



Town Council Meeting
February 16, 2023



A quorum being duly present, President Matthew Levesque called the February 16, 2023, Town Council meeting to order at 7:04 PM.

An announcement was made by President Levesque 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: Nikolas Atsalis, Kristine Clark, Jennifer Cullum, Paul Cusack, Jessica Rapp Grassetti, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber.

The Pledge of Allegiance was led by President Levesque. During the moment of silence, Councilor Starr remembered James Otis Ellis, Sr. and Councilor Mendes remembered John Reed. Please keep the families in your thoughts and prayers.

PUBLIC COMMENT:

(In-person)

No one

(On Zoom)

Laurel Schaidler gave an update on the study by Silent Spring; thanked the Council for the support, as of this date, 290 participants, only one third of the people we need. She asked Council to share this information with their constituents, to raise awareness of the study. Close public comment

Councilor Response to Public Comment:

(Ludtke) sad to see the numbers are not higher, hope to get out to do door to door, even summer people can participate in this study. (Clark) Regarding the town's municipal water supply could a flyer go out with the water bills? (Steinhilber) there is no danger to the current drinking water, no issues now. (Director Santos) responded to the status of Hyannis Water, currently treat all of our wells, there is no per-polyfluoroalky substances (PFAS) in our water.

TOWN MANAGER'S COMMUNICATIONS: (Exhibit A)

(Levesque) New and improved plan to save time and keep everyone informed, the Town Manager's report has been prerecorded and the written form will be available to all on the Town Manager's page on the website. (Exhibit A)
Budget Action Calendar
Meeting with the Lieutenant Governor about proposed changes to Title 5
Great Streets of Hyannis project
Local Comprehensive Plan (LCP)
2023 Beach Sticker sales

Water Resource Management Planning by the Department of Public Works
Barnstable Public School Committee report

Councilor questions and comments:

(Schnepp) Title 5 Massachusetts Department of Environmental Protection (DEP) regulations, excellent response, did they extend the public response, (Ells) Public response closed as scheduled, we anticipate that the DEP will reach out to go over the comments. (Schnepp) Do you think there is hope after attending the meeting? (Ells) Elected and administrative staff across the state attended the meeting with the Lieutenant Governor, many of the comments we have made, we talked about the regulations to make sure the communities can seamlessly transition and not have to do all of these other things, the interim DPW commissioner, will be involved in the next meeting. Funding and the ability to access additional funding this is very much a cape cod issue. And the types of subsidies necessary, a work in progress, think they will sit down with us. (Schnepp) the Division of Local Services (DLS) and the opioid relief, do we currently have a plan for using those funds (Ells) looking at this issue, it is under review and will share with the Council (Rapp Grassetti) Great streets Hyannis, the two way street and the bike path, wondering about the time frame (Jenkins) Public comment is open for the next month; project is envisioned we are still in the conceptual design phase; 2024 spring or summer. (Rapp Grassetti) regarding the Comprehensive Wastewater Management Plan (CWMP) and the new regulations we still have people from Stewarts Creek that have not connected, what do you see for a timeline. (Ells) that falls under the Board of Health, they have the authority to waive that connection; (Rapp Grassetti) Do you anticipate with the new sewers that people will have the ability to appeal the connections. (Ells) No we do not want people to hesitate to connect to the sewers. (Clark) The Adult Community Center (BACC) has staff to help the elderly with the beach stickers (Cullum) Fabulous presentation by the Sarah Ahern, thankful for the vision. (Levesque) spoke of the presentation on the website will be airing again in the morning (Poyant) there will also be a link in E-news.
Close response

➤ **Workshop on Private Roads Mark S. Ells, Town Manager**

Councilor questions and comments:

