



Town Council Meeting
January 3, 2019



A quorum being duly present, Council President James Crocker, Jr. called the January 3, 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 President Crocker, Jr. 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., Jennifer Cullum, Debra Dagwan, John Flores, Jessica Rapp Grassetti, Matthew Levesque, Paul Neary, James Tinsley, Jr., Philip Wallace **Absent:** Paul Hebert, Paula Schnepf, Eric Steinhilber

The Pledge of Allegiance was led by President Crocker Jr. followed by a moment of silence.

PUBLIC COMMENT:

Cheryl Powell, Chair of the Hyannis Main Street Waterfront Historical District Commission, discussed the composition of the commission. She felt a balance commission was the best type of commission to make decisions. She had concerns regarding the Hyannis Main Street Business Improvement District (BID) members who are members of the Hyannis Main Street Waterfront Historical District Commission and their recusal on matters that affect the BID.

Tina Carey felt there were issues with the Appointments Committee. She urged Council not to approve of any more BID members to the Hyannis Main Street Waterfront Historical District Commission.

Councilor Response to Public Comment: None

TOWN MANAGER COMMUNICATIONS:

Update (EXHIBIT A)

- Assistant Town Engineer Amanda Ruggiero has been promoted to Interim Town Engineer
- Budget calendar
- MA Fish & Wildlife
- MASS DEP
- Board of Health Hearing
- Municipal Vulnerability Preparedness grant

- New website
- Vineyard Wind

Councilor questions and comments:

What type of land is utilized for the conservation land swap? [Land of equal value] Is the Town looking at additional wells or replacing the current wells [additional wells] Board of Health regulations regarding Saltwater Estuaries meetings were televised [it is important to watch the videos of the previous meetings] Are the MASS DEP meetings public and what is the address? [Yes meetings are open to public – 1 Winter St Boston location]

- Richard Scali, Director of Licensing, discussed the upcoming hearing regarding Seasonal Package Store License Quota. He explained the hearing was scheduled for Monday, January 7, 2019 to hear information on the estimation of increase in seasonal population. He added the Licensing Authority must hold a hearing before March 1, of each year to consider the seasonal increase. He noted if the Licensing Authority accepts the information presented at the hearing, the Town would then be allowed more seasonal package licenses on a case by case basis. (EXHIBIT B)

Councilor questions and comments:

What will be your role in the meeting? [Will be giving information regarding summer population to committee] The licenses should be yearlong and not seasonal. [This is a two-step process and this step is only about population] Where are you getting your data? [Federal census, Barnstable Town Clerk, and day trippers]

- Town Manager's review: Council President Steinhilber met with Mark Ells on December 28th, 2018 and discussed his professional evaluation. Mark received a 4.6 out of 5.0 rating. (EXHIBIT C)

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the December 20, 2018.

VOTE: PASSES 9 YES 1 ABSTAIN (TINSLEY)

•Town Manager update on Wastewater Management Plan

Mark Ells, Town Manager gave insight into the Town's Wastewater Management Plan. He noted there was a need to move forward, explain the issues to the public, have a healthy debate and set timelines. He added there needed to be clear objectives and measures for the Town. He mentioned the numerous discussions with Boston and the Southeast Region entities. He said there was an Intergovernmental Advisory Committee which will gather in the first quarter of 2019 and will have regular meetings quarterly to discuss Wastewater Management.

Dan Santos, Director of Public Works, explained the problems with wastewater. He said if wastewater was in the soil, it was in the ground water. He discussed the problems from impaired embayment, groundwater equalizes, pond water quality, septic system failing, economic development, new flood zones, and regulatory requirements. He added the Clean Water Act regulated water quality standards for towns, cities and municipalities. Director Santos explained Barnstable's nitrogen overloading issue. He spoke about over-fertilization which affects the water quality with algae and micros. He noted the cape was

divided into five watersheds which were then divided again by sub-watersheds. He identified water quality solutions: non-traditional, traditional, management and funding. He discussed the Town of Barnstable's planning process which encompasses working with other agencies, water resource committee members, and town staff to look/review lot by lot basis in determining the best practices.

Town Manager, Mark Ells said the Town was actively working on the alternatives to the issues. He added possible alternatives utilized both traditional and non-traditional opportunities.

Councilor questions and comments:

Open communication with the public is a must with these issues. Is there annual sampling [Yes the town does this now] Does climate changes and rising ground levels impact our plans? [Climate change does impact the infrastructure at the coastal areas] [We have adaptive long term planning] What municipalities do we have Intermunicipal agreements with? [Town of Sandwich for Popponesset Bay, Town of Yarmouth Lewis Bay Watershed] Our comprehensive plan is subject to change [Yes we are adaptive to opportunities and will evolve through our plans] [Good information and being ready to act are two best practices the Town is following in regards to Barnstable's Wastewater Management Plan]

COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements: None

2019-063 APPROPRIATION ORDER \$100,000.00 COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING CREATION SEASHORE HOMES, INC., 185 RIDGEWOOD AVENUE, HYANNIS INTRO: 12/20/18, 01/03/19

Lindsey Counsell, Chair of the Community Preservation Committee, gave the rationale. He discussed allocating the funds for the Ridgewood Avenue housing project.

