



Town of Barnstable Town Council

367 Main Street, 2nd floor, Hearing Room
Village of Hyannis, MA 02601
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MEETING AGENDA TOWN HALL HEARING ROOM October 3, 2019 7:00 PM

Councillors:

James H. Crocker Jr.
President
Precinct 5

John G. Flores
Vice President
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Britt Beedenbender
Precinct 4

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Matthew Levesque
Precinct 10

Philip N. Wallace
Precinct 11

Paula Schnepf
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

Original posted on 10/01/19@
10:32am. Updated on 10/02/19 @
8:30am to add Item #2020-037

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. TOWN MANAGER COMMUNICATIONS**
 - **Presentation by Mark A. Milne, CPA, Director of Finance Financing the Comprehensive Wastewater Management Plan**
 - **Discussion regarding the Town of Barnstable's proposal submitted to Joint Base Cape Cod**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements**
- 9. ORDERS OF THE DAY**
 - A. Old Business**
 - B. New Business**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: October 17, 2019

ITEM NO.	INDEX TITLE	PAGE
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A. OLD BUSINESS

2020-030	Appropriation and Loan Order in the amount of \$800,000 for the Route 28 East sewer expansion and Pump Station (Public Hearing) (Roll Call 2/3 vote)	3-4
2020-033	Appointments to a Board/ Committee/ Commission: Golf Committee: Ken Morey, 1111 Santuit-Newtown Road, Cotuit, MA as a regular member to a term expiring 06/30/22; Sandy Neck Board: Hank Farnham, 127 Coachman Lane, West Barnstable, MA as a regular member at large to a term expiring 06/30/21; Youth Commission: Lily Atwell, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/20; Nina Barrette, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/20; Brenden Dowling, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/20 (May be acted upon) (Roll Call majority)	5

B. NEW BUSINESS

2020-034	Appointments to a Board/ Committee/ Commission: Registrar of Voters: Diane Poyant, 56 West Hyannisport Circle, Hyannis as an appointed member to a term expiring 6/30/2022 (First Reading) (Refer to Second Reading 10/17/19)	6
2020-035	Acceptance of Fiscal Year 2020 Legislative Earmark Grant in the amount of \$45,000 from the Massachusetts Department of Housing and Community Development for the purpose of funding Homeless Outreach Sheltering Services in the event of severe cold temperatures (May be acted upon) (Roll Call majority)	7-8
2020-036	Amending the Town Council Rule 8a Roll Call vote (May be acted upon) (Roll Call majority)	9-10
2020-037	Order for the adoption of a Litter Control Policy, ordinance and enforcement (Refer to Public Hearing 11/07/19)	11-12

Approve Minutes –September 19, 2019

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than 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, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 vote)

BARNSTABLE TOWN COUNCIL

ITEM #2020-030
INTRO: 09/19/2019, 10/03/19

2019-030 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$800,000 FOR THE ROUTE 28 EAST SEWER EXPANSION AND PUMP STATION

ORDERED: That the sum of **\$800,000.00** be appropriated for the purpose of funding the Route 28 Sewer Expansion and pump station, roadway and utility work including the payment of costs incidental and related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$800,000.00**, under and pursuant to Massachusetts General Law (M.G.L.) c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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; that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes; and that the Town Manager may assess betterments in accordance with M.G.L. c. 80, or sewer assessments in accordance with M.G.L. c. 83, and that the interest rate applied to any such betterment or sewer assessment shall equal the rate the Town incurs on the funds borrowed to finance the project, and, further, that the Town Manager is authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

09/19/19 Refer to Public Hearing 10/03/19

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

BARNSTABLE TOWN COUNCIL

ITEM #2020-030

INTRO: 09/19/2019, 10/03/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: September 19, 2019
SUBJECT: Appropriation and Loan order in the amount of **\$800,000.00** for the Route 28 East Sewer Expansion and Pump Station

BACKGROUND: In order to facilitate required sewer expansion to the western portion of the Town as outlined in the Town's Comprehensive Wastewater Management Plan, sewer expansion along Route 28 is necessary. As planning efforts have developed, the Department of Public Works (DPW) identified a need for the design and construction of a booster sewer pump station along the Route 28 corridor which would be capable of conveying significant wastewater from planned future western expansion directly to the Barnstable Water Pollution Control Facility (BWPCF). The Town has identified, and is in the process of purchasing, a property at the intersection of Route 28 and Phinney's Lane with the intention of construction of the aforementioned sewer pump station. This pump station, corresponding sewer force main back to the BWPCF, and potential modifications at BWPCF were not included in the scope of previous sewer expansion project design requests.

