



Town Council Meeting  
July 20, 2023



A quorum being duly present, President Matthew Levesque called the July 20, 2023, Town Council meeting to order at 6:05 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 Grassetti, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Paula Schnepp, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber

The Pledge of Allegiance was led by President Levesque. Councilor Rapp Grassetti asked for condolences for the family of Deacon Paul Roma.

Recognition of Ann M. Quirk, Massachusetts Town Clerk of the Year 2023

**PUBLIC COMMENT:**  
**(Zoom) No public comment at this time**

**(In-person)**

Susanne Conley discussed Save Greater Dowses Beach which was created to prevent Avangard from putting the cable under Dowses Beach. Susanne gave the definition of an estuary, as the Avangard representative did not believe that Dowses Beach is an estuary. She noted our concerns are for the habitat.

Gary Peters a surgeon concerned with the health risks of a catastrophic explosion beneath the parking lot at Dowses Beach. Access to the victims could be limited and the risk is unacceptable. Several alternatives are available to Avangard, block this from continuing

John Griffin Chair of the Airport Commission has served on this Commission for 23 years. He introduced the rest of the Commissioners: Joe DiGeorge, Bradley Bailey, Wendy Bierwith, Norman Weill, Mark Guidod, and John Flores. All of us with our variety of skills give of our time to this Commission.

John Flores Vice Chair of the Airport Commission admires the creative and innovative thinking of the Councilors. At a recent meeting of the Airport Commission a Town Councilor expressed an idea to relocate the Cape Cod Gateway Airport to Otis AFB. Relocating the airport is not a good idea, we would lose tax revenue, not to mention the loss of jobs. The hardworking Airport Commission, volunteers hundreds of hours. Urge the Town Council to reject this idea of moving the Cape Cod Gateway Airport.

Dan Sciolteeti referenced an email regarding a meeting with the Barnstable Police Department, (BPD) and gun violence in Barnstable. Eight of the thirteen Councilors did not attend. Nothing of substance has been done; we just react to the problems when notified. Illegal drug activity continues. Lock the Kalmus Beach Parking lot at night would be a simple correction. Imperative that this council give the BPD the money needed to complete this mission.

Jane Carlson voiced her concern about the Avangard project and the Twin Brooks Projects that will negatively impact our town affecting our beaches, and increasing the traffic. Consider our wellbeing over the profit.

Asia Graves lives near the airport, which has basically abandoned land where we could build low income state housing. Why are we keeping this land open, we should have the housing? The Governor stated we should be using state land for housing. Kids are out of school, they need things to do. Why aren't we busing the kids from Village Green to the Hyannis Youth and Community Center (HYCC), half of the kids in the complex don't have food in the summertime. Please can we do something for the low income people who actually live here?

Angela Rustick asked the Councilors to save the last open green space in Hyannis, we are here to oppose the measure 2023-203, we appreciate you moving this forward in the agenda. Hear us out; we do appreciate your time and consideration.

Rachel Rodrigues a business owner, grew up in Barnstable, it was dream. She is in favor of workforce housing, please make sure they are energy efficient

Christopher Lauzon is in favor of amendment 2023-203 which could encourage more housing. We are dealing with housing crisis; if it doesn't improve our children will not be able to make a life here. To ease the development process, urge the councilors to vote in favor of this amendment.

Roberta Mauch is against item number 2023-203, please do not take the vote away from us, the Councilor's represent us, do not change the vote from 2/3<sup>rd</sup> to majority.

### **Zoom**

Rob Brennan said this amendment seeks to create housing; this is really a housekeeping matter, bringing the by-law in line with Housing Choice. It is the law in Massachusetts to create housing changing to a simple majority would bring us in line with the Mass General Law.

Laura Innis from Falmouth, we are aware of the housing crisis, we need to increase Accessory Dwelling Units (ADU's) and decrease AirBNB's. Everyone I know that needs housing can't really afford what is available. We need to protect our precious peninsula.

Lawrence Brown felt the idea that we have to choose between the environment and affordable housing, we need to get past that, and we have to find a way to fix that. Ideally, Cape Codders should make the money providing housing for everyone; the larger projects are not allowing decent housing for low income.

Donna Orth spoke about the estuary that has many species of birds we should value our open space, its not just a simple thing. I believe town could sprinkle in many more affordable housing sites my main concern is the wildlife and plant life

Laura Cronin read a statement for Betsy Young of the Hyannis Civic Association. She opposes

the passage of 2023-203 to allow the Council to pass this for a majority versus 2/3rds vote. By requiring a super majority would make sure that the Councilors were listening to their constituents.

