



Town Council Meeting
January 17, 2019



A quorum being duly present, Town Council Vice President John Flores called the January 17, 2019, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by Vice President Flores 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, James Crocker, Jr.(7:12 PM), Jennifer Cullum, Debra Dagwan, John Flores, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paula Schnepf, Philip Wallace **Absent:** Paul Neary, Eric Steinhilber, James Tinsley, Jr.

The Pledge of Allegiance was led by Vice President Flores., Councilor Dagwan asked everyone to keep in their prayers the family of Allen Goddard.

Council permitted taking out of order 2019-042:

2019-042 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES TO EXPAND THE HIGHWAY BUSINESS DISTRICT INTRO: 11/01/2018, 11/15/18, 12/06/18, 01/17/19

Upon a motion duly made and seconded it was to postpone until 2/7/19

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

Section 1.

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable, Massachusetts, is hereby amended by expanding the Highway Business (HB) District as shown on the maps entitled:

- "Proposed Amendment to the Town Zoning Map Expanding the Highway Business District in Centerville and Hyannis"
- "Proposed Amendment to the Centerville Zoning Map Expanding the Highway Business District in Centerville and Hyannis"
- "Proposed Amendment to the Hyannis Zoning Map Expanding the Highway Business District in Centerville and Hyannis"
- "Proposed Amendment to the Osterville Zoning Map Expanding the Highway Business District in Centerville and Hyannis."

all dated October 26, 2018, as prepared by the Town of Barnstable GIS Unit.

Section 2

That Chapter 240, Article III, § 240-26 "Highway Office" of the Zoning Ordinance is hereby

deleted.

Section 3

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended by striking the Office Districts section and the associated "Highway Office District."

VOTE: Postponed to 2/7/2019- 7 YES, 1 NO (Rapp Grasseti), 1 ABSTAIN (Schnepp)

PUBLIC COMMENT:

Cheryl Powell thanked some of the Council members for their help with the Hyannis Main Street Waterfront Historic District Commission (HHDC) meeting and helping the board to heal.

Margaret Ryder Kornblum regarding the short term rental, most of the leases are established earlier in the year or the previous year. Please get this done quickly and notify us of the requirements necessary for us to go forward. Many insurers will not insure rentals within a certain area of the water. Consider the costs that homeowners have to bear, can you tell us, the time frame for paying the additional tax.

Zenas Crocker liked the draft of the Comprehensive Wastewater Plan; how are we going to fund it? We need to start looking at the funding; encouraged the council to have a group meeting with some Board of Health, Conservation Commission, and the Zoning Commission.

Gordon Starr has concerns regarding Vineyard Wind is a great opportunity for renewable energy, but the money should not be earmarked. Can we keep our options open. We need a local comprehensive plan.
Close public comment

Councilor Response to Public Comment:

Will work hard to make the rental plan smooth, we need to talk about alternatives, we need forums to bring the alternatives forward regarding septic. We will be very thoughtful in our deliberations as we move forward on the short term rentals.

Council permitted taking out of order 2019-075:

2019-075 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$250,000.00 FOR COMMUNITY HOUSING CREATION BY FRIENDS OR RELATIVES WITH AUTISM RELATED DISABILITIES, INC. (FORWARD) INTRO: 01/17/19

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 sum of Two Hundred Fifty Thousand and No/100 (\$250,000.00) Dollars be appropriated and transferred from the amount set aside for community housing in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the amounts appropriated for the creation by Friends or Relatives with Autism Related Disabilities, Inc. (FORWARD) of two purpose-built homes on five (5) acres of land in the Town of Dennis for eight (8) adults with autism having household incomes of less than 100% of Area Median Income (AMI) and to execute, deliver, accept and record subordinate leasehold mortgages as security for the purposes authorized herein subject to oversight by the Community Preservation Committee.

VOTE: To a public hearing on 2/7/19-Passes 9 Yes, 1 No (Dagwan)

TOWN MANAGER COMMUNICATIONS: (Exhibit A)

Budget Action Calendar
Progress Meeting with Fish and Wildlife
Massachusetts Department of Environmental Protection Meeting
Board of Health meeting
Cable Licensing
Memo from the Superintendent of Schools

Councilor Response to Public Comment

We need to be on the cutting edge to protect our water.

Regarding the Waldorf School, concerned that the number of students has diminished, concerned for the students, hope that going forward the building does not stay vacant; Local comprehensive plan with the regional policy plan, the title of that plan is Balancing Growth, Infrastructure and Natural Systems; growth should not exceed resource and infrastructure capacities; please be mindful of that going forward.

