



Town Council Meeting
February 15, 2024



A quorum being duly present, President Felicia Penn called the February 15, 2024, Town Council meeting to order at 6: 00 PM.

An announcement was made by President Penn 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 Channel 1072.

PRESENT: Charles Bloom, Seth Burdick, Kristine Clark John Crow, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Felicia Penn, Gordon Starr, Craig Tamash, Kristin Terkelsen **Absent:** Paula Schnepf,

Vice President Tamash introduced Veteran Services Officer, Kevin Voegeli to lead the Pledge of Allegiance. Councilor Levesque asked for a moment of silence to remember Nancy Clark a longtime Historic Commission member.

PUBLIC COMMENT:

In-person:

Pete Sampou spoke about the previous meeting and wanted to correct the record that talking points being presented by many of our concerned citizens could be traced to similar talking points linked to dark money on social media. No record of ground water contamination to date of the 65 substations operations. Europe has more than 5,400 off shore wind turbines, why are we so late in the electrification of our energy systems.

Wendy Northcross, Chair of the Local Comprehensive Plan (LCP) gave a quick update of the LCP, guiding the rate of new development; defining the unique values we need to protect. LCP should align with the regional policy plan, and express the vision of our Community.

Eileen Elias, Chair of "No Place for Hate" read a letter (Exhibit A) stating the need for affordable housing, seeking an update on the recommendation of providing a Council based Affordable Housing Subcommittee. Affordable housing is needed for staffing people for all the various employers in Barnstable.

Dylan Moreno addressed his concern for the adoption of wind farms for renewable energy. He participated in the Youth Climate Change Subcommittee, connected with other students, adaptive measures are simply not enough. It is important to address these issues for our future generations.

Michelle Sgarlet felt blessed to have raised her family on Cape Cod. In 2023 the warmest year on record, hottest January on record for the oceans; we cannot ignore the climate change, how are we going to meet this challenge?

Barry Sheingold spoke on the Park City Wind (PCW) project. Before the Council tonight is an item to fund a law firm to withhold an easement previously granted. The better way, provide the easement with the provision that it will revert back to the town under certain circumstances. The expected long term impacts will be small; there will be no electromagnetic fields (EMF's) from the cable on the beach, no adverse health effects. Look at the evidence that was presented, the magnetic fields will be a small fraction.

Boden Corona spoke in support of the off shore wind technology. This decision should be for the better of the society, the roads are being ripped up for the sewer and quickly repaired. At this point there is no scientific evidence to affect the mortality rate of whales. Renewable clean energy is a step in the right direction and I support the hookup to the wind power.

Bob Schulte asked the Council to support 2024-095 for expert legal advice before making any further decision on PCW regarding this project.

Noah Sheasley stated that the publishing Climate Scientists believe that humanity is responsible for the consumption of fossil fuels. On Cape Cod we are either blessed or cursed, we can see the impact on our own shores. We have an opportunity with off shore renewable wind; we could do our part and be economically better off. Help us do our part. Support renewable energy.

Cliff Carroll discussed his immediate concerns, there are thousands of examples of transformers exploding around the world. The Energy Facilities Siting Board (EFSB) is again going to rush a ruling. The issues of the protections of the well fields, we have been told it is out of our jurisdiction. Who in this town is responsible for protecting our well fields? We are running short on water.

Grove Harris said we need to move ahead, we are way behind. Get us a lawyer that can help us to get the best information. She wants to be proud of this town and all the people who have raised their voices, we must move forward.

Cheryl Powell stated she filed her abatement; this is the second year that this has happened with the tax bill. We are required to give three examples, the fire pit was taken off, along with the penalties. She then gave examples of neighbor's comparable houses. She encourages subcommittee formation.

Zoom:

Sandy Jones said what we are discussing tonight is to allow the Town Council to hire outside counsel. The Town of Barnstable is aware of what occurred, we the need to trust you, that you will do what is right. At the end of the day it affects all of us.

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Mendes) the housing crisis is real in this town, my children can afford to live here but they can't find a place to live. We are going to have to make sacrifices. The climate crisis is real, I don't want my grandchildren to suffer, and we have tough decisions to make. (Levesque) we are working hard to move forward. If a vote goes in favor of the money, the game has changed a little bit, it is okay to take a deep breath and discuss how we are going to move forward.

Housing crisis is real. (Bloom) Heard that the old council worked so hard, there are some other issues that make the wind farm very complicated. There are many other things, the viability of the organization or the electric bills going up three times what they are now.

