



Town Council Meeting  
November 2, 2023



A quorum being duly present, President Matthew Levesque called the November 2, 2023, Town Council meeting to order at 7:00 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 8 or High-Definition Channel 1072.

**PRESENT:** Nikolas Atsalis (7:39 PM), 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 followed by a moment of silence.

- **Town Council Recognition: People of Action**

President Levesque recognized the People of Action members. He said these men give so much to the community. He spoke of the many events and activities the group had started: Unity Day, offering scholarships, organizing events, and partnering with business for school events. The partnerships have resulted in the annual School Supply Giveaway. Vice-President Cullum said the group inspires her every day and is looking forward making changes. Councilors Ludtke, Schnepf and Neary all felt this group had made a tremendous difference in the community and thanked them for their volunteerism. Councilor Steinhilber mentioned how these men were continuing the legacy of Barnstable teacher John Reed. Councilor Mendes said this community volunteerism has been going on for a long time.

**PUBLIC COMMENT:**

**In-person:**

Felicia Penn suggested changes to the language in the summary of agenda item 2024-053. She felt the language needed to be changed from prevailing rents to market value rents. She added the language in last paragraph should be about the buildings not the investment.

Roberta Mauch spoke about deed restrictions, workforce housing, short term monitoring of Per - and Polyfluorinated Substances (PFAS), repurposing building materials and requiring builders to salvage materials.

Bob Schulte spoke about the upcoming public hearing on November 14 at the Cape Cod Community College, Tilden Arts Center. He explained it was a public hearing on Mid-Cape reliability project change. NStar/Eversource is proposing to modify electric infrastructure in 3 towns: Bourne, Sandwich and Barnstable. The project includes operating an interconnecting line between Bourne and Barnstable and; expanding the west Barnstable substation.

Peter Hanson thanked Susanne Connolly for her efforts to save Dowses beach. He had concerns with the substation and how to contain a fire in that facility.

Cliff Carroll spoke about the host agreement and felt it did not protect the town. He mentioned Avangrid did not develop a way to keep the town safe.

Chuck Tuttle spoke in opposition to the landing of the electricity cables. He mentioned people are not opposed to the wind power rather they are opposed to the landing cable on the beaches. He felt there were better ways to bring billions of watts of electricity ashore.

Heather Swenson urged Council to protect our lake. If there were a fire or accident at the Shootflying Hill Road substation the ground, ground water and or the lake would all be affected. Please say no to this project.

**ZOOM:**

Jack Gardner urged Council to give free Town of Barnstable beach passes to Barnstable veterans. He hoped this would be available by next summer.

President Levesque moved the Town Manager's Communication, Act on the Public Session Minutes and Communications from elected officials, boards committees, and staff, commission reports, correspondence, and announcements to the end of the meeting.

Mark Ells, Town Manager discussed the wind farm and how it got started with the Town of Barnstable. In 2016 there was a proposed cable landing in Yarmouth with Barnstable as an alternative cable landing. The project was 95 percent in Barnstable utilizing Barnstable land and roads. There were three proposed landings in Yarmouth, Popponesset and west of Craigville Beach Barnstable. Town was supportive of the first two projects and landings: Project I permitted and implemented, Project II permitted and Project III midway in permitting stopped by Town. He spoke about water quality and how this was the forefront of the discussion. He reiterated the fact the approving authority is outside of the Town for most aspects of the projects. These projects can proceed without us, the authority does not fall with us.

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

(Levesque) the host agreements were a way to help subsidize the sewer project, help the Town with the water supply and quality. (Mendes) Worried about the substation, wildlife we all are. He explained no one is making money rather the Town is trying to make the best decision. He added plenty of people are in favor of this project. He spoke about negativity directed at the Council. How insulting it was that accusations were hurled at the integrity of the councilors.

(Levesque) Reiterated people do question our integrity. We have been speaking about the wind project for 5 to 6 years now, with public meetings, council discussions and staff updates.

(Cullum) Explained meeting were the way democracy works, allows for people to discuss their point of view. She emphasized we are your neighbors, and we care about the town too.