Has there been any further information regarding the fire academy is it planning to stay where it is? [other opportunities, fire training academy will always be of concern to us] the cable license, nothing has been determined yet at a federal level [not to my knowledge] issues with the lease at the Waldorf School, in the future could we have better communication; leadership was invited to the School Committee meeting and all made known our interest in keeping that school open; cable license concerned about the Federal Communications Commission (FCC) pushing forward to remove support for the public information channels, somehow we have a source of revenue coming in; share with us who is our outside attorney on the cable, [William Solomon].

Council permitted taking out of order 2019-083:

<p>2019-083 APPROPRIATION ORDER IN THE AMOUNT OF \$147,725.00 COMMUNITY PRESERVATION FUNDS FOR PRESERVATION AND RESTORATION SAINT MARY'S EPISCOPAL CHURCH , 3055 MAIN STREET (ROUTE 6A), BARNSTABLE INTRO: 01/17/19</p>
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Upon a motion duly made and seconded it was to a public hearing

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c. 44B, the sum of One Hundred Forty-Seven Thousand Seven Hundred Twenty-Five and NO/100 (**\$147,725.00**) Dollars be appropriated and transferred from the amount set aside for historic resources in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the appropriation made available for interior fire suppression (sprinkler) system, and exterior door, trim and entrance for preservation and restoration of the historic resource consisting of the Saint Mary's Episcopal Church building at 3055 Main Street, Barnstable and accept, execute, deliver and record an historic restriction and/or other real property interests to secure the amounts expended for the purposes set forth herein, subject to oversight by the Community Preservation Committee.

VOTE: To a public hearing on 2/7/19-Passes Unanimous

Presentation on Chapter 337 of the Acts of 2018-An Act Regulating and Insuring Short-Term Rentals

Ryan Castle, CEO, Cape and Islands Association of Realtors: Property Owners' Obligations:

- Have to register with the Dept of Revenue (no process yet)
- Whoever collects the rent will collect the taxes and must remit that tax to the state (The same as a hotel/motel)
- Rent is due on the first day of the stay
- Insurance
- 14 day exemption, not required to collect the tax

Councilor questions and comments:

Stays starting July 1st, so the first day of the rental you collect the tax [yes]; if you secured the lease prior to 2019 [no tax due] homeowner has to register with DOR any requirement for inspections by the town [the bill leaves it up to the town] is this just Massachusetts tax only [46 other states have the tax, AIRBNB is such a small market on the cape, the time of the stay is when the tax is due] mortgages will that be earmarked going forward; [traditionally most of the mortgages would have had to qualify that they are renting out] if it is a local person who back dates the rental lease, no tax for this year [for the first year, many people did sign earlier, so they do not have to pay the taxes] how is that enforced if not using a DOR online system [do not know] the person collecting the tax, remits it to the state; what is taxable? [by law total consideration paid by occupant, includes any service fees, cleaning fees or other charges, however, the DOR has to clarify the regulations] bigger rental offices do several towns, how does the DOR know which property [still need to work on these regulations] [Short term rentals are 31 days or less according to the law]

Mark Milne, Director of Finance Summary of Key Points of Act Affecting Municipal Actions:

- Technical guidelines are expected to be out from the DOR, guidelines are evolving
- Excise tax application applies to the state excise tax, local excise tax and the new excise tax for the Cape Cod and Islands Water Protection Fund (CCIWPF) all goes to the state
- Short term rentals greater than 14 days in a calendar year – 2.75%
- CCPWIF will be managed by the Commonwealth
- On a quarterly basis the funds will come back to the general fund.
- Optional Community Impact Fee (CIF) local actions council may decide on
- CCIWPF all Barnstable County towns are members of this fund
- Town Council must appoint a person to the CCIWPF Board (not a volunteer)

Councilor questions and comments:

The breakdown of taxes, existing structure, can we change the allocation for short term rentals [not locally, but through special legislation] the town choose 6%, because we have that already [that is what we already have, council can change that to reduce it, but if you change it, you must change it across the board] the projected amount, how are we going to get compliance on these numbers. [Ryan, for the first year maybe, I think these numbers are small] Will this be up on the town website, so we can direct homeowners to the site; [we can provide our own local information and a link to the DOR] is there a time frame to make a determination about the tax by the Council [No] Hope that it comes forward before the season. We will be putting more money into the trust; we only have one vote [Yes] In order to make it a weighted vote [Legislation]