(Levesque) we have been discussing what the best policy would be going forward; recommend that we move forward with this discussion; (Ells) the hard part is how will this impact our budget, that could be more than 5 years out; (Levesque) Is this something we want to move forward? The taking of these roads, or just maintain the roads. (Steinhilber) Being able to fold this in over time, and the private roads are not necessarily up to code, if we take them, will we be cutting into the landscaped yards (Ells) We absolutely recognize that. (Mendes) Half roads are private and half are public, they have potholes and flooding, we have to prioritize how we do it. As it becomes very dangerous, private roads do not have sidewalks, the roads are crumbling. (Schnepp) 3.75 million how much does that cover (Ells) it varies as to what has been accomplished; other grants for roadways, we can summarize that and bring it in to you. Primary and collector roads are a priority for us, how are we going to do that? (Schnepp) The equity issue, some people have already put the money into the private roads, the policy we put forward we have to take many things into consideration. (Ells) All of this is what we are going to discuss. (Shaughnessy) If we are investing taxpayer funds into the roads it would be silly not to take the roads, Could we take part of the private road, and an easement on the narrow roads that would mean we would have to cut into the landscaping? (Ells) we are going to look at every option, we want the roads to last as long as possible. (Rapp Grassetti) This policy we need to work on as soon as possible, when roads are resurfaced people increase speed; want to see the character of the private roads maintained. (Ells) an inventory of what we can and cannot do;

(Clark) Asking for a policy from this body, when do you need it for the funding sequence (Ells) in the coming months we will be bringing this back within our time frames; it is massive, in batches sort of approach; do you want us to proceed with the offer of taking? (Clark) Will there be an opportunity to notify those residents of the differences between the taking or just an easement (Ells) We have and we will (Ludtke) Seems like the taking makes so much sense, additional fees are going to start piling on our residents. So many private roads that are crumbling, we don't want to lose the character; we have to proceed very carefully; (Mendes) we are going to spend a billion dollars on sewers and roads, let's do it right the first time. (Cullum) Timely conversation, feel for the people who have paid for the betterments; all of our emphasis on biking and bike paths, my concern is for safe sidewalks; who goes first when we grade these roads. (Levesque) Sounds like we all would like to proceed (Ells) we will proceed and come back to the Council.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of February 2, 2023 as presented.

VOTE: PASSES UNANIMOUS

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

(Ludtke) the pump station for 725 Main Street, that parcel of land was paid for with open space money, there was an easement put on the property (Levesque) this is not the time to talk about this, it has to do with open meeting law. (Cullum) Youth Commission Job Fair is coming up, Wednesday March 8th (Levesque) Barnstable Youth Commission will be reporting at our next meeting; the upcoming Youth Summit; the first meeting in April we will be discussing the possibility of an override on the ballot. (Atsalis) we have schedule a Precinct 4 meeting with the Department of Public Works about Mother's Park in early March, later on in March a meeting on safety issues on Main Street in Centerville.

Break: 5 minute break

- **Update on Cape Cod Commercial Fishermen's Alliance by Doreen Leggett, Communications Officer, and Eric Hesse, Chair of the Board of the Cape Cod Commercial Fishermen's Alliance (Exhibit C)**

Councilor questions and comments:

(Cullum) We are in the process of redesigning Hyannis Harbor, this is the time to talk about it; Could Elizabeth Jenkins or Dan Santos speak to this regarding Hyannis Harbor (Santos) Replacing the bulkhead in Hyannis Harbor in the next few years, would like to hear comments that may help and whether or not that can be accommodated (Levesque) there is talk about the amount of the grant and what we may be able to do that. (Leggett) From what I understand the front is transient, it would be great if there were four or five set asides (Ludtke) we ought to encourage this vibrant industry; that is also a tourist attraction; the imposed moratorium for the lobster fisherman, are we under the same restriction (Hesse) Maine lobster fishery, we are not sure if it is the gulf of Maine or just for the state of Maine; the controversy over the on demand buoys, has been pushed aside. (Leggett) Massachusetts put in regulations to protect the all species of whales, we have the breakaway lines, areas that are closed, and we are way ahead to protect whales. (Cusack) appreciate the reminder and bringing the attention to highlight what is near to our heritage. (Clark) We are proud of this culture, I would be happy to support enabling this industry; to be supportive with the infrastructure to maintain the fleet; I think our town should support the maritime culture at all our ports and landings. (Atsalis) Commercial

fishing vessels are those the large vessels or more the mom and pop commercial fishing vessels? (Hesse) tried to stay nonspecific, as the industry is very changeable; the idea of making a portion of the waterfront available as a working waterfront would accommodate anyone. (Atsalis) Are there dedicated access points or new ones to be developed (Hesse) there is room for improvement, some things we could do now, meet with younger fisherman to get their views (Starr) My precinct is on the north side, the economic driver is important in Barnstable, whenever we ask for dredging grants; there has to be some economic driver; maybe looking at the regulations, we have 5 charter boats that go out every day; aquaculture clam grants in Barnstable Harbor; lot of pressures.