(Schnepp) Thank you Felicia Penn regarding the language revisions I was questioning that language as well. Thank you, Roberta Mauch, open to the idea of increasing the amount of housing without always building. (Rapp Grassetti) Supports the beach pass for veterans. (Ells)

Will have to check with the Recreation Division they have temporary passes, but they are limited. Need to check about offering as other groups would be needing or deserving this offering as well. We need to look at the budget impacts, timing, and fiscal impacts. (Steinhilber) Spoke about Cape Wind project 2016-2017. He explained Cape Winds still had agreements and we fought it for 17 years. He noted regarding Article 97 we need to grapple with the decision on how to protect the drinking water. (Starr) Avangrid is ready to go to the November 14<sup>th</sup> meeting should we include the 5 fire chiefs. (Levesque) Yes, they will be invited. (Neary) Could we have

a timeline of the Comprehensive Wastewater Management Plan (CWMP) and the Wind Projects. (Ells) Vineyard Wind and the CWMP did happen at the same time. We moved forward in 2021 with the CWMP. (Clark) Thank you Mr. Gardner for your beach pass for veterans' proposal. The Town offers shellfish licenses for out-of-town veterans at the same price as residents. (Cusack) Thank you, Mr. Gardner, that is a fantastic idea. (Shaughnessy) The state permitted Avangrid and the likely outcome from a claim under Chapter 97 the state would defend Avangrid. (Atsalis) Thank you for the history of the wind project it is a shame people are not showing up to hear the explanation.

Close public comment

5 Minute Break – 9:13 PM

**2024-053 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND ATLANTIC APARTMENTS, LLC FOR ELEVEN (11) NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 171 MAIN STREET AND 16 SCHOOL STREET, HYANNIS INTRO: 10/19/2023, 11/02/2023**

Elizabeth Jenkins, Director of Planning and Development gave the rationale. She gave an overview of the Housing Incentive Program. Mark Milne, Director of Finance noted the changes to the language are a good idea.

Open public hearing seeing no one and no one on zoom, close the public hearing

**Councilor questions and comments:**

(Starr) Asked about the cost to rent the apartments. (Todd Elwell, Developer) Studio: \$1900 a month; one bedroom \$2100 a month; and two bedroom \$2500 a month.

Councilor Neary recused himself from this agenda item and left the dais.

Upon a motion duly made and seconded it was

**ORDERED:** That the Town Council hereby votes to authorize the Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Atlantic Apartments, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00, for eleven (11) market rate residential units located at 171 Main Street and 16 School Street, Hyannis, substantially in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

**VOTE: PASSES 12 YES I RECUSE (NEARY)**

**2024-054 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND DUNROVIN TOO, LLC FOR EIGHT (8) NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 68 YARMOUTH ROAD, HYANNIS, MA INTRO: 10/19/2023, 11/02/2023**

Elizabeth Jenkins, Director of Planning and Development gave the rationale.

Councilor Neary returned to the dais – 9:41 PM.

Open public hearing seeing no one and no one on zoom, close the public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the Town Council hereby votes to authorize a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Dunrovin Too, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00, for eight (8) market rate residential units located at 68 Yarmouth Road, Hyannis, in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

**VOTE: PASSES UNANIMOUS**

**2024-055 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND CCR HOLDING, LLC FOR TEN (10) NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 50 YARMOUTH ROAD, HYANNIS INTRO: 10/19/2023, 11/02/2023**

Elizabeth Jenkins, Director of Planning and Development gave the rationale.

Open public hearing seeing no one and no one on zoom, close the public hearing

**Councilor questions and comments:**

(Clark) Are you going to keep the historic looking building? (Jacob Dewey, Developer) There is no historic requirement as it is not historically significant. But will keep this building looking about the same. (Rapp Grasseti) Asked why this property was given a ten-year tax increment exemption agreement? (Jenkins) It was the at the request of the developer. The investment and cost were higher. (Dewey) Mostly two bedrooms in the project with a few one-bedroom units. Cost per unit does not go down regarding the number of bedrooms. (Starr) Is this a deed restricted? (Jenkins) Yes forever restricted.