Elizabeth Jenkins, Director of Planning and Development Local Regulatory

Considerations

Establishes four ways of regulating short term rentals:
Existence and location
Licensing and registration
Demonstrate no outstanding violations on the property
Health and safety;
Modernize our zoning to reflect “what is a short term rental”
Health and safety regulations on the books
Qualified Consultant to get us to this

Councilor questions and comments:

Currently, if you rent your home does it have to be registered with the town, [yes, it is an annual process, registered with the Board of Health] What do you envision for a qualified consultant; [community outreach, drafting regulations, recommendations on how to manage the registration and rentals] BOH has to do the inspections, [yes, we will have to respond to the change in volume] could you confirm that all of this is voluntary, we could go forward today [we have regulations now, what is or is not permitted needs to be defined] has there been a regional approach for a consultant, [timeliness issue, Barnstable is the largest town, we expect to have the most impact] By law, the short term law means we have to vote on certain things. We have a very easy way for people to register their homes through our website; all information needs to be out there; how we plan on enforcing this; [short term rental resource page, we can work on quickly] how would you suggest the consumer get in touch [anyone can reach out to Ryan Castle] [Mark Ells, Town Manager, have been fielding lots of questions on this short term rental tax, there are still many questions, as it is still developing, we will go forward and provide links to the DOR, we do intend to invite the DOR to a Town Council meeting]

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the January 3, 2019.

VOTE: PASSES Unanimous

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

Marstons Mills ham and bean supper for scholarship fund
Centerville Public Library 150 Years celebration
Semiannual review of our strategic plan
Celebrating the life of Dr. Martin Luther King Jr.
Ground breaking for the new Cape Cod Technical High School
Remembering Ann Williams, as quite a force in the Town of Barnstable; she had so many accomplishments;
Scottish delight, all things Scottish

2019-064 AMEND ZONING ORDINANCE, ARTICLE III. DISTRICT REGULATIONS, § 240-39(K) SIGNS IN THE SHOPPING CENTER REDEVELOPMENT OVERLAY DISTRICT (SCROD) INTRO: 12/20/18, 01/17/19
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Elizabeth Jenkins, Director of Planning and Development gave the rationale
Open public hearing seeing no one close public hearing

Mike Ford Attorney for the Simon Company, owners of the mall explained the need for

additional wall signage for the tenants. Currently the Scrod District has a specific number of signage allowed and it is not enough for the changes in the Mall.

Upon a motion duly made and seconded it was

ORDERED: Section 1.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section D, Definitions be amended to strike the definition of MAJOR STORE: "MAJOR STORE - A store having 50,000 or more contiguous square feet of gross floor area occupied by a single tenant or occupant and operated under a single trade name."

Section 2.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (1)(c), be amended to replace "150 square feet" with "170 square feet", so the subsection reads:

(c) Maximum area: not to exceed 170 square feet per side exclusive of structures holding the sign. Reasonable efforts shall be exercised to minimize the size of any such supporting structures.

Section 3.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (2), be struck in its entirety and replaced with the following:

Wall signs identifying retail stores or restaurants having gross leasable area of greater than 25,000 square feet or having exterior public entrances; the food court; and the regional shopping center, provided that no wall sign shall extend higher than the top of the parapet wall:

(a) Maximum letter height: five feet for signs accessory to anchor and major stores, and four feet for other such signs. This letter height restriction shall not apply to emblems, logos, or other designs associated with the sign display.

(b) Maximum area:

[a] Anchor stores (for each tenant with a gross leasable area of 45,000 sq.ft or more): The maximum sign area for any one display shall not exceed 200 sq.ft for the first sign; the maximum sign area for any additional display shall be 150 sq.ft. There shall only be one sign display per eligible elevation. An additional sign allowance of 30 sq.ft shall be provided for entrance door and awning signs.

[b] Major stores (for each tenant with a gross leasable area of 12,000 sq.ft or more): The maximum sign area for any one display shall not exceed 120 sq.ft. There shall only be one sign display per eligible elevation. An additional sign allowance of 15 sq.ft shall be provided for entrance door and awning signs.