Jerry Vigil most of the developers do not have common sense, all they live for is greed. Everything that has been developed has been based on greed. Energy from solar or wind will solve our problems not now but in a hundred years. We haven't seen any development for the low income people.

Close Public Comment

### **COUNCIL RESPONSE TO PUBLIC COMMENT:**

(Schnepp) Thanked everyone for coming out; lots of different issues, urge some of you to stay, and we have a housing crisis, we are moving forward, Ms. Graves I would be happy to work with you about the properties you spoke about. (Cullum) Asked the Town Manager to speak about the beach closures (Atsalis) also asked to speak about Covell's and Craigville beaches. we speak with the Town Manager and the Chief of Police, we have been addressing the issues (Ells) Public health and safety is a number one priority, unfortunately the behaviors of people and balancing the public spaces has always been a priority of the Town Manager and of the Town Council. There are not outstanding requests relative to additional resources, with our form of government, we can ask for supplemental requests for additional funds of the Town Council. Trying to keep this a wonderful place that everyone can enjoy; we have had frequent complaints regarding Kalmus Beach, then Craigville, etc. We have several challenges there, we have closed the gates earlier than normal, it helps; we are talking with anyone who identifies bad behaviors. We have challenges in bringing on police officers; we are looking to add more; if anything additional is brought in, we will bring requests forward to the Council. By locking some of the beaches we may see the changes to other areas; this is a work in progress. (Cullum) Thankful we are embracing the idea of locking the gates after the season as well. We have a whole new crop of violence out there; the people that protect our community put their lives on the line every day. We need to have faith in each other, stop being so divisive. (Ludtke) Speaking to Commissioners Flores and Griffin, I made a comment at the meeting about moving the airport; my concerns are to lengthen a runway, buying easements to chop down trees; you have autonomy, is it your construct to continue to pour money, (federal money) to do these things to make the airport function. You have changed the name of the airport; with a 93 percent decrease in actual ridership. The fast ferries destroyed the airport; Joint Base Cape Cod has an airport that is mandatory. "I think I am your best supporter." Spoke with the Department of Public Works to work on a project looking at the Stewarts Creek Estuary. Thanked Asia for her comments, you brought up some good points. (Starr) Come again, call us anytime, and thank you for coming out. Wish we had better journalism in town that would help us understand all these issues (Levesque) We are not in the process of negotiating anything with Commonwealth Wind, currently that is not happening; to the Airport Commissioners thank you for being here, you volunteer your time, you have every right to feel insulted by what was said, you are not functioning with any agenda except to make the airport a better known place. Hope you are not discouraged, you have my support. You are adapting the changes and please do not be discouraged from moving forward. Police issues, I understand the want for safety, we had meetings of horrible stories that has led to gang violence; I support the Police Department. If it is money; or training or counseling they have it. To Miss Graves, if you need food, I can get you food tomorrow, that's the boots on the ground; every day I am talking with people about housing; you are welcome to talk to me anytime about housing. This item 2023-203 is a greater piece of legislature that no one takes that lightly. (Cullum) I like your idea of the buses and I am going to pursue this with the Hyannis Youth and Community Center (HYCC).

**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)

Update on incorrect tax bills  
Grant of Location regulations  
Draft of Beach Management Plan for Covell's and Craigville Beach  
Continued discussion with state officials regarding changes to Title 5  
Information on Town Access Stations  
Launch of My Barnstable  
Improvements on hiking and biking trails  
Unity Day Celebration  
Update of the Local Comprehensive Plan  
Update of Water Resource Management Plan

**Councilor questions and comments:**

(Schnepp) About the beaches and I think they look pretty good (Ells) trash on the beach, we have always done clean up; people leave all sorts of stuff; they beach staff has been cleaning the beaches all along. (Schnepp) Opioid Abatement Fund settlement, have we been able to engage the community, crime and drugs are a major part to bring our community together; (Milne) we agree wholeheartedly to engage the community, August 3<sup>rd</sup> to help us on the public engagement process; how to structure it. (Schnepp) Deputy Director at a County level that is offering the information, (Milne) We will invite that person to be a part of the committee (Poyant) video on the website called Town Talk where we have been and where we are going in regards to beach raking. (Ludtke) Grant of Location information on where you can put wireless communications; take that same thought process for the landing of the cable.

**ACT ON PUBLIC SESSION MINUTES:**

Upon a motion duly made and seconded it was to accept the minutes of June 15, 2023 as presented.

