



Town Council Meeting
June 16, 2022



A quorum being duly present, President Matthew Levesque called the June 16, 2022, Town Council meeting to order at 7:06 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 18.

PRESENT: (On Zoom) Nikolas Atsalis, Kristine Clark, Jennifer Cullum, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Jeffrey Mendes, Paul Neary, Tracy Shaughnessy, Gordon Starr, **Absent:** Paula Schnepf, Eric Steinhilber

The Pledge of Allegiance was led by Councilor Starr. President Levesque followed with a moment of silence asking for all to remember the Ukraine and all other countries struggling. He hoped we would all keep peace for all in our thoughts and prayers.

PUBLIC COMMENT:

Kristi Sentori of the Cape Cod Commission announced the 8th Annual One Cape Summit will be in Harwich and will include a breakfast meeting for the Town Councilors and Selectmen from across the Cape.

Michael Albaugh, Executive Director, Cape Cod Symphony happy to be partnering with the Town of Barnstable to bring the 4th of July concert on the 4th of July to Aselton Park and hopes to see everyone there.

Jung-Ho Pak, Artistic Director and Conductor, Cape Cod Symphony so happy to be part of this program over 17 years in the waiting, the symphony is celebrating 60 years, there will be a moving selection of patriotic songs on the harbor of Hyannis.

Close Public Comment

Response to Public Comment:

Cullum exciting to have the symphony performing in Hyannis (Rapp Grasseti) Congratulations to the symphony for the 60 years, looking forward to the concert (Shaughnessy) So very excited, going to be terrific for the residents and visitors (Atsalis) Hoping this is a prelude to Symphony by the Sea (Levesque) kudos to Town Manager Ells and staff for making this work (Ells) Excited to host the Symphony, hopefully good weather, thank you all.

Town Manager's Communications: (Exhibit A)

Town Manager Mark Ells update for the period of June 3rd to 16th

- Update on the Local Comprehensive Plan: Elizabeth Jenkins, Director, Planning and Development shared the page on the website, and the map and data viewer.

Councilor questions and comments:

(Rapp Grassetti) Thank you for the update will the meetings be recorded, and allow for in-person and virtual attendance (Jenkins) this will be a live broadcast, want this to be open to all, we are still working on a hybrid for in-person and virtual meeting.

- Town's Board, Committee, and Commission Handbook is available on the website
- Wireless facilities update
- Proceeding with the budget preparation for FY 2023
- Superintendent of Barnstable Public Schools, Sara Ahern
- New regulatory revisions from the Massachusetts Department of Environmental Protection (MassDEP)
- The Department of Environmental Protection is seeking public comment on the changes to the State Revolving Fund (SRF)
- The Cape Cod and Islands Water Protection Fund (CCIWPF) Management Board
- Town of Barnstable beaches and pools will be open daily
- Check our website at Roadwork Notices/Barnstable eNews for up to date road work
- Phase 3 Commonwealth Wind landing of cable in Barnstable
- The Local Initiative Program (LIP) is a state housing program established by Massachusetts General Law Chapter 40B
- Requesting a workshop with the Town Council to specifically discuss private roads in our community

Councilor questions and comments:

(Starr) Do I understand we are going to have three different workshops and are they going to be during the summer meetings? (Ells) Workshops allows for a productive back and forth, providing expertise for the Council, the date and timing will be through the Council Leadership (Levesque) Public roads will be coming up in one of the next few meetings; with the sewerage going forward we need access to the roads involved; (Starr) my preference would be in-person meetings (Levesque) no ability as yet to stay in remote meetings awaiting a decision from the legislature. (Ells) We haven't been taking private roads for a long time now, we have had a private roads program; we need to have a policy. (Starr) Cape Cod and Islands Water Protection Fund (CCIWPF) is using the rental taxes will that also cover water filtration programs (Ells) no. (Mendes) Some private roads that have very high traffic need repairs they should be taken as a public road.