(Ludtke) on the eastern coast of the United Kingdom, Suffolk Energy Action Solutions, has the same concerns as the Save Dowses Beach group. I support the money for the outside counsel.

Other concerns can outweigh money. Let's have a subcommittee. (Starr) We have to move as fast as we can. (Penn) Grove Harris please send your report to the Town Council Administrator, the subcommittees we are going forward with should be established by the end of March, the housing subcommittee write up has been done by Councilor Schnepf; there are reasons why affordable housing doesn't exist in certain areas, there is a big difference due to the infrastructure, no sewers no housing.

TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded) (Penn)

The Town Manager's report has been pre-recorded and is available to the Town Council and the public. The report will be prepared in written form and posted on the Town Manager's website as in the past. The Town Manager and staff will be available to answer any questions regarding the report as presented. The Town Manager's communication for the period of January 31, 2024, through February 13, 2024, included an update on: (Exhibit B)

1. Notice from the Town Clerk on Voter Registration and Early Voting
2. Update on Budget Action Calendar for Fiscal Year 2025
3. Healey-Driscoll Administration creation of a Commission on Clean Energy Infrastructure Siting and Permitting
4. Update on Cape Cod and Island Water Protection Fund Management Board Executive Committee request to State Official for additional funds for wastewater infrastructure projects.
5. Answering the question "Is Barnstable a Pollinator Friendly Community?"
6. Update by the Department of Public Works (DPW) on Water Resource Management Planning

Councilor questions and comments:

(Penn) invited Town Manager Ellis to tell us about the Commission for Clean Energy Infrastructure Siting and Permitting currently someone from the Town of Acton is on this committee. (Ellis) This committee was established to review regulations and legislation and the Acton member was appointed by the Governor. He reached out to Senator Cyr; this was created last year. They are not yet organized, will we have time to review whatever they are going to produce. (Penn) Could you give us the summary on connecting the need for wastewater infrastructure with housing and the update on the request for more money? (Ellis) According to the Cape and Islands Water Protection Trust Funds the revenues that support the 25% subsidy for eligible projects are deficient due to the rising costs. We are now looking at 12% subsidy. Asking for other opportunities to secure the funding we need for 2024. We sent a letter to the three board members that oversee the Clean Water Trust. (Terkelsen) who is responsible for the protection of our water resources? (Ellis) each of the water purveyors looks at the public water supply, we have put it into zoning, and within our Board of Health. Also through Public Works and the Board of Health to make sure what we are doing is protecting our water. EFSB can override and have made these decisions of where to site a substation. (Terkelsen) is this something our town should do better? (Ellis) It has to be done comprehensively the town is the entity to bring everyone together it is all about public safety.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded, it was to accept the minutes of February 1, 2024, as presented.

VOTE: PASSES 10 yes, 2 abstain (Ludtke and Clark)

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

(Levesque) Assessing, why one side of the street was so different from the opposite side of the street; the market in 2023, was crazy, one person overpaying for a property, it can skew the numbers. There was an error that affected 41 residents; the Treasurer/Collectors office have reached out to the mortgage companies; (Mendes) Appointments Committee is now conducting interviews; please get your applications in to serve the town. (Clark) Boards, Committees and Commissions webpage has the application (Poyant) actually the application is on the Town Council webpage (Starr) many people are asking about the mail in ballot, not sure what they are voting for? (Quirk) explained the Party Ballots. (Clark) Could you address the in person early voting (Quirk) Saturday the 24th 8 AM until Noon, Sunday the 25th 8 AM to Noon, 26th to the 1st 8:30 to 4:30. (Terkelsen) let everyone know the Infrastructure and Energy Committee is working towards becoming a Green Community.

- President Penn announced a special meeting on February 29th at 6 PM a workshop focusing on drinking water resources, Dan Santos, Director of Public Works will present the information on the hydrological cycle ground water drinking water supplies and threats. Also the Water District Commissioners have been invited. No public will be permitted to the room. Public can submit their questions, it will be broadcast live. Hope this format provides dynamic and active questions and answers.
- Opening for a Barnstable Delegate for Port Council for the Steamship Authority anyone interested in serving a two year term send a letter to the Town Council Administrator
- Opening in April to the Cape Cod Commission, no set term, please submit a letter of interest to Town Manager Ells
- Sub-committees should be formed by the end of March.
- Town offices are closed on Monday for Presidents Day.