**VOTE: Passes 9 YES, 4 Abstentions (Cusack, Ludtke, Rapp Grassetti, Neary)**

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

(Shaughnessy) 7<sup>th</sup> Annual Unity Day August 4<sup>th</sup>; (Ludtke) per and Polyflouroalkyl substances (PFAS) health study is winding up on September 15<sup>th</sup>

Short break:

<p><b>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</b> <b>INTRO: 06/15/2023, 07/20/2023</b></p>
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Town Attorney Kate Connolly gave the rationale along with Elizabeth Jenkins, Director of Planning and Development.

A motion was made and duly seconded to amend Agenda Item 2023-203 as follows:  
By adding the following sentence at the end of Section 1:

"If there is filed with the Town Clerk a written protest against the zoning relief sought by a regulatory agreement, which is received at least four (4) business days prior to the opening of the public hearing by Town Council, and which states the reasons and is duly signed by owners of fifty percent (50%) or more of the area of the land proposed to be afforded such zoning relief or of the area of land immediately adjacent extending 300 feet therefrom, the vote of the Town Council to recommend execution of the regulatory agreement shall be a two-thirds vote of all members."

And

By adding the following sentence at the end of Section 2:

"If there is filed with the Town Clerk a written protest against the zoning relief sought by a regulatory agreement, which is received at least four (4) business days prior to the opening of the public hearing by Town Council, and which states the reasons and is duly signed by owners of fifty percent (50%) or more of the area of the land proposed to be afforded such zoning relief or of the area of land immediately adjacent extending 300 feet therefrom, the Town Manager shall obtain a two-thirds vote of all members of the Town Council to authorize the execution of the regulatory agreement.

**VOTE:** As Amended Passes 8 yes, 5 no (Clark, Rapp Grasseti, Starr, Mendes, Atsalis)

#### **Councilor questions and comments:**

(Schnepp) could you explain the ownership of the land; (Jenkins) the area of the land within 300 feet, the owners of 50% or more of the area of land extending from the parcel, will be able to file a petition (Schnepp) so those are the large land owners (Jenkins) calculate abutters, how much each of them have to equal 50% (Ludtke) why are we adding if this is already existing in the Mass general law; (Connolly) this addresses the concern if there is a protest to the high quantum of vote (Ludtke) if it just this aspect in the law (Connolly) the legislature made these changes, left it with each town to make a decision of how you want the vote to be. (Connolly) Cape Cod Commission (CCC) requirements we put this additional amendment to address that (Ludtke) is this part of the Cape Cod Commission (Jenkins) voting thresholds inconsistencies; not by the same entity or the when there are zoning changes needed. (Ludtke) why are we cherry picking (Levesque) this came up in a discussion of public comment; this is a valid item and should be the same as the state statute.

#### **Public Comment:**

Felicia Penn sent a memo to the Town Council, zoning is for the long term plans for the benefit of the people, any area set as a regulatory agreement; a regulatory agreement should not be passed through without 2/3<sup>rd</sup> vote; not in favor of a simple majority on any regulatory agreement. Regulatory agreements are supposed to be difficult to pass. Hyannis village, there are 884 units are in process or in the pipeline in Hyannis; are you aware that there is a shortage of water daily in Hyannis; this is not about housing it's about capacity. Please vote no at this time.

Heather Hunt stated that this proposed ordinance does; it reduces the vote needed to vote a regulatory agreement; at eligible locations in our town that includes downtown Hyannis, part of Centerville; it would include Osterville and Barnstable Village. Do you know for sure what an eligible location in your precincts is? To keep the Cape the Cape, urge you to know what you are doing before you vote tonight.

John Ale the state statute states you may file a protest any time before the Council takes action, so the amendment is not consistent with the statute; suggest you look at that; what is an eligible location? Consistency is appealing, good and logical reasons for requiring a higher vote. The Housing Authority (HAC) sent out today a note to come and protest: align with the state; reduce the Town Council's demand for review of properties; address the affordability gap; provide clear

and appropriate pathway for multipath way; help address developer's costs; maximize buildable land. Keep it at 2/3rds

Rick Presby opposing the vote you have taken it makes everyone feel badly: bunch of affordable housing on the cape, found sites that were buildable, this project is not that. We need to look comprehensively at the issue; what is it going to be like in 15 to 20 years.

Karen McGee thank you so much; why are we talking about changing the zoning, what vote is required to pass a regulatory agreement? I was advised that a 2/3rds vote is required. The people who want to develop 35 Scudder, there are 8 zoning regulations they want waived. Why do you love to live here?