- Dan Santos, Director of Public Works provided an update on the Water Resources Management including the Comprehensive Wastewater Management Plan (CWMP) utilizing a power point presentation

Councilor questions and comments:

(Ells) urges everyone to take a look at what the Environmental Protection Agency (EPA) is doing, the new level of proposed testing-can you detect per- and polyfluoroalkyl substances (PFOS/PFAS); this is going to be a real challenge; (Starr) Pretty jarring, we don't have testing equipment for PFOS,(Santos) They are testing a variety of them, going to need to advise the users of the risk of consuming water with these compounds; (Starr) rates are going to double in Barnstable Village (Ells) chasing the American Rescue Plan Act (ARPA) funds as we meet the criteria, working on access to the County ARPA funds; can the town set up a portal for additional funding sources (Starr) Kudos for starting the process (Hebert) Complimented the crews that have been working on the sewer, better communication, where do we stand with Stewarts Creek and getting all those folks on the sewer system (Santos) Still quite a few that are not connected; will check with the Board of Health to get that number for you (Hebert) all the green lawns; we need to educate the public on the cost to the environment (Mendes) What are the per gallon per minute in the Hyannis Water District (Santos) about 200 gallons per day (Cullum) It is essential that we are all on board at the same time regarding (Stewarts Creek).

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of June 2, 2022 as presented.

VOTE: PASSES 9 YES, 1 No Response (Clark)

Roll Call: Atsalis, Cullum, Rapp Grasseti, Hebert, Levesque, Mendes, Neary, Shaughnessy, Starr.

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

(Shaughnessy) Father’s Day Car Show on Main Street in Hyannis (Levesque) is a great event and it is sold out this year (Starr) Civics Fair at the Barnstable High School; (Atsalis) St George Greek Orthodox Church is going to have a food fest of the most popular Greek foods, in July.

Break (8:47)

2022-160 APPROPRIATION ORDER IN THE AMOUNT OF \$8,936,473 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2023 AIRPORT ENTERPRISE FUND BUDGET INTRO: 05/19/2022, 06/02/2022

Katie Servis, Airport Manager gave the rationale utilizing a power point presentation Open public hearing seeing no one close public hearing

Councilor questions and comments:

(Starr) What does it cost to land at the airport (Servis) Based on weight (Starr) Kidds Hill Road, are there any plans for that corner (Servis) We have planted low plantings and we are monitoring it (Shaughnessy) Community events sound fabulous, women in aviation series was very good (Servis) we have a higher amount of women in aviation than anywhere else.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$8,936,473** be appropriated for the purpose of funding the Town's Fiscal Year 2023 Airport Enterprise Fund budget, and to meet such appropriation that **\$8,936,473** be raised from current year revenues by the Airport Enterprise Fund, as presented to the Town Council by the Town Manager.

VOTE: PASSES 9 YES, 1 No Response (Clark)

Roll Call: Atsalis, Cullum, Rapp Grasseti, Hebert, Levesque, Mendes, Neary, Shaughnessy, Starr.

2022-195 APPROPRIATION ORDER IN THE AMOUNT OF \$2,145,000 FOR THE FISCAL YEAR 2022 AIRPORT CAPITAL BUDGET FOR THE PURPOSE OF FUNDING THE AIRPORT OPERATIONS MODIFICATION AND UPGRADE T HANGAR REPLACEMENT PROJECT INTRO: 06-02-2022 , 06/16/2022

Katie Servis, Airport Manager gave the rationale utilizing a power point presentation Open public hearing seeing no one close public hearing

Councilor questions and comments:

(Starr) The extension of the road on Mary Dunn how is that going? (Servis) Mary Dunn Way is a key to provide access to the airport sanitary sewer and is very industrial looking, so we are adding landscaping to the parking lots (Starr) The blue building is that something that we lease (Servis) the airport owns that building (hanger) and we lease the space.

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$2,145,000** be appropriated for the Fiscal Year 2022 Airport Capital Budget for the purpose of funding the Airport Operations Modification and Upgrade T Hangar Replacement Project, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the amount of \$2,145,000 be provided from the Airport Enterprise Fund reserves, and that the Barnstable Airport Commission is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: PASSES 9 YES, 1 No Response (Clark)

Roll Call: Atsalis, Cullum, Rapp Grasseti, Hebert, Levesque, Mendes, Neary, Shaughnessy, Starr.

