



Town Council Meeting
January 19, 2023



A quorum being duly present, President Matthew Levesque called the January 19, 2023, Town Council meeting to order at 7:05 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: Nikolas Atsalis, Kristine Clark, Jennifer Cullum, Paul Cusack, Jessica Rapp Grasseti, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **Absent:** Paul Neary

The Pledge of Allegiance was led by President Levesque followed with a moment of silence.

President Levesque made a presentation to Marina Atsalis, thanking her for her commitment to the Hyannis Main Street Waterfront District for more than 20 years. Councilors added thanks for her years of service to the town.

PUBLIC COMMENT:

Jane Ward via zoom spoke about the wastewater problem on the Cape, read part of an Op-ed from the Cape Cod Times and spoke about alternative solutions, please consider supporting options that may be more cost effective.

Response to Public Comment:

(Ludtke) your words are well taken, there are many people who will not be on the wastewater plan. (Schnepf) There are many areas that are out in phase three, thank you for bringing that to us tonight.

Close public comment

TOWN MANAGER'S COMMUNICATIONS: (Exhibit A)

Update on Fiscal Year 2023 Tax Bills, Mark A. Milne, Director of Finance illustrated the factors that go into building the tax bill including

- Change of tax levies
- Change in assessed values
- Shift in the tax levy
- Residential exemption

Councilor questions and comments:

(Atsalis) Regarding the fire districts slide, a few years back Centerville Osterville Marstons Mills (COMM) had a shortfall of 5 million dollars, this current year is another 3 million shortfall, are we making up for their mismanagement of funds, COMM needs to make an explanation to the

residents. (Levesque) this is not anything to do with the staff of the town, contact your fire district (Atsalis) attend the prudential committee meetings (Cullum) heard from several constituents who wanted to know how the bills are developed. Step up and get involved in your community. Thank you for the presentation (Clark) Will this be available on the website (Milne) Yes, it already is on the website (Schnepp) Are there any regulations from the Department of Revenue (DOR) on using the fire district reserves. (Milne) not for the fire districts (Schnepp) noted the large tax bill increase at 850 Falmouth Road property. Do we keep track of the tax revenue we could earn? What percentage of our commercial taxpayers have provided appropriate documentation of their estimate of their value? (Milne) Will check with the Director of Assessing; (Rapp Grassetti) Assessing 101 is a terrific video (Ludtke) Residential exemption is 20% tough luck for those that have homes on the water, what is the impact to those folks, what kind of a drill do we do on the residential exemption on an annual basis (Milne) Comes before the Town Council annually, maximum percentage goes to 35%, that can provide some relief to a primary residency. (Ludtke) how long has that been in place (Milne) has been in place since 2006. (Schnepp) we are very unique in that we debate on the residential exemption (Milne) Mashpee just adopted the residential exemption this year.

TOWN MANAGER'S COMMUNICATIONS continues:

- Potential security threat detected on the Town's network

Councilor questions and comments:

(Clark) Thank you for protecting the network (Schnepp) are we going to separate the webserver to a separate area so the risk would not be so great going forward (Benoit) We are evaluating separating our network to an external host provider (Schnepp) what is the percentage of our operations are internal (Benoit) more and more of our systems are going to the Cloud.

TOWN MANAGER'S COMMUNICATIONS continues:

- Motion to dismiss the Clean Water Act lawsuit (CLF); subsequently CLF filed a motion for reconsideration; this was "dismissed without prejudice" by the district court.

Councilor questions and comments:

(Starr) What was the basis for the dismissal (Nober) Based on what CLF stated in the complaint the transit time was close to 20 to 21 years, the courts decided that was too long; (Shaughnessy) did they ask on the motion for reconsideration to add without prejudice or did the Judge add without prejudice; (Nober) I will check into that (Schnepp) are we looking at additional expenses (Nober) we are incurring some minimal expenses.

