



Town Council Meeting
June 15, 2023



A quorum being duly present, President Matthew Levesque called the June 15, 2023, Town Council meeting to order at 7:02 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, Matthew Levesque, Jeffrey Mendes, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **Absent:** Paul Cusack, Jessica Rapp Grasseti, Betty Ludtke, Paul Neary

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

President Levesque read aloud the proclamation that celebrated the Barnstable Land Trust's 40 years of the service to the Town. Jaci Barton, past President of the Barnstable Land Trust, spoke about the creation and all the great work that has been accomplished by the trust.

PUBLIC COMMENT:
(In-person)

Lynne Rhodes spoke about the Juneteenth day and its inclusivity of all members of our community. She felt the raising of the Juneteenth flag signified understanding, empathy and encouraged open discussion of slavery. She hoped this would enhance working towards creating a community with more inclusivity and standing togetherness.

Maryanne Barbosa felt there were double standards in this Town, when it came to people of color. She noted the Trader Ed's incident and mentioned all the outside state coverage regarding that incident. She hoped this would not overshadow what people think of Cape Cod.

Matthew Watson spoke about the two year harassment and hoped for an equitable solution to end the harassment and live peacefully in the Town.

(Zoom)

John Hale spoke about agenda item 2023 – 203, which was to conform to the change to the voting threshold for municipal legislative bodies to approve several categories of zoning changes from a two-thirds supermajority vote to a simple majority vote. He discussed the votes needed to approve a controversial project. He urged Council to look carefully and to see if this change was worth it.

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Schnepf) Commended the speakers for taking a step in the right direction, and for coming to Town Council to discuss the issues.

(Mendes) felt empathetic toward Maryanne Barbosa, always one foot in our community and one foot in the other community. Matthew Watson the matter you spoke of is under review.

(Shaughnessy) supported raising the Juneteenth flag. She felt the act of swatting needed to stop and she was sorry to hear about the situation.

(Levesque) Juneteenth flag-raising was a symbolic gesture and he is in support of this flag – raising ceremony.

Close Public Comment

TOWN MANAGER’S COMMUNICATIONS: (Pre-Recorded) (Levesque) The Town Manager’s report has been prerecorded and the written form will be available to all on the Town Manager’s page on the website. (Exhibit A)

1. Budget Action Calendar Fiscal Year 2024
2. Congratulations to our Town Clerk Ann Quirk, for receiving the Town Clerk of the Year award
3. Second virtual meeting on proposed amendments to the Town Manager Regulations, Part IV of the Code of the Town of Barnstable to adopt “Great Locations” Regulations
4. Public hearing held on May 10, 2023 on proposed Green Burial Regulations
5. Barnstable recognized as 2022 Tree City, USA by the Arbor Day Foundation
6. Barnstable beaches and ponds opening on June 24, 2023.
7. Beach raking, an interim request for raking at Craigville and Covell beaches has been submitted
8. Cape and Island Wastewater Trust Board
9. Discussions continued for proposed regulatory changes to Title 5, Watershed Permit, and state funding to communities for the implementation
10. The Water Resource Management planning update from Kelly Collopy, Communications Manager for the Department of Public Works, has been prerecorded and is available on our website

Councilor questions and comments:

(Schnepp) Could Director Jenkins give the Council an update on the status of the planting of trees. (Jenkins) discussed the trees and thanked Kate Maldonado, Assistant Director of Planning and Development and Andrew Bernier, Barnstable Tree Warden for their work. She added the Town was mindful of best practices in other communities. (Cullum) there is an opportunity for discussion with Eversource regarding trees – please keep an open dialogue. (Atsalis) What about the tree clearing ordinance regarding private property. (Jenkins) We will establish a tree routine process prior to clearing.

Council and audience sang Happy Birthday to celebrate the birthday of Mark Ells, Town Manager.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of June 1, 2023 as presented.