Upon a motion duly made and seconded it was

**ORDERED:** That the Town Council hereby votes to authorize a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and CCR Holding, LLC pursuant to the Housing Development Incentive Program M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 for ten (10) market rate residential units located at 50 Yarmouth Road, Hyannis, substantially in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

**VOTE: PASSES 12 YES 1 ABSTAIN (RAPP GRASSETTI)**

**2024-056 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 10/19/2023, 11/02/2023**

Upon a motion duly made and seconded it was

**Resolved:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Janet Kraemer, as a regular member to a term expiring 06/30/2026; **Licensing Authority:** Jessica Sylver as an Associate member to a term expiring 06/2024

**VOTE: PASSES UNANIMOUS**

**2024-059 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 LAW ENFORCEMENT BODY-WORN CAMERA PROGRAM GRANT IN THE AMOUNT OF \$151,554.60 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 11/02/2023**

Police Lieutenant Mark Llind 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 2024 Law Enforcement Body-Worn Camera Program grant in the amount of **\$151,554.60** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security for the purpose of funding costs associated with the initial start-up and implementation of law enforcement officers' body-worn cameras.

**VOTE: PASSES UNANIMOUS**

**2024-060 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$2,500,000 IN COMMUNITY PRESERVATION ACT FUNDS TO INCREASE THE NUMBER AND AVAILABILITY OF COMMUNITY HOUSING UNITS IN THE TOWN OF BARNSTABLE INTRO: 11/02/2023**

Upon a motion duly made and seconded it was

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of One Million Forty Nine Thousand Five Hundred Fifty One Dollars (**\$1,049,551**) be appropriated and transferred from the set-aside for Community Housing Funds within the Community Preservation Fund and the amount of One Million Four Hundred Fifty Thousand Four Hundred Forty Nine Dollars (**\$1,450,449**) be appropriated and transferred from the undesignated reserve in the Community Preservation Fund to the Affordable Housing/Growth & Development Trust Fund, and that the Affordable Housing/Growth & Development Trust Fund Board is authorized to contract for and expend the total appropriation of Two Million Five Hundred Thousand Dollars (**\$2,500,000**) to increase the number and availability of community housing units within the Town of Barnstable by both funding and initiating projects and programs for that purpose, subject to the oversight by the Community Preservation Committee.

**VOTE: REFER TO PUBLIC HEARING ON 11/16/2023 - PASSES UNANIMOUS**

**2024-061 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$1,825 IN COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS FOR THE RESTORATION AND PRESERVATION OF THE HISTORIC ARTIFACT KNOWN AS THE GERMAN POW BOTTLE INTRO: 11/02/2023**

Upon a motion duly made and seconded it was

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of One Thousand Eight Hundred Twenty-Five Dollars (**\$1,825.00**) be appropriated and transferred from the amount set aside for Historic Preservation within the Community Preservation Fund for the restoration and preservation of the historic artifact known as the German POW Bottle in the care of the Historical Society of Santuit and Cotuit. It is further ordered that the Town Manager is authorized to

contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

**VOTE: REFER TO PUBLIC HEARING ON 11/16/2023 - PASSES UNANIMOUS**

**ACT ON PUBLIC SESSION MINUTES:**

Upon a motion duly made and seconded it was to accept the minutes of October 19, 2023, as presented.

**VOTE: PASSES 12 YES 1 ABSTAIN (RAPP GRASSETTI)**

**TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded)** (Levesque) 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)

Update on:

1. Budget action calendar fiscal year 2025 – update
2. Tax levy shifting options for fiscal year 2024 at the November 16, 2023 Town Council meeting
3. Citizen petition pursuant to Section 8-9 of the Town Charter - meeting held on October 23, 2023 is available on the Town's video demand.
4. Eversource Energy - update
5. The Cape Cod and Island Legislative Delegation met with Cape Cod and Islands Wastewater trust Fund Board - update
6. Wednesday November 1<sup>st</sup> opened the Town of Barnstable's recreational oyster harvest season
7. Greening the gateway cities grant – update
8. Local Comprehensive Plan - update

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

(Schnepp) On November 16, 2023, there will be a short-term rentals housing conference at the University of Massachusetts.

**VOTED TO ADJOURN:**

**VOTE: PASSES UNANIMOUS**

**Adjourned at 10:26 PM**

Respectfully submitted,

Janet E. Murphy  
Assistant Town Clerk

**NEXT MEETING: November 16, 2023**

Exhibits

A Town Manager's update