TOWN MANAGER'S COMMUNICATIONS continues:

- Annual Town Census
- Proceeding with the Budget Action Calendar for 2024
- The Town of Barnstable submitted comments on the Eversource Vegetation Management Plan (VMP)
- Regulatory revisions from the Massachusetts Department of Environmental Protection (MassDEP) was developing to restore and protect coastal estuaries
- The Department of Public Works hosted two public meetings to review alternatives for the Sandy Neck Beach Facility.
- Three separate wind power projects ongoing in the Town of Barnstable
- Local Comprehensive Planning Committee (LCPC) together with the Planning and Development Department encourages citizens to take the LCPC survey
- Great Streets Downtown Hyannis project is entering its second phase

- Information session for input on the new Centerville Playground

Councilor questions and comments:

(Ludtke) The communication survey was excellent for that design; if you could tell me for each of these wind projects where is the power going? (ELLS) Vineyard Wind to the Commonwealth of Massachusetts and utilities; Park City to the state of Connecticut; Commonwealth Wind to the Commonwealth of Massachusetts and utilities (Ludtke) Does any stay on Cape Cod (Ells) No, going into the grid. (Ludtke) About the substations are they building them (Ells) There are two existing substations (Rapp Grassetti) Great Streets after the final designs when do you expect implementation (Ells) there will be many discussions before implementation, we need to include the public works department and the police department (Starr) Vegetation Management Plan (VMP) have we written a response (Ells) yes we responded and submitted by the due date. (Starr) the comment period is still open have we sent in our response yet (Ells) we did respond orally, we need more time to review this; there is a lot to consider. Innovative on sites do not bring the nitrogen level down enough to meet the regulatory target we are trying to meet. (Levesque) The innovative on site is great, but we are on the path with the sewer that will get us to the regulatory target. (Ells) We are reviewing every five years; we are remaining open to modify the plan as we go along. (Schnepf) shift focus to the public meetings that were held on Sandy Neck, how is that selection going to occur (Ells) We go through stage of design, engage the public, what are the costs involved, will keep the town and the Council informed. (Starr) Three alternatives for Sandy Neck, it was a great meeting, good give and take; the zip code at Barnstable Village only received their postcard today (Clark) Communications survey will we have a recap on that survey; substation that are being developed on Oak Street in Barnstable, better landscaping (Ells) that will be carried forward (Atsalis) Touch on the Centerville Playground, kudos to our staff for the well thought plan. Unfortunately there is a lot of misinformation that we are taking out the baseball field, yes there is a proposed parking, but it is not to remove the field. It is very disturbing that this misinformation is being spread throughout our town. The misinformation train has now hit Centerville.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of December 15, 2022 as presented.

VOTE: PASSES UNANIMOUS

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

(Schnepf) Housing Committee is reviewing the Housing Production Plan and will be coming before the Town Council in the spring; Mass Municipal Association meeting in Boston; (Rapp Grassetti) The Barnstable Historic Commission has two awards one for Marina Atsalis and one for Dominic Alexander of Pleasant Street; (Levesque) Ham and Bean supper in Marstons Mills at Liberty Hall.

Report of the Town Manager, Mark Ells Performance Review announced by President Levesque.

Break: 5 minute break

2023-068 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF CHILDREN AND FAMILIES TO PROVIDE POLICE DETAIL SERVICES INTRO: 01/19/2023

Upon a motion duly made and seconded it was

ORDERED: That the Town Council authorizes the execution and delivery by the Town Manager of an Intergovernmental Agreement between the Town of Barnstable and the Commonwealth of Massachusetts Department of Children and Families (DCF), under which the Town of Barnstable will provide police detail services to DCF on an as needed basis and subject to availability of Barnstable Police Department staff, and will be reimbursed for same by DCF. The initial term of this Agreement shall be for eleven (11) years, subject to renewal by mutual agreement, for a maximum term not to exceed twenty-five (25) years.

VOTE: 2ND READ ON 2-2-2023-UNANIMOUS

2023-069 APPROPRIATION ORDER IN THE AMOUNT OF \$125,000 IN COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS FOR PHASE III EXTERIOR ACCESS RESTORATION WORK TO THE OLDE COLONIAL COURTHOUSE, 3046 MAIN STREET, BARNSTABLE, MA INTRO: 01/19/2023

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 amount of One Hundred and Twenty-Five Thousand Dollars (**\$125,000**), representing a portion of the estimated total project cost of \$372,497, be appropriated and transferred from the amount set aside for Historic Preservation within the Community Preservation Fund for the purpose of funding Phase III exterior access restoration and rehabilitation work on the Olde Colonial Courthouse located at 3046 Main Street, Barnstable, and shown on Town of Barnstable Assessor's Map 279 as Parcel 071. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee, and to receive, execute, deliver, and record any written instruments for the purposes set forth herein.