ANALYSIS: This project will provide required infrastructure to facilitate the planned western sewer expansion outlined in the Town's Comprehensive Wastewater Management Plan. The project will include the construction of a new sewer pump station, sewer force mains connecting to the BWPCF and potential modifications at BWPCF to accommodate the new force mains. Without proceeding with this project at this time, planned sewer expansion to the western portion of the Town will be delayed.

FISCAL IMPACT: Funding for this project will be provided from a bond issue. Future budgets will include the annual debt service on the bond which will be provided from the Sewer Construction & Private Way Maintenance & Improvement Fund. There is no impact to the Department of Public Work's operating budget.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of the Appropriation and Loan order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director, Department of Public Works

A. OLD BUSINESS (May be acted upon) (Roll Call majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-033
INTRO: 09/19/19, 10/03/19

2020-033 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Golf Committee:** Ken Morey, 1111 Santuit-Newtown Road, Cotuit, MA as a regular member to a term expiring 06/30/22; **Sandy Neck Board:** Hank Farnham, 127 Coachman Lane, West Barnstable, MA as a regular member at large to a term expiring 06/30/21; **Youth Commission:** Lily Atwell, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/20; Nina Barrette, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/20; Brenden Dowling, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/20

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>09/19/19</u>	<u>First Reading / Refer to Second Reading 10/03/19</u>
_____	_____

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

B. NEW BUSINESS (First Reading) (Refer to Second Reading 10/17/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-034
INTRO: 09/19/19**

2020-034 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: Registrar of Voters: Diane Poyant, 56 West Hyannisport Circle, Hyannis as an appointed member to a term expiring 6/30/22

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move/Vote

B. NEW BUSINESS (May be acted upon) (Roll Call majority)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-035
INTRO: 10/03/19**

2019-035 ACCEPTANCE OF FISCAL YEAR 2020 LEGISLATIVE EARMARK GRANT IN THE AMOUNT OF \$45,000 FROM THE MASSACHUSETTS DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE PURPOSE OF FUNDING HOMELESS OUTREACH SHELTERING SERVICES IN THE EVENT OF SEVERE COLD TEMPERATURES

RESOLVED: That the Barnstable Town Council does hereby accept a Fiscal Year 2020 Legislative Earmark Grant from the Massachusetts Department of Housing and Community Development of **\$45,000**, and that the Town Manager is authorized to contract for and expend the grant funds for the purpose stated herein

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-035
INTRO: 10/03/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: October 3, 2019
SUBJECT: Acceptance of Fiscal Year 2020 Legislative Earmark Grant in the amount of **\$45,000** from the Massachusetts Department of Housing and Community Development for the purpose of funding Homeless Outreach Sheltering Services in the event of severe cold temperatures

BACKGROUND: The Barnstable Police Department was notified by the Massachusetts Department of Housing and Community Development that the Town of Barnstable was being awarded an earmark grant in the amount of **\$45,000** to fund outreach services to the homeless in the form of shelter in the event of severe cold weather. Sheltering will be offered for homeless persons not suitable for traditional sheltering in the most extreme weather during the winter season. Without these services these homeless individuals run the risk of perishing in the extreme cold.

ANALYSIS: The acceptance of this earmark grant will allow the Department to work in partnership with the Duffy Health Center. Duffy Health Center will determine what homeless individuals will need sheltering services once temperatures are determined to be at a life-threatening level under extended outdoor exposure. \$40,000 will be allocated to the Duffy Health Center to fund prearranged sheltering in the towns of Barnstable and Yarmouth for the individuals served and to fund personnel costs for police security services provided to the shelters. \$2,500 will be allocated to the Duffy Health Center for the costs of administering the program and \$2,500 will be allocated to the Barnstable Police Department for costs of administering the earmark grant and completing required paperwork and follow-up reporting.