VOTE: 7 YES and 2 ABSTAIN (Atsalis and Mendes) - PASSES

COMMUNICATIONS from elected officials, boards committees, and staff, commission reports,

(Atsalis) discussed the beach raking. He was thankful for the submittal of interim raking of Craigville beach and Covell beach. He explained the Town is aggressively trying to do some type of raking on the beaches to keep them safe and clean. Th Town has been working on this since April and we will be submitting this interim raking on July 15th. (Cullum) Thank you Dan

Santos, Director of Public Works for attending the Hyannis Civic Association meeting. He discussed what the Town has done to remediate the Per-and polyfluoroalkyl substances (PFAS) in our water. (Clark) She noted Amanda Converse was recently honored with the Cape Cod Women of the Year award. (Levesque) Congratulations to all Barnstable High School graduates.

Jump to: 2023-208; 2023-209, AND 2023-210

2023-208 APPROVING A CONSERVATION RESTRICTION ON 2.3 ACRES OF LAND ON COMMERCE ROAD IN BARNSTABLE VILLAGE BETWEEN BARNSTABLE LAND TRUST (GRANTOR) AND THE TOWN OF BARNSTABLE (GRANTEE) INTRO: 06/15/2023

Janet Milkman, Executive Director of the Barnstable Land Trust gave the rationale. She thanked the Council for the proclamation.

Upon a motion duly made and seconded it was

RESOLVED: That, pursuant to G.L.c. 184, sections 31-33, the Conservation Restriction statute, the Town Council does hereby approve and authorize the Town Council President to sign on behalf of the Town Council a Conservation Restriction (“CR”) between Barnstable Land Trust (Grantor), and the Town of Barnstable (Grantee), over approximately 2.3 acres of vacant land on Commerce Road in Barnstable Village as shown on:

A portion of Map 318, Parcel 025, Lot 002, shown as Lot 13 on a plan entitled “*Plan of Land of Commerce Road Barnstable, MA, Prepared For Dillingham Properties LLC*”, dated 5/18/2022 (Revised), by Daniel A. Ojala, PLS, Down Cape Engineering, Inc., 939 Main Street (Route 6A), YarmouthPort, MA 02675 and filed in the Land Registration Office in Boston as Land Court Plan 4686G;

said parcel to be sold to the Barnstable Land Trust for the purposes of preserving open space, rare species habitat and the scenic and natural character of the Cobbs Village neighborhood. 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. It is further ordered that the Town Manager is authorized to execute, receive, deliver and record any written instruments necessary to effectuate the purposes set forth herein.

VOTE: PASSES UNANIMOUS

2023-209 APPROVING A CONSERVATION RESTRICTION ON 1.2 ACRES OF LAND ON COMMERCE ROAD IN BARNSTABLE VILLAGE BETWEEN CATHERINE BOWLES BRAZELTON, TRUSTEE OF THE CATHERINE BOWLES BRAZELTON 2022 REVOCABLE TRUST (GRANTOR) AND BARNSTABLE LAND TRUST (GRANTEE) INTRO: 06/15/2023

Janet Milkman, Executive Director of the Barnstable Land Trust gave the rationale.

Upon a motion duly made and seconded it was

RESOLVED: That, pursuant to G.L.c. 184, sections 31-33, the Conservation Restriction statute, the Town Council does hereby approve and authorize the Town Council President to sign on behalf of the Town Council a Conservation Restriction (“CR”) between Catherine Bowles Brazelton, Trustee of the Catherine Bowles Brazelton 2022 Revocable Trust (Grantor), and Barnstable Land Trust (Grantee), over approximately 1.2 acres of vacant land on Commerce Road in Barnstable Village as shown on:

A portion of Map 318, Parcel 025-001 and 025-002, shown as Lot 14 on a plan entitled “*Plan of Land of Commerce Road Barnstable, MA, Prepared For Dillingham Properties*”

LLC”, dated 5/18/2022 (Revised), by Daniel A. Ojala, PLS, Down Cape Engineering, Inc., 939 Main Street (Route 6A), YarmouthPort, MA 02675 and filed in the Land Registration Office in Boston as Land Court Plan 4686G.

said Conservation Restriction to be donated to the Barnstable Land Trust for the purposes of preserving open space, rare species habitat and the scenic and natural character of the Cobbs Village neighborhood. 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. It is further ordered that the Town Manager is authorized to execute, receive, deliver and record any written instruments necessary to effectuate the purposes set forth herein.