[c] In-Line store (for each tenant with an exterior entrance): The maximum sign area for any one display shall not exceed 50 sq.ft for tenants with storefronts less than 50 linear feet in length. An additional square foot of sign area shall be allowed for each linear foot of storefront above 50; the maximum sign area for any one display shall not exceed 75 square feet. There shall only be one sign display per tenant. An additional sign allowance of 10 sq.ft shall be provided for entrance door and awning signs.

[d] Mall entrances: The maximum sign area for any one display shall not exceed 50 sq.ft. There shall only be one sign per each eligible mall entrance.

Section 4.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (7) pertaining to electronic reader boards be struck in its entirety and subsequent subsections shall be renumbered (7) through (11).

VOTE: PASSES 10 YES

2019-065 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$38,000.00 COMMUNITY PRESERVATION FUNDS FOR ACQUISITION OF CONSERVATION RESTRICTION 5.92 ACRES±, 0 BUMPS RIVER ROAD, MARSTONS MILLS, MAP 168 PARCEL 009 INTRO: 12/20/18, 01/17/19

Lindsey Counsell gave the rationale for the project; Janet Milkmen of the Barnstable Land Trust, explained this has been a priority for the town; also for the state because of its location and critical landscape.

Open public hearing seeing no one close public hearing

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 sum of Thirty Eight Thousand and NO/100 **(\$38,000.00)** Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for acquisition by the Town for open space conservation and passive recreation from Barnstable Land Trust, Inc. ("BLT") representing a portion of the total amount of \$40,300.00 needed by BLT to purchase with associated costs a vacant open space in Marstons Mills containing 5.92 acres more or less, having a street address of 0 Bumps River Road, Marstons Mills, shown on Barnstable Assessors Map 168 as Parcel 9; that a conservation restriction to be held by BLT is hereby approved in the form approved by the Land Acquisition and Preservation Committee and Town Manager subject to approval by the Secretary of the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs; that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition subject to oversight by the Community Preservation Committee; and that the Town Council President and Town Manager are authorized to execute, receive, deliver and record any written instruments for the stated purposes.

VOTE: PASSES 10 YES

2019-070 RESOLVE ACCEPTANCE OF EASEMENT 307 FALMOUTH ROAD (ROUTE 28) HYANNIS, MA INTRO: 01/03/19, 01/17/19
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Dan Santos, Director of Public Works gave the rationale

Councilor questions and comments:

Why did this resolve need two reading, [Ruth Weil, Town Attorney, based on the recent changes in the charter, now two readings is required]

Upon a motion duly made and seconded it was

RESOLVED: That the Town Manager is authorized to accept, execute, deliver and record on behalf of the Town an easement for a sewer pit from The Northeastern Conference

Corporation of Seventh-Day Adventists on property having a street address of 307 Falmouth Road (Route 28), Hyannis to be held under the care, custody and charge of the Department of Public Works, Water Pollution Control Division.
VOTE: PASSES 9 Yes, One Abstain (Beedenbender)

2019-072 ORDER TO CREATE A WATER STABILIZATION FUND FOR THE PURPOSE OF MAKING COMPREHENSIVE IMPROVEMENTS TO THE TOWN'S DRINKING WATER AND FIRE READINESS SERVICES INTRO: 01/03/19, 01/17/19

Director of Finance, Mark Milne gave the rationale

Councilor questions and comments:

Can the monies be for any water system in the town? [Yes] This is from Vineyard Wind, and we control this directly [Yes] When did that come into the conversation having the fees for water stabilization [the intent was to protect the water supply, make sure that host community agreement compensated for that] so if there are damages based on Vineyard Wind to the water supply can we ask for the additional funds [Yes, this also gives us another source for this system] we all want clean water for our residents, the revenue from Vineyard Wind is impacting many areas of our community [General Fund revenue, the investment is needed to protect that valuable asset for us] up until this point, this is one of those crossing the lines between fire/water districts in the town [we are currently putting in treatment systems, this will help us put in the infrastructure needed] [Mark Ells, Town Manager explained there are two parts to the revenue; one part is tax revenue for the town for the districts; then the host agreement fee, to pay for things that might be disturbed; phase one, the focus of the 16 million dollars specifically the substation, does not exempt liability specifically for down gradient wells] There is no mention in this item of Vineyard Wind, could this stabilization fund be other revenue items [Yes we have not established that as yet] the stabilization fund is the host fee piece with Vineyard Wind, which is the 16 million [Yes] this is just the creation of the stabilization fund [Yes]

Upon a motion duly made and seconded it was

ORDERED: That the Town of Barnstable create a Water Stabilization Fund in accordance with General Law c. 40, § 5B of the Massachusetts General Laws for the purpose of making comprehensive improvements to the Town's drinking water and fire readiness services.

