), which would allow the Vision Government Solutions, Inc., 1 Cabot Rd., Suite 100 Hudson, MA 01749 contract to be extended from three (3) years to five (5) years.

VOTE: TO A SECOND HEARING ON 12/5/2019-UNANIMOUS

2020-061 ALLOCATION OF TAX LEVY FISCAL YEAR 2020 – RESIDENTIAL EXEMPTION INTRO: 11/21/19

Councilor Cullum left dais at approximately at 10:27 P.M.

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption of 20 percent for Fiscal Year 2020.

VOTE: To a Public Hearing on 12/5/2019-Unanimous

Councilor Cullum returned to the dais at approximately at 10:30 P.M.

2020-062 ALLOCATION OF TAX LEVY FISCAL YEAR 2020 – TAX FACTOR INTRO: 11/21/19

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the Fiscal Year 2020.

VOTE: To a Public Hearing on 12/5/2019-Unanimous

Mark Milne, Finance Director gave an overview of the residential exemption and tax factor. He explained the Town was at the 20 percent for tax exemption rate but it go up to 35 percent. He mentioned there were 16 communities that will adopt residential exemption each year, Barnstable being one of those communities. He stressed that Barnstable is predominately a residential property town.

Nominations for President and Vice President:

A motion to nominate Paul Hebert for President was duly made and seconded.

A motion to nominate Jennifer Cullum for President was duly made and seconded.

A motion to nominate Jessica Rapp Grasseti for President was duly made and seconded.

No further nominations for President

Nominations for President closed.

Nominations for Vice President

A motion to nominate Matt Levesque for Vice President was duly made and seconded

A motion to nominate Britt Beedenbender for Vice President was duly made and seconded

A motion to nominate Jessica Rapp Grasseti for Vice President was duly made and

seconded

No further nominations for Vice President
Nominations for Vice President closed.

We will conduct the election on the 5th of December at the next regular Town Council meeting.

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 10:55 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: December 5, 2019

EXHIBITS:

A. Town Manager Update