VOTE: PASSES UNANIMOUS

2023-210 APPROVING A CONSERVATION RESTRICTION ON 1.4 ACRES OF LAND ON COMMERCE ROAD IN BARNSTABLE VILLAGE BETWEEN THOMAS B. BRAZELTON, III (GRANTOR) AND BARNSTABLE LAND TRUST (GRANTEE) INTRO: 06/15/2023

Janet Milkman, Executive Director of the Barnstable Land Trust gave the rationale. She thanked the Town Attorney’s office for their partnership.

Councilor questions and comments:

(Schnepp) Thank you Barnstable Land Trust.

Upon a motion duly made and seconded it was

RESOLVED: That, pursuant to G.L.c. 184, sections 31-33, the Town Council does hereby approve and authorize the Town Council President to sign on behalf of the Town Council a Conservation Restriction (“CR”) between Thomas B. Brazelton, III (Grantor), and Barnstable Land Trust (Grantee), over approximately 1.4 acres of vacant land in Barnstable Village as shown on:

A portion of Map 318, Parcel 025-001 and 025-002, shown as Lot 15 on a plan entitled “*Plan of Land of Commerce Road Barnstable, MA, Prepared For Dillingham Properties LLC*”, dated 5/18/2022 (Revised), by Daniel A. Ojala, PLS, Down Cape Engineering, Inc., 939 Main Street (Route 6A), YarmouthPort, MA 02675 and filed in the Land Registration Office in Boston as Land Court Plan 4686G.

said Conservation Restriction to be donated to the Barnstable Land Trust for the purposes of preserving open space, rare species habitat and the scenic and natural character of the Cobbs Village neighborhood. 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. It is further ordered that the Town Manager is authorized to execute, receive, deliver and record any written instruments necessary to effectuate the purposes set forth herein.

VOTE: PASSES UNANIMOUS

Break-return 8:05 pm

Jump to 2023-156

2023-156 APPROPRIATION ORDER IN THE AMOUNT OF \$82,761,867 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2024 BARNSTABLE PUBLIC SCHOOL DEPARTMENT BUDGET, AND TO MEET THIS APPROPRIATION THAT \$82,761,867 BE RAISED FROM CURRENT YEAR REVENUES, AS PRESENTED TO THE TOWN COUNCIL BY THE TOWN MANAGER INTRO: 05/18/2023, 06/01/2023, 06/15/2023

Superintendent Ahern gave the rationale and an overview of the PowerPoint Presentation. She discussed this year's large ask and reiterated the state funding to support teachers and educational learning. She spoke about the Chapter 70 funding.

Councilor questions and comments:

(Mendes) He noted Superintendent Ahern had only been on the job for a year but was looking to her for weigh-in on maintenance of the school grounds. He felt the school playing fields were an embarrassment and a lost opportunity. He felt there needed to be improvement in the future. (Ahern) explained there were two position unfilled and there needed to be a facility assessment study. (Atsalis) asked about the pay increase for the Assistant Principal (Ahern) explained the position was a utility player meaning it was a day to day operations position. (Atsalis) What was the biggest challenge? (Ahern) Health insurance and housing were the two biggest issues with hiring. (Cullum) bilingual status for all students this is an amazing gift to be bilingual – this is investing in this generation. (Cullum) Are there other programs beyond sports? Band? (Ahern) Yes. (Cullum) What are the Massachusetts regulations for mental health in the school system? (Ahern) We have regulations as mandated for guidance. We have 3 fulltime resource officers this is an investment in the children. We have the Hope Squad for mental health which has peer leadership.

Open public hearing seeing no one, no one on zoom, close public hearing.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$82,761,867** be appropriated for the purpose of funding the Town's Fiscal Year 2024 Barnstable Public School Department Budget, and to meet this appropriation that **\$82,761,867** be raised from current year revenues, as presented to the Town Council by the Town Manager.

VOTE: PASSES 9 YES

Roll Call: Atsalis, Clark, Cullum, Levesque, Mendes, Schnepf, Shaughnessy, Starr, Steinhilber

2023-194 APPROPRIATION ORDER IN THE AMOUNT OF \$155,000 FOR CONSULTANT SERVICES IN SUPPORT OF A LOCAL COMPREHENSIVE PLAN UPDATE

Elizabeth Jenkins, Director of Planning and Development gave the rationale.