VOTE: TO PUBLIC HEARING ON 2-2-2023- UNANIMOUS

2023-070 APPROVING THE CONSERVATION RESTRICTION BETWEEN BARNSTABLE LAND TRUST (GRANTOR) AND THE COMPACT OF CAPE COD CONSERVATION TRUSTS (GRANTEE) INTRO: 01/19/2023

Kate Connolly, Assistant Town Attorney gave the rationale, Janet Milkman from Barnstable Land Trust

Councilor questions and comments:

(Starr) Who owns the land (Connolly/Milkman) Barnstable Land Trust owns (Atsalis) it is amazing, there a paths and a boardwalk, it's pretty magical.

Upon a motion duly made and seconded it was

RESOLVED: That, pursuant to G.L. c.184, §§ 31-33, the Town Council hereby approves and authorizes the Town Council President and the Town Manager to sign on behalf of the Town the Conservation Restriction (CR) between Barnstable Land Trust (BLT) (grantor), and The Compact of Cape Cod Conservation Trusts, Inc. (grantee), over approximately 22.41 acres of vacant land in Centerville, as shown on the Town Assessors' Maps as:

Map 187, Parcel 079, Lot 002 (0 Beech Leaf Island Road); 0.61 acres
Map 187, Parcel 080, Lot 002 (0 Beech Leaf Island Road); 0.53 acres
Map 187, Parcel 034 (0 South Main Street); 2.0 acres
Map 186, Parcel 092, Lot 0 (0 Beech Leaf Island Road); 17.2 acres
Map 186, Parcel 086, Lot 0 (0 Bay Lane); 1.16 acres and

Map 186, Parcel 088, Lot 002 (0 Thornberry Road); 0.91 acres

Said parcels were donated to the BLT for the purposes of preserving open space, water quality, environmental education and rare species habitat. This vote approves the CR in substantially the form attached hereto. Said CR is subject to approval by the Secretary of Energy and Environmental Affairs, who may make minor revisions thereto.

VOTE: PASSES UNANIMOUS

2023-071 APPROVAL OF THE APPOINTMENTS TO THE APPOINTMENTS COMMITTEE INTRO: 01/19/2023
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Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby approve the Town Council President's appointments of Councilors Nikolas Atsalis, Jeffrey Mendes, Paula Schnepf, Tracy Shaughnessy and Gordon Starr as members of the standing Appointments Committee of the Town Council.

VOTE: PASSES UNANIMOUS

WORKSHOP: Financial Update on the Comprehensive Wastewater Management Plan
Mark Milne, Director of Finance (Exhibit B)

Councilor questions and comments:

(Ludtke) Why aren't we getting grants (Milne) they do not offer them anymore with the exception to small communities. (Ludtke) Are we asking for those grants; why wouldn't you get the Intended Use Plan (IUP) (Milne) over four hundred projects submitted, they follow a criteria to score the projects; they have a funding limitation; (Ludtke) the override how long does it last (Milne) it lasts as long as the loan (Schnepf) In the debt exclusion language what projects would be included (Milne) from the slide on the estimated 5 year project costs in blue ink on the screen dated after 2024; these would specified on the ballot (Schnepf) if another project comes up during that time period, could it be added in (Milne) No, it could not be included (Starr) so the IUP applies for each project (Milne) Yes.(Clark) Cape and Islands Water Protection Fund (CIWPF) why do you project a decrease in revenue growth in 2027 (Milne) This was projected by a conservative company for the CIWPF (Clark) Where are we on the payout of the bond for the school (Milne) 25 year loan we are in the third year (Cullum) Cost for a median household is about 22 dollars a month, very important message, to get that out to the people. (Milne) property values will be effected if we lose our estuaries, our water quality, etc. (Levesque) There will be more discussion, important that the Council get the word out with factual information; this has been before the council before, more information to come, this is a five year review (Starr) Going to the voters asking for more money, maybe we should reinstitute a Water Advisory Committee, to assuage the voters (Levesque) Councilors leading residents to educate the people to vote, without the debt exclusion services will be cut. (Shaughnessy) Portions of some precincts will not have any sewer; we need to come up with an argument or two to help explain.

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

VOTE: PASSES UNANIMOUS

Adjourned at 9:55 PM

Respectfully submitted,

Ann M Quirk
Barnstable Town Clerk

NEXT MEETING: FEBRUARY 2, 2023

Exhibits

- A. Town Manager Update
- B. Financial Update on Comprehensive Wastewater Management Plan