2023-128 APPROPRIATION ORDER IN THE AMOUNT OF \$300,000 TO FUND DISPOSAL COSTS AT THE SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS INTRO: 02/02/2023, 02/16/2023

Dan Santos, Director of Public Works (DPW) gave the rationale
Open public hearing, no one on public comment, close public comment

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$300,000** be appropriated and provided from the Solid Waste Enterprise Fund surplus for the purpose of funding disposal costs at the Solid Waste Division of the Department of Public Works

VOTE: PASSES 13 YES

ROLL CALL Atsalis, Clark, Cullum, Cusack, Rapp Grassetto, Levesque, Ludtke, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2023-129 APPROPRIATION ORDER IN THE AMOUNT OF \$206,391 TO FUND INFORMATION TECHNOLOGY SECURITY IMPROVEMENTS INTRO: 02/02/2023, 02/16/2023

Jim Benoit, Director of Information Technology (IT) gave the rationale
Open public hearing seeing no one close public comment

Councilor questions and comments:

(Rapp Grassetto) Will you be coming back to us soon with an acceptance of a grant, (Benoit) This is a recurring grant to help with a training program it is not a dollar amount (Clark) This expenditure will be well spent (Ludtke) Fiscal impact how does that compare to what it currently is, is this adding to that (Benoit) this is additional costs adding onto our current budget (Ludtke) So every year you will be adding to your budget (Benoit) Yes (Atsalis) Upgrade to the systems, will you do it, (Benoit) combination of staff and vendor (Atsalis) Is this a vendor you have worked with before (Benoit) Yes (Schnepf) Will you be needing an upgrade for the computers that you will be asking for next year (Benoit) potentially moving the server to an off-site location (Schnepf) we were vulnerable with the potential cyber-attack, and had an impact on our meetings, will we be separating the meeting information (Benoit) we are looking at that, to clarify that the amount will be added to our base budget every year

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$206,391** be appropriated and provided from the General Fund reserves for the purpose of funding information technology security improvements

VOTE: PASSES 13 YES

ROLL CALL Atsalis, Clark, Cullum, Cusack, Rapp Grassetto, Levesque, Ludtke, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2023-130 APPROPRIATION ORDER FOR THE SCHOOL DEPARTMENT IN THE AMOUNT OF \$1,444,398 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOLS DISTRICT WIDE LIGHT REPLACEMENT PROJECT INTRO: 02/02/23, 02/16/2023

Sarah Ahern, Superintendent of Barnstable Schools gave the rationale along with Michael Lambros, Facilities Director for the Barnstable Schools

Open public hearing seeing no one close public hearing

Councilor questions and comments:

(Neary) is that the current kilowatt hour contracted (Lambros) whole district has a contracted rate (Neary) is that an annual contract ?(Director Anthony) Cape Light Compact went out for a three year fixed rate bid until July 1, 2024. (Schnepp) In the chart most of the procurement types two are Requests for Proposal (RFP's) why is that (Lambros) The two project are over the threshold

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$1,444,398** be appropriated for the purpose of funding the replacement of light fixtures in the Barnstable Public Schools, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$1,444,398 be provided from the General Fund Reserves and any grant received by the School District for this project be applied to project costs, thereby reducing the amount authorized by this order by a like amount; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: PASSES 13 YES

ROLL CALL Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Ludtke, Mendes, Neary, Schnepp, Shaughnessy, Starr, Steinhilber

2023-131 ORDER AUTHORIZING THE TAKING OF ROAD EASEMENTS BY EMINENT DOMAIN FOR SEWER AND WATER PURPOSES OVER CERTAIN PRIVATE ROADS IN CENTERVILLE KNOWN AS EARLES COURT, NOBADEER ROAD, QUISSET ROAD, CHRISTINAS PATH, CAPT. ELLIS LANE, JENNIE'S PATH, NANCYS LANE, AND A PRIVATE WAY ADJACENT TO LOT 11 AS SHOWN ON A PLAN FILED IN PLAN BOOK 288, PAGE 18 AT THE BARNSTABLE COUNTY REGISTRY OF DEEDS INTRO: 02/02/2023, 02/16/2023