Open public hearing seeing no one, no one on zoom, close public hearing.

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$155,000** be appropriated for the purpose of funding a consultant to facilitate comprehensive land use planning services in support of an update to the Town's Local Comprehensive Plan; and that to fund this appropriation, **\$155,000** be provided from the General Fund Reserves.

VOTE: PASSES 9 YES

Roll Call: Atsalis, Clark, Cullum, Levesque, Mendes, Schnepf, Shaughnessy, Starr, Steinhilber

Break-return 9:19 pm

2023-196 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, § 241-44.5 LAND ACQUISITION AND PRESERVATION COMMITTEE

Upon a motion duly made and seconded it was

ORDERED: That the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, § 241-44.5 Land Acquisition and Preservation Committee, is hereby amended as follows:

SECTION 1. By changing the name of the “Land Acquisition and Preservation Committee” wherever it so appears to the “Open Space Committee”.

SECTION 2. By deleting Section B in its entirety and inserting the following new Section B in its place:

B. Authorities and responsibilities.

1. The Open Space Committee shall be responsible for keeping the Open Space and Recreation Plan and the open space section of the Local Comprehensive Plan updated and current.
2. The Open Space Committee shall review conservation restrictions and make recommendations for approval to the Town Council.
3. The Open Space Committee may recommend parcels of land available for purchase or protection (a) to the Community Preservation Committee; or (b) to the Town Manager, if the funding will be from non-Community Preservation Act funds; provided that in making such recommendations, the Open Space Committee shall use as a guideline local and regional open space plans, master plans and the Local Comprehensive Plan.
4. The Open Space Committee shall assist Town departments in the management of Land Bank lands acquired under the Land Bank Act in accordance with the Act and its provisions.
5. A member of the Open Space Committee shall serve as the Town’s representative on the Santuit Preserve Management Committee.
6. The Open Space Committee shall be responsible for implementing and promoting the approved Cape Cod Pathways Plan within the Town of Barnstable; including but not limited to promoting and advising on the Town’s Walking Library, which is accessible to the public online and details the various walks throughout the Town.
7. The Open Space Committee shall educate the public about open space issues through speakers at meetings of the Open Space Committee.
8. Nothing in this section shall be construed to alter or change the responsibilities of the Community Preservation Committee as prescribed by law.”

VOTE: TO A SECOND READING ON 07-20-2023 – PASSES UNANIMOUS

2023-197 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, § 241-38.A, HYANNIS WATER BOARD INTRO: 06/15/2023

Upon a motion duly made and seconded it was

ORDERED: That the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, § 241-38.A, is hereby amended by deleting “Hyannis Water Board” in the Section heading and in Section A, respectively, and inserting “Barnstable Municipal Water Supply Board” in place thereof.

VOTE: TO A SECOND READING ON 07-20-2023 – PASSES UNANIMOUS

2023-198 RESOLVE APPROVING MARK S. ELLS’ OUTSIDE EMPLOYMENT WITH CAPE COD COMMUNITY COLLEGE INTRO: 06/15/2023

Karen Nober, Town Attorney, gave the rationale. She discussed the Town Manager’s outside of the Town employment with the Cape Cod Community College.

Upon a motion duly made and seconded it was

RESOLVED: That, in accordance with Section 7 of the Employment Agreement between the Town of Barnstable and Mark S. Ells effective July 21, 2021, the Barnstable Town Council does hereby approve Mark S. Ells’ outside employment with Cape Cod Community College (the “College”) to allow him to continue teaching at the College for the period of July 1, 2023 through June 30, 2024.

VOTE: PASSES 9 YES

Roll Call: Atsalis, Clark, Cullum, Levesque, Mendes, Schnepf, Shaughnessy, Starr, Steinhilber

2023-199 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 183, TO REMOVE THE INCOME LIMITATIONS FROM THE ELIGIBILITY REQUIREMENTS FOR THE SENIOR AND VETERANS PROPERTY TAX WORK-OFF ABATEMENT PROGRAMS INTRO: 06/15/2023

Upon a motion duly made and seconded it was

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 183 Senior Citizen and Veterans Property Tax Work-Off Abatement Programs, be amended to remove the income limitations from the eligibility requirements as follows:

SECTION 1. By amending Section 183-2(A) by striking out paragraph (c) and re-lettering the existing paragraph (d) as new paragraph (c).