Laura Cronin speaking as a resident of Hyannis, add to the objections, emphasized only a limited number of projects in the growth incentive zone which is just Hyannis. So that developers would not have to go before the Cape Cod Commission. All the more reason we should keep it as is a super majority. We don't need to change it.

Roberta Mauch seeing a complete difference in our Council from the past; the Council members are forgetting that fact that they are elected to represent us the people. I think you are the greatest offender here; I just did not want to have to say that, you are proof. People started leaving, how you can make up your mind before we speak, you do not need to rush this through. You are removing their voice, please stop doing this slow down and think what you are doing here.

(Jenkins) explained with a zoning map the Growth Incentive Zone and Regulatory Agreement District Map the areas to bring forth waivers not all, only those that qualify according the state. Opportunity zone is a different federal program.

**(Zoom)**

Brad Butman from Falmouth a procedural issue, changing it by a simple majority, it should require a 2/3rds vote. It should involve all voters. It allows residents to bring 50% of the signatures; we need an explanation by the Town Counsel for the reduction in the 2/3rds vote.

**Councilor questions and comments:**

(Jenkins) simple majority vote versus a 2/3rds vote; this is to pass with the quantum of vote with the state statute as noted in the Cape Cod Commission requirements for a regulatory vote.

(Levesque) when this was designed and negotiated with the Cape Cod Commission it was a 2/3rds vote; since then that has changed as has the states. We are your neighbors; we live and breathe and use the same services you do. (Ludtke) You haven't answered Brad Butman's question (Nober) we amend an ordinance by a majority vote; we amending our ordinance it is a majority vote. (Cullum) if you have one abutter they can only change it to 2/3rds vote.

(Connolly) the four business days is added by us.

Eric Schwab trust has been mentioned several times, I don't think you have the trust of the community until you set this aside and bring it back complete.

Close public hearing

**Councilor questions and comments:**

(Atsalis) Thank you, your points were well taken, we are having a conversation, we do not take anything lightly, and we want to hear all the facts. (Steinhilber) we represent a city named the Town of Barnstable approximately 50,000 people, the Council is diligent listening to people, and

there is a lot to consider, thank you to the staff for bringing this forward. Take a step back and let the reality of Twin Brooks really sink in, the owner of that property has filed with the state. If it goes to a 40B we have no say, I am just telling you the reality (Schnepp) one of the challenges, the regulatory agreement is not without flaws; we have seen some projects that give us pause. I understand to be in conformance with the state law, housing choice, sometimes there are other regulatory items that have to be waived (Jenkins) Zoning relief is strictly within the statute (Connolly if there is a regulatory agreement mixed in with a majority vote it would require 2/3rds. (Rapp Grassetti) I will not support this item. We have made great strides in our housing, wish it could be throughout the town. We created a housing trust, we made a lot of great strides, and it is not time to lessen pressure. (Ludtke) Processes should be transparent, should be clear and open to the public. We don't have a housing production plan; we need a production plan, a plan that is actionable. A certified Housing Production Plan protects you from 40B. Flagship Estates was part of a regulatory agreement of 29 units with 3 affordable, however it came down to 24 units with only 2 affordable. Why don't we stick to our guns? (Cusack) Attorney Connolly what is the potential legal exposure in regards to compliance? (Connolly) either way vote tonight will be fine. (Cusack) Are there any other towns that had controversial issues in the effort to go from 2/3rds down to simple majority? (Connolly) Not aware of any controversial issues in other towns. (Cusack) is this one bite of the apple or could we bring this back (Connolly) this is an amendment to a general ordinance not a zoning ordinance, it can come back. (Levesque) passed the gavel to Vice President Cullum, this is an issue that needed to be addressed, and that was the intention. This was going to be a hot button issue, something that was inconsistent that needed to be addressed. We put this on the agenda, to bring it forward for discussion. The property owner has decided to go forward with plans to 40B. The intent is to be consistent; housing was not being produced as quickly as we needed. Here we are, it is evident to me. He then read into the record a letter from a resident. His opinion was that this vote is necessary for inclusion and fairness. We need housing for the people who provide our services. My intent isn't to offend people. (Neary) made a motion to withdraw

A motion was made to withdraw this item and was duly seconded

**VOTE: To Withdraw- PASSES 7 YES (Clark, Cullum, Rapp Grassetti, Ludtke, Neary, Shaughnessy, Starr) and 6 NO (Atsalis, Cusack, Levesque, Mendes, Schnepp, Steinhilber)**