FISCAL IMPACT: This is a reimbursement grant for sheltering, personnel, and administrative costs. The Town of Barnstable and Duffy Health Center must expend the funds upfront and subsequently submit requests for reimbursement providing a full accounting of the expenses associated with the provision of sheltering services.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this grant.

STAFF ASSISTANCE: Chief Matthew K. Sonnabend, Barnstable Police Department;
Lt. Jennifer Ellis, Barnstable Police Department; Anne Spillane, Finance and Support Services
Barnstable Police Department

B. NEW BUSINESS (May be acted upon) (Roll Call majority)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-036
INTRO: 10/03/19**

2020-036 AMENDING THE TOWN COUNCIL RULE 8A ROLL CALL VOTE

ORDERED: That the Town Council does hereby amend Town Council Rule 8A by striking the first sentence in its entirety and by substituting in place the following sentence:

“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.”

So Rule 8A, as amended, shall read as follows:

“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 himself/herself differently.”

SPONSOR: James H. Crocker Jr., President, Town Council, Precinct 5

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-036
INTRO: 10/03/19

SUMMARY

TO: Town Council
FROM: Ruth Weil, Senior Counsel
DATE: October 03, 2019
SUBJECT: Amending the Town Council Rule 8A Roll Call vote

BACKGROUND: The first sentence of the existing Town Council Rule 8A reads as follows:

“All final votes of the Town Council, on all matters except resolutions, and proclamations shall be by roll call and shall be entered on the records.” In contrast the language in the Barnstable Charter states: “All council votes on ordinances, appropriation orders or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the town clerk.”

ANALYSIS: The proposed rule amendment makes the Town Council Rule regarding roll call votes consistent with Charter and clears up the current ambiguity that exists. Unchanged is the ability for any councilor to request a roll call vote on any item.

STAFF ASSISTANCE: Ruth Weil, Senior Counsel

B. NEW BUSINESS (Refer to Public Hearing 11/07/19)

BARNSTABLE TOWN COUNCIL

ITEM #2020-037

INTRO: 10/03/19

**2020-037 ORDER FOR THE ADOPTION OF A LITTER CONTROL POLICY,
ORDINANCE AND ENFORCEMENT**

ORDERED that General Ordinances of the Code of the Town of Barnstable be amended as follows.
SECTION 1. The General Ordinances are hereby amended by adding the following to Chapter 147,
Peace and Good Order

**“ARTICLE V
Litter Control**

§ 147-15. Purpose and intent.

The citizens of the Town of Barnstable desire a clean and healthy environment, free of debris, trash and refuse. The purpose and intent of this article is in the first instance to enhance public awareness and encourage the responsible handling and disposal of waste. Activities and programs such as pack-in, pack-out contribute to maintaining such a clean and healthy environment. Nevertheless, the citizens must impose the responsibility for proper waste disposal by this ordinance in instances where voluntary action is not taken.

§ 147-16. Littering prohibited.

No person shall throw, deposit, sweep or abandon upon any public way or any property owned by the Town or on property of another any litter. For purposes of this provision “litter” includes but is not limited to paper wrappers from sandwiches; paper, styrofoam, or plastic cups; plastic bags; paper bags; cup lids; cigarette butts; cigarette packs; gum packs; paper towels; tissues; fruit skins and containers; nips and all manner of other beverage containers, both alcoholic and non-alcoholic; human or domestic animal feces; or any other refuse which would be considered trash.

§ 147-17. Violations and penalties. Violation of this article is punishable by noncriminal disposition pursuant to the provision of MGL c. 40, §21D as provided in section 1-1 of Article I of Chapter 1 of the General Ordinances. The fines imposed for violation shall be as provided in section 1-3 of Article I of Chapter 1 of the General Ordinances.

§ 147-18. Enforcing officials. The Town of Barnstable officials with the discretion to enforce the provisions of this article as the designated appropriate enforcing persons are the officials named in subsections (1) and (4) through (8), inclusive of section 1-2(A) of Article I of Chapter 1 of the General Ordinances.”

SECTION 2. The General Ordinances are hereby amended by adding to section 1-3 of Article I of Chapter 1 of the General Ordinances after “Ch. 147, Art. II Camping on public or private property \$100” the following: “Ch. 147, Art. V Litter control

First Offense \$100
Second Offense \$200
Third Offense \$300”

SPONSOR: Jennifer Cullum, Councilor, Precinct 13

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move/Vote