SECTION 2. By amending Section 183-2(B) by striking out paragraph (c) and re-lettering the existing paragraph (d) as new paragraph (c).

VOTE: TO A PUBLIC HEARING ON 07-20-2023 – PASSES UNANIMOUS

2023-200 APPROPRIATION ORDER IN THE AMOUNT OF \$3,500,000 FOR PORTABLE CLASSROOMS AT BARNSTABLE COMMUNITY INNOVATION SCHOOL AND HYANNIS WEST ELEMENTARY SCHOOL INTRO: 06/15/2023

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$3,500,000** be appropriated for the purpose of funding the acquisition, installation and other associated costs for portable classrooms at Barnstable

Community Innovation School and Hyannis West Elementary School; and that to fund this appropriation, **\$3,500,000** be provided from the Capital Trust Fund.

VOTE: TO A PUBLIC HEARING ON 07-20-2023 – PASSES UNANIMOUS

**2023-201 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
06/15/2023**

(Schnepp) Explained given the length of the time gap between first and second reading for this agenda item I would like to request the Council suspend the rules and vote tonight on this agenda item.

Upon a motion duly made and seconded it was vote to suspend the rules and vote tonight on agenda item 2023-201 **VOTE: PASSES UNANIMOUS**

Upon a motion duly made and seconded **as amended** it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** John Jope, as a regular member to a term expiring 06/30/2024; **Human Services Committee:** Jennifer Hinckley-Needham, as a regular member to a term expiring 06/30/2024; **Recreation Commission:** Tony Lapolla, as a regular member to a term expiring 06/30/2026; **Zoning Board of Appeals:** Larry Hurwitz, as an associate member to a term expiring 06/30/2025

VOTE: PASSES UNANIMOUS

**2023-202 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION
INTRO: 06/15/2023**

Open the public hearing seeing no one, no one on zoom, close public hearing

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: **Comprehensive Financial Advisory Board:** Wendy Soloman, as a regular member to a term expiring 06/30/2026; **Land Acquisition and Preservation Committee:** Elissa Crowley, as a regular member to a term expiring 06/30/2026; Douglas Payson, as a regular member to a term expiring 06/30/2026; **Shellfish Committee:** Patricia Farinha, as a member holding a family permit, to a term expiring 06/30/2026; **Zoning Board of Appeals:** Denise Thorne-Johnson, as an associate member, to a term expiring 06/2026; Mark Hansen, as a regular member to a term expiring 06/30/2026

VOTE: TO A SECOND READING ON 07-20-2023 – PASSES UNANIMOUS

**2023-203 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I,
GENERAL ORDINANCES, CHAPTER 168, SECTION 168-5, TO CONFORM TO CHAPTER D
OF THE CODE OF THE CAPE COD COMMISSION REGULATIONS OF GENERAL
APPLICATION INTRO: 06/15/2023**

Upon a motion duly made and seconded it was

ORDERED: That the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 168 Regulatory Agreements be amended as follows:

SECTION 1. By amending Section 168-5(C) by deleting the last sentence thereof and replacing it with the following sentence:

When a waiver from zoning is allowed under a regulatory agreement, there shall be a vote of the Town Council recommending execution of the regulatory

agreement by the same quantum of vote as would be required by M.G.L. Chapter 40A, Section 5 to amend the Zoning Ordinance of the Town to allow the development contemplated by such regulatory agreement. Prior to the Town Council taking such vote, the Planning Board, in consultation with the Town Attorney's Office, will determine the applicable voting threshold. If there is more than one type of zoning relief required for a project under a regulatory agreement, and a different quantum of vote is required for each type of relief, then the higher voting threshold will apply to the entire vote (i.e., two-thirds versus simple majority).

SECTION 2. By amending Section 168-5(E) by deleting the second sentence thereof and replacing it with the following sentence:

Prior to executing said regulatory agreement, the Town Manager shall obtain a majority vote of the Town Council to authorize the execution, unless the regulatory agreement authorizes a waiver from the Barnstable Zoning Ordinance, in which case the Town Manager shall obtain a vote authorizing execution of the regulatory agreement from the Town Council by the same quantum of vote as would be required by M.G.L. Chapter 40A, Section 5 to amend the Barnstable Zoning Ordinance to allow the development contemplated by such regulatory agreement.