Break 7:40 to 7:50

<p>2024-095 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$45,000 FOR THE PURPOSE OF PAYING OPERATING EXPENSES OF THE LEGAL DEPARTMENT FOR THE SERVICES OF THE LAW FIRM OF ANDERSON & KREIGER, WHICH IS SERVING AS OUTSIDE COUNSEL TO THE TOWN WITH RESPECT TO PARK CITY WIND LLC'S PROPOSED OFFSHORE RENEWABLE WIND PROJECT IN THE TOWN INTRO: 02/01/2024, 02/15/2024</p>

Open public hearing
Karen Nober, Town Attorney, gave the rationale.

Grove Harris please make sure that the public can learn from the advice given by the attorneys, making it something that can be more accessible by the public.

Cliff Carroll we are already entered into an agreement with Vineyard Wind, we need to be prudent about legal works, very good measure by the town.

Larry Morin we have three projects going on right now is this advice for all the issues or just for Park City,

(Penn) this is just for Park City does not mean it won't be applicable to other projects.

Councilor questions and comments:

(Terkelsen) can you come back to us at intervals to let us know how much has been spent. (Nober) I will have to come back to you if I need more money (Terkelsen) is it not standard to give us updates as to where we stand. (Nober) no it isn't standard (Mendes) speak to Attorney/Client (Nober) Attorney client conversations are privileged information. No one on zoom close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$45,000** be appropriated for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger, which is serving as outside counsel to the Town with respect to Park City Wind LLC's proposed offshore renewable wind project in the Town; and to meet such appropriation, that **\$45,000** be provided from the General Fund Reserves

VOTE: PASSES 12 YES

ROLL CALL: Bloom, Burdick, Clark, Crow, Levesque, Ludtke, Mendes, Neary, Penn, Starr, Tamash, Terkelsen

2024-096 APPROPRIATION ORDER IN THE AMOUNT OF \$500,000 TO FUND DISPOSAL COSTS OF THE SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS INTRO: 02/15/2024.

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$500,000** be appropriated from the Solid Waste Enterprise Fund reserves for the purpose of funding disposal costs of the Solid Waste Division.

VOTE: TO A PUBLIC HEARING ON MARCH 7th- PASSES UNANIMOUS

2024-097 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 MUNICIPAL ROAD SAFETY GRANT IN THE AMOUNT OF \$60,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 02/15/2024.

Provisional Chief of Police, Jean Challies 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 Municipal Road Safety Grant in the amount of **\$60,000** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Highway Safety Division for the purpose of funding the cost of traffic enforcement mobilizations and equipment and driver education for minors.

VOTE: PASSES UNANIMOUS

2024-098 AUTHORIZATION TO EXPEND A FEDERAL FISCAL YEAR 2024 BYRNE JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$40,000 FROM THE U.S. DEPARTMENT OF JUSTICE THROUGH THE MASSACHUSETTS STATE POLICE DEPARTMENT FOR COSTS INCURRED IN STATE FISCAL YEAR 2024 INTRO: 02/15/2024

Provisional Chief of Police, Jean Challies gave the rationale.

Councilor questions and comments:

(Ludtke) isn't this number one effort (Challies) It is, but this is a partnership with the State Police. (Ludtke) How many other Police departments were selected (Challies) seven others (Ludtke) Did we ask for this attention (Challies) based on spike in narcotics and violence this past year.

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 Federal Fiscal Year 2024 Massachusetts State Police Subrecipient grant in the amount of **\$40,000** from the Byrne Justice Assistance grant from U.S. Department of Justice for the purpose of funding overtime costs of the Barnstable Police Department incurred in State Fiscal Year 2024 in connection with the Commonwealth Project Safe Neighborhood Initiative.

VOTE: PASSES UNANIMOUS

2024-099 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, ARTICLE I NONCRIMINAL ENFORCEMENT OF VIOLATIONS INTRO: 02/15/2024.

VOTE: TO PUBLIC HEARING ON MARCH 7TH PASSES UNANIMOUS

2024-161 SUPPLEMENTAL APPROPRIATION ORDER FOR FISCAL YEAR 2024 BARNSTABLE POLICE DEPARTMENT IN THE AMOUNT OF \$35,000 TO FUND CONSULTING SERVICES AND OVERTIME COSTS FOR THE PURPOSE OF EXPLORING THE REMOVAL OF THE BARNSTABLE POLICE DEPARTMENT FROM CIVIL SERVICE INTRO: 02/15/2024

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$35,000** be appropriated from the General Fund reserves to pay for consulting services and overtime costs for the purpose of exploring the removal of the Barnstable Police Department from the Civil Service.