### **Recess for 5 minutes**

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 WITHDRAW THE AMENDED ITEM- PASSES 7 YES (Clark, Cullum, Rapp Grassetto, Ludtke, Neary, Shaughnessy, Starr) and 6 NO (Atsalis, Cusack, Levesque, Mendes, Schnepf, Steinhilber)**

**Recess to allow the room to clear**

**9:45 PM Councilor Mendes left the dais**

<b>2023-196 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, § 241-44.5 LAND ACQUISITION AND PRESERVATION COMMITTEE INTRO: 06/15/2023, 07/20/2023</b>
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Ann Canedy gave the rationale, thanked Councilors Rapp Grassetto, Clark and Levesque for their assistance, and introduced the members of the committee. She asked the Councilor's to consider changing the name to the Open Space Committee.

**Councilor questions and comments:**

(Clark) this effort began before I was elected, kudos to Councilor Rapp Grassetto for working with this group

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: 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, 07/20/2023**

Dan Santos, Director of Public Works gave the rationale

**Councilor questions and comments:**

(Starr) Is this Water Board a part of the DPW (Santos) the Water Supply Division is part of the DPW, the Hyannis Water Board reports to the Town Manager (Schnepp) what is the current membership, is it only Hyannis residents? (Santos) currently only Hyannis (Schnepp) will they be adding others (Santos) there is interest in doing that once the name changed.

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: PASSES UNANIMOUS**

**023-199 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, 07/20/2023**

Mark Milne, Financed Director gave the rationale

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

Cusack thank you for making this happen (Ludtke) Councilor Clark brought this to the town; Are there jobs that have been identified, (Milne) shredding documents, scanning documents, receptionists.

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: PASSES 12 YES**

**Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Ludtke, Neary, Schnepf, Shaughnessy, Starr, Steinhilber**

**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, 07/20/2023**

Sara Ahern, Superintendent of Schools, Mike Lambros, Director of Facilities

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

Mendes returned to the dais

**Councilor questions and comments:**

(Schnepf) Hyannis West had portable classrooms before. (Lambros) yes, removed just after 2010, in their place was the early learning center (Schnepf) what is the half-life of portable classrooms (Lambros) 10 to 15 years if well maintained. (Cullum) We have had many portables that had mold/mildew, how can we ensure that doesn't happen (Lambros) we have a maintenance schedule (Cullum) you have put that in your budget (Ahern) yes we did add two more facilities people to the staff to help us maintain. (Starr) are these connected or will the children have to go outside (Ahern) They are not connected due to cost, but they will have their own bathrooms/facilities (Starr) So these will be individual buildings (Lambros) Yes (Rapp Grasseti) I will support the item, might you consider regionalizing of our elementary schools into one building; consolidate all the children instead of piecemeal (Ludtke) I would like to see a site plan, is this going to interfere with the playground at Barnstable Innovation School (BIS) (Lambros) We are still working on the playground, the playground would be expanding towards Bearses Way. Hyannis West has a basketball court behind the school.

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: PASSES 13 YES**

**Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Ludtke, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber**

**2023-202 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:  
06/15/2023, 07/20/2023**

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: 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, 07/20/2023**

Director of Asset Management, David Anthony gave the rationale  
Open public hearing seeing no one, no on on zoom, close public hearing

**Councilor questions and comments:**

Mendes what is the long term plans for this parcel, is it going to be a museum (Anthony) Cape Cod Chapter of the National Historic Railroad will continue to use this as their location, active building, it is historically protected.

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: 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, 07/20/2023**

Senior Town Attorney, Charlie McLaughlin gave the rationale

**Councilor questions and comments:**

(Starr) are you planning to make water improvements and charge for betterments, (McLaughlin) The DPW may if it runs into underground water, but we will not charge betterment for water.

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: 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, 07/20/2023**

Senior Town Attorney, Charles McLaughlin gave the rationale, Open public hearing seeing no one and no one on zoom, close the public hearing

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: PASSES 13 YES**

**Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grassetto, Levesque, Ludtke, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber**

**2024-001 AUTHORIZATION TO REALLOCATE THE REMAINING \$36,714 OF COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS GRANTED UNDER APPROPRIATION ORDER 2022-035 FOR THE RESTORATION WORK AT STURGIS LIBRARY TO BE USED FOR THE REPLACEMENT OF THE FAILING CLIMATE CONTROL SYSTEM AT STURGIS LIBRARY INTRO: 07/20/2023**

Upon a motion duly made and seconded it was **RESOLVED:** That the remaining portion in the amount of Thirty-Six Thousand Seven Hundred Fourteen Dollars (\$36,714) in Community Preservation Historic Preservation Funds appropriated under Town Council Order 2022-035 for restoration work at Sturgis Library be reallocated for the replacement of the failing climate control system located at Sturgis Library, 3090 Main Street/Route 6A, Barnstable.