VOTE: TO A PUBLIC HEARING ON 07-20-2023 – PASSES UNANIMOUS

2023-204 ORDER AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE A 99-YEAR LEASE WITH THE TRUSTEE OF THE PARKER LOMBARD TRUST FOR THE BUILDING KNOWN AS THE WEST BARNSTABLE TRAIN STATION AND THE LAND ON WHICH IT IS LOCATED INTRO: 06/15/2023

Upon a motion duly made and seconded it was

ORDERED: That the Town Manager is hereby authorized to negotiate and execute on behalf of the Town a 99-year lease for the nominal rent of \$1.00 per year with the Trustee of the Parker Lombard Trust for the building known as the West Barnstable Train Station and the land on which it is located, on such other additional terms and conditions as may be determined by the Town Manager, including, but not limited to, public access and use requirements, repair and maintenance obligations and insurance obligations, subject to approval as to form by the Town Attorney; provided that such lease shall be subject to the approval of the Barnstable County Probate Court.

VOTE: TO A SECOND READING ON 07-20-2023 – PASSES UNANIMOUS

2023-205 ORDER AUTHORIZING THE TAKING OF ROAD EASEMENTS BY EMINENT DOMAIN FOR SEWER AND WATER PURPOSES OVER CERTAIN PRIVATE ROADS IN CENTERVILLE AND HYANNIS KNOWN AS SUNRISE ROAD, LAURA ROAD, AURORA AVENUE, WEQUAQUET AVENUE, GREGOIRE CIRCLE, PORTION OF MIDWAY DRIVE, DACEY DRIVE, CRESTVIEW CIRCLE, REGATTA DRIVE, AND CROSBY ROAD INTRO: 06/15/2023

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under chapter 79 of the General Laws of Massachusetts, or otherwise acquire for sewer and water purposes a perpetual easement through, under, across, and on the following described roads for the installation, operation, maintenance, repair, relocation, and

replacement of sewer and water lines and infrastructure for the same and for all purposes for which such easements are commonly used in the Town of Barnstable:

SUNRISE ROAD, LAURA ROAD, AURORA AVENUE AND WEQUAQUET AVENUE, all as shown on Land Court Plan No. 35367A, Sheets 1 and 2; and

GREGOIRE CIRCLE and a portion of MIDWAY DRIVE, all as shown on a plan filed in the Barnstable County Registry of Deeds in Plan Book 147, Page 73; and

DACEY DRIVE, CRESTVIEW CIRCLE and REGATTA DRIVE, all as shown on Land Court Plan No. 36669C, Sheets 1 and 2, and as shown on a plan filed in the Barnstable County Registry of Deeds in Plan Book 505, Page 78; and

CROSBY ROAD as shown on a plan filed in the Barnstable County Registry of Deeds in Plan Book 389, Page 96.

Any trees, buildings, and other structures located within said roads are not included in this Order and the owners of the same may have a period of up to sixty (60) days after the recording of this Order of Taking to remove the same.

Betterments will be assessed for the associated sewer and water improvements made by the Town of Barnstable.

The names and addresses of the owners of said interests taken and their mortgagees as far as can be ascertained by the Town are as set forth on Exhibit A attached hereto, along with any awards, if any, for damages sustained by said owners.

VOTE: TO A SECOND READING ON 07-20-2023 – PASSES UNANIMOUS

2023-206 APPROPRIATION ORDER IN THE AMOUNT OF \$195,000 FOR THE PURPOSE OF ACQUIRING BY PURCHASE OR EMINENT DOMAIN A FIVE-YEAR TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT EASEMENT FOR SHARED USE PATH, SEWER AND WATER PURPOSES IN LAND ABUTTING BEARSE'S WAY, WITH AN ADDRESS OF 1174 PITCHER'S WAY, HYANNIS, MA, OWNED BY WINDMILL SQUARE LLC INTRO: 06/15/2023