VOTE: PASSES 10 YES

2019-073 ORDER TO ACCEPT THE 4TH PARAGRAPH OF MGL CHAPTER 40 §5B ALLOWING FOR THE DEDICATION OF CERTAIN REVENUE STREAMS TO STABILIZATION FUNDS WITHOUT FURTHER APPROPRIATION INTRO: 01/03/19, 01/17/19

Director of Finance, Mark Milne gave the rationale

Upon a motion duly made and seconded it was

ORDERED: That the Town Council accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which provides for the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2019.

VOTE: PASSES 10 YES

2019-074 ORDER TO DEDICATE FUTURE HOST COMMUNITY AGREEMENT PAYMENTS FROM VINEYARD WIND TO THE WATER STABILIZATION FUND INTRO: 01/03/19, 01/17/19

Director of Finance, Mark Milne gave the rationale

Upon a motion duly made and seconded it was

ORDERED: That the Town Council dedicates 100 percent of the "Host Community Agreement Payments" collected under Host Community Agreement entered into with Vineyard Wind to the Water Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2020 beginning on July 1, 2019

VOTE: PASSES 9 YES, 1 NO (SCHNEPP)

2019-076 RESOLVE TO AUTHORIZE THE TOWN COUNCIL PRESIDENT TO DELEGATE THE RESPONSIBILITY TO SERVE AS AN EX-OFFICIO MEMBER OF ALL TOWN COUNCIL COMMITTEES TO THE VICE PRESIDENT IN THE ABSENCE OF THE PRESIDENT INTRO: 01/17/19

Council President James Crocker, Jr. gave the rationale

Councilor questions and comments:

Does this allow the ex-officio to vote as a committee member; [Ruth Weil, No, this is an incidental member; they can participate in the discussion, but are not a voting member of the committee]

Upon a motion duly made and seconded it was

RESOLVED, that, pursuant to Town Council Rule 2, the Town Council hereby authorizes the Council President, James Crocker Jr., to delegate the responsibility to serve as an ex-officio member of all Town Council Committees to Council Vice President, John Flores, in the absence of the President.

VOTE: PASSES UNANIMOUS

2019-077 ACCEPTANCE OF FISCAL YEAR 2019 MASSWILDLIFE HABITAT MANAGEMENT GRANT IN THE AMOUNT OF \$11,820 FROM THE COMMONWEALTH OF MASSACHUSETTS FOR THE WEST BARNSTABLE CONSERVATION AREA INTRO: 01/17/2019

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 accept the MassWildlife Habitat Management Grant award in the amount of **\$11,820** from The Commonwealth Of Massachusetts Division of Fisheries and Wildlife for the management of the West Barnstable Conservation Area through the use of prescribed burning and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES UNANIMOUS

2019-078 ACCEPTANCE OF FISCAL YEAR 2019 PLANNING ASSISTANCE GRANT IN THE AMOUNT OF \$50,000 FROM THE COMMONWEALTH OF MASSACHUSETTS TO REVISE ZONING AND REGULATORY REQUIREMENTS FOR INCREASED HOUSING PRODUCTION IN DOWNTOWN HYANNIS INTRO: 01/17/2019

Elizabeth Jenkins, Director of Planning and Development gave the rationale

Councilor questions and comments

Tried to open survey link, but could not find the survey; [will take a look at it] great to see that we are moving forward on the major issues; housing production plan, how is that being enacted [we continue to look at zoning in our villages; greatest need for housing is in downtown Hyannis; continues to be a priority issue] would like to have periodic updates on our housing; is there a time limit for the survey [yes by the end of the month] lots of people are not on line, can we do some on paper [yes].

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby accept the Planning Assistance Grant award in the amount of **\$50,000** from The Commonwealth Of Massachusetts Executive Office of Energy and Environmental Affairs for the for the purpose of hiring a consultant to revise zoning and regulatory standards in Downtown Hyannis to support increased housing production that is compatible with traditional development patterns and meets a range of housing needs and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES UNANIMOUS

2019-079 TRANSFER ORDER OF \$50,000 TO FUND A QUALIFIED CONSULTANT TO FACILITATE PUBLIC OUTREACH AND TO REVISE AND DRAFT REGULATIONS PERTAINING TO SHORT-TERM RENTAL OF DWELLING UNITS INTRO: 01/17/19

Elizabeth Jenkins, Director of Planning and Development gave the rationale

Councilor questions and comments:

Clarification from Mark Milne [this is the first time we have created a Town Council Reserve Fund; appropriating from your reserve will allow us to react in a quicker manner, this will be reimbursed]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$50,000** be transferred from the Town Council Reserve Fund to fund a qualified consultant to facilitate public outreach and to revise and draft regulations pertaining to short-term rental of dwelling units.