2022-196 AUTHORIZING THE TOWN MANAGER TO EXECUTE A MAJOR AMENDMENT TO THE REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND CAPEBUILT PLEASANT STREET, LLC INTRO: 06/16/2022

(Levesque)The proponent of this item has requested that this item be withdrawn from consideration. The matter will be resubmitted to the Planning Board to consider further changes

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the Town Manager pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable (the "Code"), to enter into and execute a Major Amendment to the Regulatory Agreement between the Town of Barnstable and CapeBuilt Pleasant Street, LLC for the properties at 24, 28, 43, 44, 53, 56, 64 and 66 Pleasant Street and 86 South Street, Hyannis, Massachusetts and shown on Assessor's Map 327 as Parcels 131, 245, 122, 133, 121, 143, 268, 135 and 137, consisting of 103,688± square feet (2.38± acres), and which are more particularly described in the deeds recorded with the Barnstable County Registry of Deeds in Book 25831 Page 318, Book 21784 Page 410, Book 21784 Page 138, Book 21784 Page 143, Book 21784 Page 144, Book 29558 Page 294, Book 21784 Page 143 (Parcel A and Parcel B in Plan Book 69 Page 19) and Book 21784 Page 134 (hereafter, the "Property"); and further authorizing the development of additional residential units and granting the requested zoning relief pursuant to and as described in this first major amendment to the Regulatory Agreement.

VOTE: TO WITHDRAW 9 YES, 1 No Response (Clark)

Roll Call: Atsalis, Cullum, Rapp Grasseti, Hebert, Levesque, Mendes, Neary, Shaughnessy, Starr.

2022-197 RESOLVE TO SCHEDULE A SPECIAL ELECTION TO BE HELD ON SEPTEMBER 6, 2022 TO FILL TWO TOWN COUNCIL SEATS INTRO: 06/16/2022

Ann Quirk, Town Clerk gave the rationale.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby declares that a vacancy currently exists in the office of Town Councilor, Precinct 5, and that effective September 2, 2022, a vacancy will exist in the office of Town Councilor, Precinct 3; and further, the Town Council requests that the Town Clerk begin planning a special election to be held on September 6, 2022 to fill said seats for the balance of the unexpired terms

VOTE: PASSES 9 YES, 1 No Response (Clark)

Roll Call: Atsalis, Cullum, Rapp Grasseti, Hebert, Levesque, Mendes, Neary, Shaughnessy, Starr.

2022-198 APPROVAL OF APPOINTMENT TO THE APPOINTMENTS COMMITTEE intro: 06/16/2022

President Levesque gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby approve the Town Council President's appointment of Councilor Gordon Starr as a member of the standing Appointments Committee of the Town Council.

VOTE: PASSES 9 YES, 1 No Response (Clark)

Roll Call: Atsalis, Cullum, Rapp Grasseti, Hebert, Levesque, Mendes, Neary, Shaughnessy, Starr.

2022-199 RESOLVE DELEGATING TO THE OFFICE OF THE TOWN ATTORNEY RESPONSIBILITY FOR RESPONDING TO THE OPEN MEETING LAW COMPLAINT FILED ON JUNE 13, 2022 INTRO: 06/16/2022

Karen Nober, Town Attorney gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: To delegate to the Office of the Town Attorney the responsibility for responding to the Open Meeting Law Complaint filed by Ellen LaBerge on behalf of the Friends of the Centerville Cranberry Bog Preservation, Inc. on June 13, 2022 against the Town Council, Town Council President Matthew P. Levesque and Town Attorney Karen L. Nober

VOTE: PASSES 9 YES, 1 No Response (Clark)

Roll Call: Atsalis, Cullum, Rapp Grasseti, Hebert, Levesque, Mendes, Neary, Shaughnessy, Starr.

2022-200 RESOLVE APPROVING A LETTER IN SUPPORT OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PROPOSED REVISIONS TO THE CLEAN WATER STATE REVOLVING FUND CRITERIA INTRO: 06/16/2022

Rationale given by President Levesque; Mark Ells your letter of support certainly carries weight and I appreciate your support

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby approve sending a letter, substantially in the form as presented at this meeting, to the Massachusetts Department of Environmental Protection (the "Department") expressing the Council's support for the Department's proposed revisions to the Clean Water State Revolving Fund ("SRF") criteria for the allocation of low and no interest loans from the SRF.

VOTE: PASSES 9 YES, 1 No Response (Clark)

Roll Call: Atsalis, Cullum, Rapp Grasseti, Hebert, Levesque, Mendes, Neary, Shaughnessy, Starr.

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

VOTE: PASSES 9 YES, 1 No Response (Clark)

Roll Call: Atsalis, Cullum, Rapp Grasseti, Hebert, Levesque, Mendes, Neary, Shaughnessy, Starr.

Adjourned at 9:29 PM:

Respectfully submitted,

Ann M Quirk
Barnstable Town Clerk

NEXT MEETING: July 21, 2022