Upon a motion duly made and seconded it was

ORDERED: The Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under Chapter 79 of the General Laws of Massachusetts, or otherwise acquire both a five-year temporary construction easement and a separate permanent easement for shared use path, sewer and water purposes through, under, across, and on a certain parcel of land fronting on Bearse's Way, for the installation, operation, maintenance, repair, relocation, and replacement of sewer and water lines for the same and for all purposes for which such infrastructure is commonly used in the Town of Barnstable, Hyannis, MA, with an address of 1174 Pitcher's Way, Hyannis, MA, as more fully shown on Sheet 7 of a plan entitled "Windmill Square, LLC", said plan being entitled, "Plan of Road in the Town of Barnstable, Massachusetts, Barnstable County, Showing Location of easements for the purpose of constructing the Bearse's Way shared use path for the Town of Barnstable, Date: May 12, 2023, Scale: 20 Feet to the Inch". The temporary construction easement containing 6,374 square feet is shown as parcel "TE-5" thereon. The permanent easement for sewer and water purposes consisting of 9,133 square feet is shown thereon as parcel "E-2". This plan will be filed in the office of the Town Council. To fund the same, **\$195,000** is to be provided from the reserves in the Sewer

Construction and Private Way Improvement Special Revenue Fund, and the Town Manager is authorized to contract for and expend said appropriation for such purposes and accept any gifts or grants in relation thereto.

Any trees, buildings, and other structures located within said roads are not included in this Order and the owners of the same may have a period of up to sixty (60) days after the recording of the Order of Taking to remove the same.

The names and addresses of the owners of said interests taken and their mortgagees as far as can be ascertained by the Town are as set forth on Exhibit A attached hereto, along with any awards, if any, for damages sustained by said owners.

Betterments will be assessed for the associated sewer and water improvements made by the Town of Barnstable.

VOTE: TO A PUBLIC HEARING ON 07-20-2023 – PASSES UNANIMOUS

2023-207	RESOLUTION AUTHORIZING THE FLYING AND DISPLAY OF FLAGS AT TOWN HALL AND AT OTHER TOWN PROPERTIES TO COMMEMORATE STATE AND FEDERAL HOLIDAYS INTRO: 06/15/2023
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Karen Nober, Town Attorney gave the rationale. She discussed the idea that flag poles are not a public forum. She noted Barnstable did not have an ordinance that addressed this request. (Starr) Would this be for all public flag poles in Barnstable? (Nober) Yes. (Steinhilber) Will there be traditional flags use only? This could open the door to issues. Groups could request their flags to be flown. (Atsalis) What triggers which flags to be flown? Maybe there needs to be a process for making the decision. (Nober) The Town Manager has the authority to make the flag flying decision. (Mendes) Society must be more inclusive. This area must be inclusive of all people who pay taxes. (Atsalis) What is the process? (Levesque) Let's fly federal holiday flags do not politicize but rather celebrate.

Upon a motion duly made and seconded it was

WHEREAS, the Town of Barnstable traditionally flies and displays the flags of the United States and the Commonwealth of Massachusetts and a POW-MIA flag on the Town Green at Barnstable Town Hall and one or more of such flags at other Town properties, as well as the United Nations flag, Korean veteran flag and Korean National flag at the Korean War Memorial park; and

WHEREAS, the flying of and display of flags at Town Hall, as well as at other Town properties, is intended to convey an official expression by and of the Town; and

WHEREAS, the use of the Town's flagpoles is not intended to serve as a forum for free expression by the public;

THEREFORE, BE IT RESOLVED: That, in addition to the flags traditionally flown by the Town, the Town Council does hereby authorize the Town Manager, as an official expression by and of the Town, to fly and display flags at Town Hall, as well as at other Town properties, which commemorate state or federal holidays, including, but not limited to, the Juneteenth holiday; provided that the Town shall acquire ownership of all flags that it flies at Town Hall and at other Town properties; and, provided further, that by resolution of the Town Council, the Town Manager may be authorized to fly other flags on Town property to convey an official expression by and of the Town.

VOTE: 8 YES 1 NO (STEINHILBER) - PASSES

**VOTED TO ADJOURN:
VOTE: PASSES UNANIMOUS**

Adjourned at 9:46 PM
Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk

NEXT MEETING: July 20, 2023

Exhibits

A Town Manager's update for June 2 through June 15, 2023.