VOTE: PASSES UNANIMOUS

2019-080 AUTHORIZATION FOR THE AIRPORT COMMISSION TO ENTER INTO A FORTY-NINE YEAR LEASE FOR THE PROPERTY IDENTIFIED AS MAP 311, PARCEL 092 AND ADDRESSED AS 790 IYANNOUGH ROAD/ROUTE 132, HYANNIS, MA INTRO: 01/17/19

Katie Servis, Airport Manager gave the rationale

Councilor questions and comments:

The revenue the town is expecting over the 49 year lease [just over 150 million; 3 % annual increase] the development of housing in relationship with the property are there restrictions [FAA restrictions: typically housing is not part of airport, due to noise issues; the proposal did come across that said these are the types of things we could do on the property]

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the Barnstable Airport Commission on behalf of the Inhabitants of the Town of Barnstable to enter into a lease for a term of forty-nine (49) years with WS Landing at Hyannis LLC and/or WS Development Associates LLC or any of its affiliates for property identified as Map 311, Parcel 092 and addressed as 790 Iyannough Road/Route 132, Hyannis, MA

VOTE: To February 7th for second reading-passes unanimous

2019-081 TRANSFER ORDER IN THE AMOUNT OF \$45,000 TO FUND THE REPLACEMENT OF THE HEATING/VENTILATION/COOLING (HVAC) SYSTEM AT THE HYANNIS GOLF COURSE CLUBHOUSE INTRO: 01/17/19

Dan Santos, Director of Public Works gave the rationale

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$45,000 be transferred from the Town Council Reserve Fund to fund the replacement of the HVAC system at the Hyannis Golf Course Clubhouse.

VOTE: PASSES UNANIMOUS

2019-082 ACCEPTANCE OF FISCAL YEAR 2019 LEGISLATIVE EARMARK GRANT IN THE AMOUNT OF \$45,000 FROM THE MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH FOR THE PURPOSE OF FUNDING HOMELESS OUTREACH SHELTERING SERVICES IN THE EVENT OF SEVERE COLD TEMPERATURES INTRO: 01/17/19

Town Manager, Mark Ells gave the rationale

Councilor questions and comments:

Thank you to the Barnstable Police Department for the safety of our people; continue to reach out using the regional approach; [we do have concerns, utilize the resources on a regional approach] town is awarded the money through the police department; all of their energies are going to the homeless; our police department is not a social service agency; we always want to help, it is time to take a step back. Twenty persons for twenty days, what happens when the money runs out; [temperatures that trigger the mobilization; the money is an estimate that was already in place] Have we identified where these people would go [yes] [Chief Sonnabend, the numbers came through the most chronic people, the hardest to house, based on a number from last year; closer to the single digit numbers]

Upon a motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept a Fiscal Year 2019 Legislative Earmark Grant from the Commonwealth of Massachusetts, Department of Mental Health of **\$45,000**, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES UNANIMOUS

2019-084 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 01/17/19

A motion was duly made and seconded to bifurcate the Hyannis Main Street Waterfront District Commission appointee, Jonathan Kanter, and to be voted on tonight

VOTE: PASSES UNANIMOUS

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: **Zoning Board of Appeals:** Paul Pinard from an associate member to a full member to a term expiring 6/19

VOTE: As Amended to a 2nd reading – unanimous

**2019-084-A APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
01/17/19**

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: **Hyannis Main Street Waterfront Historic District Commission:** Jonathan Kanter, 17 Ash Circle, Cotuit, MA as a regular member holding a real estate license to a term expiring 6/20

VOTE: PASSES UNANIMOUS

**2019-085 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
01/17/19**

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Steamship Authority:** Eric Shufelt as the Town of Barnstable Representative member to a term expiring 12/31/19

VOTE: to 2nd reading on 2/7/19-unanimous

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 10:15 PM

Respectfully submitted,

Ann M Quirk

Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: February 3, 2019

Exhibits:

A Town Manager Communications Update