Senior Town Attorney, Charles McLaughlin gave the rationale

Open public hearing seeing no one close public hearing

Councilor questions and comments:

(Schnepp) is there any danger of the thirty days, (McLaughlin) As soon as the thirty days is up we go on record at the Registry, certified letters will be going out to each party (Ludtke) is everyone on this list aware that we are going to vote tonight (McLaughlin) Yes, a letter went out to each person 10 days to two weeks ago.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under chapter 79 of the General Laws of Massachusetts, or otherwise acquire for sewer and water purposes a perpetual easement through, under, across, and on the following described roads for the installation, operation, maintenance, repair, relocation, and

replacement of sewer and water lines and infrastructure for the same and for all purposes for which such easements are commonly used in the Town of Barnstable:
EARLES COURT, NOBADEER ROAD, QUISSET ROAD, CHRISTINAS PATH, all as shown on Land Court Plan No. 40592-C, Sheets 1 and 2; and
CAPT. ELLIS LANE, JENNIE'S PATH, NANCYS LANE, AND A PRIVATE WAY ADJACENT TO LOT 11, all as shown on a plan filed in the Barnstable County Registry of Deeds in Plan Book 288, Page 18.

Any trees, buildings, and other structures located within said roads are not included in this Order and the owners of the same may have a period of up to sixty (60) days after the recording of this Order of Taking to remove the same.

Betterments will be assessed for the associated sewer and water improvements made by the Town of Barnstable.

The names and addresses of the owners of said interests taken and their mortgagees as far as can be ascertained by the Town are as set forth on Exhibit A attached hereto, along with any awards, if any, for damages sustained by said owners.

VOTE: PASSES 13 YES

ROLL CALL Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Ludtke, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2023-134 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$15,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT INVESTMENT GRANT PROGRAM FOR THE BARNSTABLE VILLAGE CULTURAL DISTRICT INTRO: 02/16/2023

Elizabeth Jenkins, Director of Planning and Development gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a grant in the amount of **\$15,000** from the Massachusetts Cultural Council's Cultural District Investment Grant Program for the purpose of providing financial assistance to encourage the development and success of the Barnstable Village Cultural District and to foster local cultural preservation in accordance with the provisions of state law pertaining to state-designated Cultural Districts.

VOTE: PASSES UNANIMOUS

2023-135 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$15,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT INVESTMENT GRANT PROGRAM FOR THE HYANNIS HYARTS CULTURAL DISTRICT INTRO: 02/16/2023

Elizabeth Jenkins, Director of Planning and Development gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2023 grant in the amount of **\$15,000** from the Massachusetts Cultural Council's Cultural District Investment Grant program for the purpose of providing financial assistance to encourage the development and success of the Hyannis HyArts Cultural District and to foster local cultural preservation in accordance with the provisions of state law pertaining to state-designated Cultural Districts.

VOTE: PASSES UNANIMOUS

2023-136 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$5,600 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL SECTOR RECOVERY GRANTS FOR ORGANIZATIONS PROGRAM INTRO: 02/16/2023

Elizabeth Jenkins, Director of Planning and Development gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a grant in the amount of **\$5,600** from the Massachusetts Cultural Council's Cultural Sector Recovery Grants for Organizations program for the purpose of providing financial assistance to cultural organizations negatively impacted by the Covid-19 pandemic, as secured by a state supplemental appropriation for the Hyannis HyArts Cultural District.

VOTE: PASSES UNANIMOUS

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

VOTE: PASSES 13 YES

ROLL CALL Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Ludtke, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

Adjourned at 9:54 PM

Respectfully submitted,

Ann M. Quirk

Barnstable Town Clerk

NEXT MEETING: March 2, 2023

Exhibits

- A. Town Manager Update
- B. Town Council Workshop on Private Roads
- C. Massachusetts Commercial Fishing Port Profiles