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 One Hundred Thousand (**\$100,000.00**) 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 Seashore Homes, Inc. of one year-round affordable rental unit with household incomes 80% or less of Area Median Income (AMI) within a new multifamily development containing 8 two-bedroom apartments located at 185 Ridgewood Avenue, Hyannis and to execute, deliver, accept and record restrictions or other real property interests for the purposes authorized herein subject to oversight by the Community Preservation Committee.

VOTE: PASSES 10 YES

2019-066 ACCEPTANCE OF FEDERAL FISCAL YEAR 2019 EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF \$13,760 FROM THE MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY FOR THE PURPOSE OF FUNDING HANDHELD RADIOS USED IN EMERGENCY MANAGEMENT OPERATIONS INTRO: 01/03/19

Anne Spillane, Police Department Support Services, gave the rationale. She explained the grant from Massachusetts Emergency Management Agency has been given to the town for several years enabling the town to purchase new radios. She added 85 percent of the radios have been replaced and this was a matching fund grant.

Open public hearing seeing no one close public hearing.

Upon a motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2019 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency in the amount of **\$13,760** and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES UNANIMOUS

2019-067 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$14,300 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF ENHANCING ITS WASTE REDUCTION PROGRAMS INTRO: 01/03/19

Dan Santos, Director of Public Works, gave the rationale. He added there was no matching fund requirement.

Open public hearing seeing no one close public hearing.

Councilor questions and comments:

What about utilizing Bigbelly solutions to help with recycling? [The solutions are very labor intensive and the Town would benefit from more education regarding reuse and reduction ideas]

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council hereby accepts a grant award in the amount of **\$14,300.00** from the Massachusetts Department of Environmental Protection for the purpose of enhancing its waste reduction programs through the acquisition of public space and outdoor event recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other related expenses enumerated in the Recycling Dividends Program (RDP) contract. and that the Town Manager is authorized to expend the grant monies for the purpose specified herein.

VOTE: PASSES UNANIMOUS

2019-068 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$250,000 FOR A FEASIBILITY STUDY AND PRELIMINARY INVESTIGATIONS OF THE WASTEWATER TREATMENT FACILITY AT JOINT BASE CAPE COD INTRO: 01/03/19

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$250,000** be appropriated and transferred from the Comprehensive Water Management and Private Way Fund for the purpose of a feasibility study and preliminary investigations to evaluate the potential of the Town utilizing the wastewater treatment facility at Joint Base Cape Cod for future sewer expansion, including the payment and costs incidental and related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: REFER TO A PUBLIC HEARING ON 02/07/2019 - UNANIMOUS

2019-069 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$835,000 FOR THE DESIGN OF ROADWAY AND UTILITY WORK INTRO: 01/03/19

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$735,000** be appropriated and transferred from the Comprehensive Water Management and Private Way Fund and that the sum of **\$100,000** be appropriated and transferred from the Water Supply Enterprise Fund reserves for the purpose of funding the design of roadway and utility work, including the payment and costs incidental and related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: REFER TO A PUBLIC HEARING ON 02/07/2019 - UNANIMOUS (CULLUM OFF DAIS)

2019-070 RESOLVE ACCEPTANCE OF EASEMENT 307 FALMOUTH ROAD (ROUTE 28) HYANNIS, MA INTRO: 01/03/19

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: REFER TO A 2ND READING ON 01/17/2019 - UNANIMOUS

2019-071 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$250,000 FOR CONCEPTUAL PLANNING AND DESIGN OF THE FIRST STAGE OF SEWER EXPANSION IN COTUIT INTRO: 01/03/19

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$250,000** be appropriated and transferred from the Comprehensive Water Management and Private Way Fund for the purpose of conceptual planning and design of the first stage of sewer expansion in Cotuit, including the payment and costs incidental and related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: REFER TO A PUBLIC HEARING ON 02/07/2019 - UNANIMOUS

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

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: REFER TO A 2ND READING ON 01/17/2019 - UNANIMOUS

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

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: REFER TO A 2ND READING ON 01/17/2019 - UNANIMOUS

2019-074 ORDER TO DEDICATE FUTURE HOST COMMUNITY AGREEMENT PAYMENTS FROM VINEYARD WIND TO THE WATER STABILIZATION FUND INTRO: 01/03/19
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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: REFER TO A 2ND READING ON 01/17/2019 - UNANIMOUS

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 10:08 PM

Respectfully submitted,

Janet E. Murphy

Assistant Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: January 17, 2019

Exhibits:

- A. Town Manager update for period December 20, 2018 through January 3, 2019
- B. Richard V. Scali document dated December 17, 2018
- C. Town Manager Annual Review for 2018 Statement