VOTE: TO A PUBLIC HEARING ON MARCH 7TH-PASSES UNANIMOUS

2024-162 RESOLVE APPROVING A REMOTE PARTICIPATION POLICY FOR TOWN COUNCIL MEETINGS INTRO: 02/15/2024

Karen Nober, Town Attorney gave the rationale for the policy

Councilor questions and comments:

(Levesque) Why don't we allow for everyone to go to remote participation, (Penn) leadership prefers we are in person (Levesque) why not more Councilors on zoom (Penn) this is a test (Levesque) what if you have work out of town (Penn) no, unless your job takes you out of town! (Levesque) visiting an elderly parent does that qualify? (Penn) Yes, the intent is to do our business in person (Mendes) so the decision is made by Councilor Leadership what if someone is not here for one reason or another (Penn) I am a believer in rules, and find out what is out of their control. This is currently because we don't have a policy. (Mendes) just want to know the nuts and bolts of this policy (Terkelsen) offered an amendment that the Town Council President has the discretion to waive the policy under special circumstances.

Upon a motion duly made and seconded it was to amend the policy that the Town Council President has the discretion to waive the policy under special circumstances

Discussion on the amendment:

(Nober) we tried to keep it tight to avoid making subjective decisions (Mendes) stickler of rules what is excusable and what is not, that is only fair, not to just leave it to discretion, too much wiggle room (Neary) Could put you in a tight box; make it clearly defined, we all do our best to get here (Tamash) is there a time limit that is practicable should there be a limit of twenty-four to forty-eight hours before to set up (Poyant) we should be fine if we know by noon on the day of the meeting (Ludtke) likes the amendment, I don't see the problem on the amendment (Clark) Last meeting three of us were absent; there is a case where three were out.

VOTE ON THE AMENDMENT: PASSES 7 YES, 5 NO (Neary, Levesque, Mendes, Penn, Burdick)

RESOLVED: That the Town Council does hereby approve the Remote Participation Policy for Town Council Meetings in the form as presented to the Town Council at this meeting.

VOTE: AS AMENDED PASSES 8 YES, 4 NO (Neary, Levesque, Mendes, Burdick)

2024-163 RESOLVE SUSPENDING APPOINTMENTS TO CERTAIN COMMITTEES OF THE TOWN INTRO:

Karen Nober, Town Attorney gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council is temporarily suspending appointments to the following committees of the Town pending further review of these committees:

- Jane Eshbaugh Community Service Award Committee
- Water Quality Committee
- Cable Television Advisory Committee

VOTE: PASSES UNANIMOUS

2024-164 RESOLVE APPROVING A LETTER TO THE CAPE COD COMMISSION REGARDING THE DRAFT REGIONAL HOUSING STRATEGY INTRO: 02/15/2024

Jim Kuptfer, Assistant Director of Planning and Development gave the rationale. Karen Nober explained that you can only amend an amendment once, you may want to have a more robust discussion before amending.

Councilor questions and comments:

(Levesque) what is the intent of the redevelopment authority, a lot of the things they are proposing may be for other communities on the Cape. Regional administrative assistance can be helpful. (Mendes) I like the letter it is right to the point (Tamash) we want to control Barnstable's destiny (Ludtke) very clear, people in the community want to have control over their destiny. (Crow) very well put together, we are in these positions to make these decisions, this is very timely.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby approve sending a letter in the form as presented at this meeting to the Cape Cod Commission, providing the Council's comments on the draft Regional Housing Strategy entitled "Housing Cape Cod: The Regional Strategy."

VOTE: PASSES UNANIMOUS

2024-165 RESOLVE AUTHORIZING THE USE OF A CONSENT AGENDA AT TOWN COUNCIL MEETINGS INTRO 02/15/2024.

Karen Nober, Town Attorney gave the rationale.

Councilor questions and comments:

(Mendes) anything to streamline the process, especially during budget time (Tamash) I don't think there is a downside.

RESOLVED: That the Town Council does hereby authorize the use of a consent agenda at Town Council meetings 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 Council; and provided, further, that separate public hearings and votes shall be held for agenda items requiring a public hearing

VOTE: PASSES UNANIMOUS

VOTED TO ADJOURN:

VOTE: PASSES UNANIMOUS

Adjourned at 8:45 PM

Respectfully submitted,

Ann M. Quirk
Town Clerk

NEXT MEETING: February 29 Workshop

Exhibits

- A. Letter from Eileen Elias
- B. Town Manager Update