**VOTE: TO A PUBLIC HEARING ON 8-17-2023-PASSES UNANIMOUS**

**2024-002 RESCISSION OF PREVIOUSLY AUTHORIZED LOAN ORDERS INTRO: 07/20/2023**

Mark Milne, Finance Director gave the rationale

Upon a motion duly made and seconded it was

**ORDERED:** That the unissued loan authorizations in the total amount of **\$12,829,386** of the following Loan Orders be rescinded as follows:

<u>Council Order</u>	<u>Authorized</u>	<u>Rescind</u>
2013-100 Airport Lighting Regulators & Runway Signs	\$260,000	\$123,050
2014-086 Permitting & Dsgn Runway 6-24 Reconst	\$400,000	\$400,000
2016-081 School Roof Improvement	\$4,236,000	\$886,000
2017-091 FAA Airport Layout Plan	\$700,000	\$700,000
2017-093 Vegetation & Obstruction Removal Project	\$300,000	\$300,000
2018-008 Runway Reconst & Generator Replacement	\$2,077,481	\$1,000,000
2018-069 Comp. Airport Layout & Master Plan	\$300,000	\$300,000
2018-070 Airport Snow Removal Eqp. Replacement	\$975,000	\$975,000
2018-080 Pleasant Street Sewer Line Upgrade	\$350,000	\$350,000
2018-074 Cotuit Bay Entrance Channel Dredging	\$1,000,000	\$1,000,000
2019-104 Arpt. Aircraft Rescue & FF Bldg. Roof Repairs	\$490,000	\$490,000
2019-105 Kodiak Snow Blower	\$800,000	\$800,000
2019-106 Airport Snow Removal Equipment	\$230,000	\$230,000
2019-107 Airport Main Terminal Ramp Hardstands	\$280,000	\$280,000
2019-108 Airport Runway 15-33 Surface Treatment	\$475,000	\$475,000
2019-111 Airport's Airfield Mowing Eqp. Replacement	\$165,000	\$165,000
2019-134 South Street Sewer Rehabilitation	\$4,019,000	\$4,019,000
2019-196 Private Roads Repairs	\$62,900	\$16,484
2019-197 Private Roads Repairs	\$675,000	\$19,852
2020-093 Airport Phase II Tree Clearing	\$300,000	\$300,000

**VOTE: PASSES UNANIMOUS**

**2024-003 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,400,000 FOR THE PURPOSE OF FUNDING SEWER LATERAL RISER CONSTRUCTION INTRO: 07/20/2023**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$1,400,000** be appropriated for the purpose of funding sewer lateral riser construction, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,400,000 under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: TO A PUBLIC HEARING ON 8-17-2023-PASSES UNANIMOUS**

**2024-004 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 07/20/2023**

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: **Historical Commission:** Robert Frazee, as a Regular Member to a term expiring 06/2026; **Human Services Committee:** Sheree Kay, as a regular member to a term expiring 06/2024

**VOTE: TO A 2<sup>ND</sup> READING ON 8-17-2023-PASSES UNANIMOUS**

**2024-005 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:  
07/20/2023**

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: **Human Services Committee:** Representative Steven Xiarhos as a regular member to a term expiring 06/2026; **Hyannis Main Street Waterfront Historic District Commission:** Kevin Matthews as an alternate member to a term expiring 06/2026; **Waterways Committee:** Paul Everson as a regular member to a term expiring 06/2026

**VOTE: TO A 2<sup>ND</sup> READING ON 8-17-2023-PASSES UNANIMOUS**

**2024-006 RESOLVE AUTHORIZING SALE OF SURPLUS MUNICIPAL PROPERTY AT  
259 BARNSTABLE ROAD, AS SHOWN ON ASSESSORS MAP 310, PARCEL 171, IN  
HYANNIS, MA, TO BASS RIVER PROPERTIES MANAGEMENT CORP., INC. INTRO:  
07/20/2023**

David Anthony, Director of Asset Management gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council hereby authorizes the Town Manager and/or the Assistant Town Manager to dispose of all right, title and interest in the property located at 259 Barnstable Road, as shown on Assessors Map 310, Parcel 171, in Hyannis, Massachusetts, which has been declared surplus property, for the price of \$220,000, being the highest bid received, to Bass River Properties Management Corp., Inc., and further authorizes the Town Manager and/or Assistant Town Manager to execute, deliver and record any and all documents necessary to effectuate the terms of this Resolve.

**VOTE: PASSES UNANIMOUS**

**2024-007 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 JAIL/ARREST  
DIVERSION PROGRAM COMPONENT GRANT IN THE AMOUNT OF \$103,236 FROM THE  
COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF MENTAL HEALTH INTRO:  
07/20/2023**

Barnstable Police Chief Sonnabend gave the rationale

**Councilor questions and comments:**

(Cullum) will there be collaboration with the County (Chief) at some point they may intersect, not currently.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2024 Jail/Arrest Diversion Program Component Grant from the Commonwealth of Massachusetts, Department of Mental Health in the amount of **\$103,236** for the purpose of funding costs to support police jail diversion programs, trainings, outreach, and stakeholder engagement.

**VOTE: PASSES UNANIMOUS**

**2024-008 AUTHORIZATION TO EXPEND A FISCAL YEAR 2024 JAIL/ARREST DIVERSION  
PROGRAM CO-RESPONDER GRANT IN THE AMOUNT OF \$106,757 FROM THE  
COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF MENTAL HEALTH INTRO:  
07/20/2023**

Barnstable Police Chief Sonnabend gave the rationale

(Starr) is this program working well (chief) Yes it is expanding (Starr) for future budgets will you need more clinicians (Chief) yes

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2024 Jail/Arrest Diversion Program Co-Responder Grant from the Commonwealth of Massachusetts, Department of Mental Health in the amount of **\$106,757** for the purpose of funding the costs of contracting for the services of a full-time licensed clinician as part of the Barnstable Police Department’s Co-Response Jail Diversion Program.

**VOTE: PASSES UNANIMOUS**

**2024-009 AUTHORIZATION TO EXPEND MASSACHUSETTS DEPARTMENT OF TRANSPORTATION – AERONAUTICS DIVISION FISCAL YEAR 2023 GRANTS FOR AIRPORT PROJECTS, AUTHORIZATION TO SIGN THE RELATED GRANT ASSURANCES AND DELEGATION OF AUTHORITY TO THE TOWN MANAGER TO SIGN FUTURE GRANT ASSURANCES INTRO: 07/20/2023**

Senior Town Attorney, Charles McLaughlin gave the rationale along with Airport Manager, Katie Servis

Upon a motion duly made and seconded to go past 11 PM

**VOTE: PASSES UNANIMOUS**

**Councilor questions and comments:**

(Rapp Grasseti) can you give us the fund balance (Milne) close to eight million dollars (Schnepp) have we had to do this before (McLaughlin) we have gone back before with Mass Department of Transportation (Mass DOT). It was incumbent upon us; we would have to come before you, taking delivery without authorization. (Clark) Are other towns having these challenges with MassDOT (McLaughlin) it has worked so far, I haven’t seen any litigation (Servis) there are other airports that have come up with the cover letter as well to add to the grant assurances. (Starr) we are giving the Town Manager the approval going forward. (McLaughlin) Yes, that is why we have the cover letter. (Starr) Can you come back to us and let us know if you have made any progress with the MassDOT (McLaughlin) Yes

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby authorize the Barnstable Municipal Airport to expend the following grants and further authorizes the Town Manager to sign four (4) Massachusetts Department of Transportation Aeronautics Division Grant Assurances for such grants:

Reconstruct Runway 6/24 in the amount of Project Number: AIP No.3-25-0025-076-2022	\$936,205
Replace Runway 6/24 EMAS in the amount of Project Number: AIP No. 3-25-0025-077-2022	\$326,520
Purchase Snow Removal Truck in the amount of Project Number: ASIMP-2023-HYA-30	\$42,880

Environmental Assessment in the amount of  
Project Number: AIP No. 3-25-0025-080-2023

\$54,676.50

**AND IT IS FURTHER RESOLVED:** That the Town Council does hereby delegate to the Town Manager the authority to execute future MassDOT Aeronautics Division Grant Assurances for grant awards to the Barnstable Municipal Airport, provided that the projects to which such Grant Assurances relate have been approved by the Council as part of a Capital Improvement Plan budget.

**VOTE: PASSES UNANIMOUS**

**2024-010 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$75,000 FOR TEMPORARY REPAIRS TO ROSEWOOD LANE IN THE VILLAGE OF COTUIT PURSUANT TO TEMPORARY REPAIRS TO PRIVATE ROADS PROGRAM FOR CERTAIN PRIVATE WAYS INTRO: 07/20/2023**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$75,000** be appropriated for the purposes of making temporary repairs to Rosewood Lane, a private road in the village of Cotuit within the Town of Barnstable, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow \$75,000 under and pursuant to Chapter 174 of the Acts of 1994, as amended by Chapter 350 of the Acts of 2014, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44 §20, any premium received by the Town upon the sale of any bonds or notes authorized by this Order, less any premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this Order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes to assess betterments in accordance with M.G.L. c. 80.

**VOTE: TO A PUBLIC HEARING ON 8-17-2023-PASSES UNANIMOUS**

**2024-011 DETERMINATION UNDER SECTION 19 OF G.L. C. 268A REGARDING PARTICIPATION IN DECISIONS RELATING TO POTENTIAL CHANGES TO EMPLOYEE BENEFITS INTRO: 07/20/2023**

Town Attorney, Karen Nober gave the rationale

**Councilor questions and comments:**

(Schnepp) our code delegates this authority (Nober) that includes the benefits if you authorize the Town Manager to do it. (Schnepp) If there is a financial impact? (Nober) that would come back to the Council (Starr) He has not had this ability before (Nober) that is why we drafted this to give him this ability (Ludtke) he is the only person that could do this (Nober) he is the only person with some staff to help him.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby determine that the financial interest of Mark S. Ells in decisions regarding and relating to potential changes to the benefits afforded to the non-union employees of the Town, as described in Mr. Ells' disclosure form presented to the Town Council at this meeting in accordance with G.L. c. 268A, § 19, is not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from Mr. Ells, thereby authorizing Mr. Ells to participate as Town Manager in such decisions during the term of his employment with the Town; and further authorizes and directs the President of the Town

Council to make such determination on Mr. Ells' disclosure form on behalf of the Town Council.  
**VOTE: PASSES UNANIMOUS**

**2024-014 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 GRANT FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE IN THE AMOUNT OF \$100,000 FOR THE EVALUATION AND DESIGN OF MILL POND DAM FISH PASSAGE IMPROVEMENTS INTRO: 07/20/2023**

Dan Santos, Director of Public Works gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2023 Grant from the United States Department of Agriculture Natural Resources Conservation Service in the amount of **\$100,000** for the purpose of an evaluation and design of the Mill Pond Dam Fish Passage Improvements Project.

**VOTE: PASSES UNANIMOUS**

**2024-015 RESOLUTION TO DEDICATE TOWN LAND THAT IS PART OF THE BEARSE'S WAY SHARED USE PATH PROJECT TO PUBLIC USE INTRO: 07/20/2023**

Senior Town Attorney, Charles McLaughlin gave the rationale,

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby dedicate land that is part of the Bearse's Way Shared Use Path Project, as shown on a plan of land dated May 12, 2023, 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", attached hereto and incorporated herein by reference, for the purposes of construction, installation, maintenance, improvement, repair, replacement and/or relocation in order to provide public access of rights of way, sidewalks, drainage, sewer and other utilities, driveways, guardrails, slopes, grading, rounding, landscaping, parking areas and other appurtenances and/or facilities, in, on, over, across, under, and along all or any portions of land as shown on said plan, and that the Town Manager is authorized to execute and record any and all documents necessary to effectuate this Resolution.

**VOTE: PASSES UNANIMOUS**

**2024-016 RESOLVE APPROVING A LETTER TO THE GOVERNOR OF MASSACHUSETTS IN SUPPORT OF ENSURING THE LONG-TERM FINANCIAL VIABILITY OF THE CAPE COD & ISLANDS WATER PROTECTION FUND INTRO: 07/20/2023**

President Levesque gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby approve sending a letter to the Governor of Massachusetts from the Town Council President on behalf of the Town Council, substantially in the form as presented at this meeting, requesting assistance in ensuring the long-term financial viability of the Cape Cod & Islands Water Protection Fund, a critical source of funding that towns on Cape Cod rely upon to clean up the region's coastal waterways and embayments.

**VOTE: PASSES UNANIMOUS**

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

**Adjourned at 11:17 PM**  
Respectfully submitted,

Ann M. Quirk  
Town Clerk

**NEXT MEETING: August 17, 2023**

Exhibits  
A Town Manager's update