



Town Council Meeting
December 3, 2020



The December 3, 2020 meeting of the Barnstable Town Council was physically closed to the public to avoid group congregation.

A quorum being duly present, President Paul Hebert called the December 3, 2020 Town Council meeting to order at 7:00 p.m. from a remote location.

An announcement was made by President Hebert regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: (On Zoom) Nikolas Atsalis, David Bogan, Kristine Clark, Jennifer Cullum, Debra Dagwan, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr. Eric Steinhilber.

The Pledge of Allegiance was led by Town Council Vice President Rapp Grasseti followed by a moment of silence.

PUBLIC COMMENT:

Boris Elman, Kathleen Defeo, and John Defeo did not want to speak but wanted to show support of 2021-036.

Mark Mahoney asked the Council to support the Marstons Mills Pickle Ball courts.

Kerry McNamara avid Pickle Ball member, please support this project.
Close public comment

Councilor Response to Public Comment:

(Bogan) Getting abundant letters for people, who want Pickle Ball courts, applaud your effort to stay fit.

(Levesque) thank you for the comments, pickle ball is a long time coming will vote in favor

(Dagwan) avid pickle ball player, it has grown, nice to see the increase in pickle ball players and providing the places to exercise.

TOWN MANAGER COMMUNICATIONS

Update November 20th December 3rd (Exhibit A)

Town Manager, Mark Ells introduced Peter Burke, Hyannis Fire Chief, to provide an update on remote testing status in Barnstable. The County intends to open three sites in the upper, middle and outer cape. The Melody Tent was chosen in Hyannis close to the

center of town, and the hospital campus. We do not expect lines of cars, as people will call a phone number manned by Cape Cod Healthcare for an appointment, the test is a nasal swab, put into a test tube, and results will be returned in about 24 to 48 hours. Insurance should cover the cost or out of pocket cost for those without health care should be minimal.

(Cullum) explain how people will get the test, do they need to check in with their physician and get a referral. (Burke) You call an 800 number and you will be scheduled for the test, they will handle the billing (Cullum) Do you need to be symptomatic (Burke) No. (Schnepp) what are the hours and the days that you are planning to run the testing site (Burke) still in the planning phases we are working through that right now (Schnepp) Is this just for Barnstable residents (Burke) No (Dagwan) this will be available to people who have do or do not have insurance (Burke) Yes (Shaughnessy) What is the efficacy rate of the test (Burke) we use them at the Hyannis Fire Dept it is 99.8% (Shaughnessy) What is it called (Burke) Anterior Nasal CPR (Rapp Grassetti) When is this going to start, a week out or days out? (Burke) Likely by next Friday (Hebert) To clarify for the folks at home, the insurance part, do they bring their insurance card with them? Do you have to get into a billing situation (Burke) managed by Cape Cod Healthcare, handled when you call them for an appointment

Town Manager Report (continued)

Congratulations to the Town of Barnstable's Channel 18 staff
Town of Barnstable continues to follow the Orders and Directives of our Governor, for updates go to the Mass.gov COVID website.
Proceeding with the tasks of updated budget action calendar
Fee Hearing held and proposed fees are posted on the website
Joint meeting workshop with the Town Council and the School Committee next month
Authorization for snow and ice removal for 2021
Thanksgiving meals assembled and delivered by Barnstable Council on Aging
Barnstable Recreation partnered with sponsors to provide 54 pre-made dinners
Remote learning center currently has 45 participants free of charge
Special Town Council Meeting to develop fiscal policy
December 10th proposed sewer assessment meeting

(Schnepp) Remind us of what it means to go back to phase three, step one (Ells) would like people go to the Mass.gov website and not make their decisions based on what I say. They need to look at the details; formal notification from the State, order number 56. It lists the types of businesses that are prohibited, some business are required to lower the capacity numbers. (Schnepp) excited about the awards that were received by channel 18, was it certain programming that was awarded (Poyant) gave kudos to the Sarah Beal, Station Manager, Paula Hersey, Assistant Station Manager, Chris Ledda, Video Specialist, and Stone Dow, Video Assistant and went on to list the programs awarded. (Schnepp) Can the public see the prize winning videos, (Yes in tomorrow's "enews" and social media) (Clark) Will there be a link on the town's website for the COVID testing (Ells) we will provide access to the information and make the links available. (Levesque) Throughout this COVID experience, this is good news regarding the awards, hope that brought a joy to those involved. Thank everyone at HYCC trying to make things happen for all the events and delicious food, thank you to all who participated. (Shaughnessy) With regard to the remote learning center, who is the contact person, for potential guest speakers (Ells) Patti or Madeline or me.

Fiscal Policy Presentation on Comprehensive Wastewater Management Plan

Mark Milne, Director of Finance, explained there are several components to the fiscal policy and utilized a power point presentation to go over the information.

(Hebert) A special meeting that will be held on December 10th and it will not include public comment. (Schnepp) one recommendation, wherever we can have graphics to explain the difference it will be helpful in the future, provides ways for us to visualize the differences. (Milne) Yes (Clark) is this Power Point presentation going to be available on the Town website. (Ells) Yes we will share it on the website. As we speak about this further we will try to illustrate the differences, we have this burned into our memory. What the estimated costs will be, which properties will be involved, the Board of Heath will be involved, and will be aware of the timeline. (Bogan) It is a little difficult, we will look forward to seeing the examples, like the recommendations; look forward to a more detailed discussion with graphics. (Schnepp) lots of modeling, if we go for a property tax override, how does that roll back on the sewer? (Milne) this plan is going to be fluid, if we are unsuccessful with the override ballot, we will look at alternative funding, if there is a general fund contribution there is a town wide contribution for the program.

Council President Hebert announced that he reviewed two sets of Executive Session minutes with the Town Clerk and the Town Attorney. Based upon that review, he announced the following:

I approved the Executive Session minutes of the 8/20/20 relating to a strategy session in preparation for negotiations with Mark S. Ells, a non-union employee, and have authorized the release of said minutes.

The following previously approved Executive Session minutes were again reviewed and determined as follows:

The 5/3/18 Executive Session minutes relating to strategy with respect to potential litigation against manufacturers and distributors of prescription opioids, and have determined that continued non-disclosure is warranted.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the Special Meeting minutes of November 19th as presented.

VOTE: PASSES 12 YES, 1 Abstain (Dagwan)

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

(Levesque) Farm to Families continues at the Cape Cod Community College parking lot; great program, thanked many people for their contributions,

(Bogan) Osterville Historical Museum holding an online show; will also hold their annual Festival of Trees next Thursday to Saturday.

(Schnepp) as a result of the next Town Council meeting, the Zoning and Regulatory meeting has been moved to the 16th.

(Dagwan) Main Street Initiative is having a Main Street Stroll, to support our Main Street businesses. When is the dedication to occur for James Crocker? (Bogan) the dedication is set for Friday December 11th at Armstrong Kelly Park.

(Bogan) Can the meeting for the Zoning and Regulatory Committee be posted on the link for the Zoning and Regulatory Committee website?

2021-029 ALLOCATION OF TAX LEVY FISCAL YEAR 2021 – TAX FACTOR INTRO: 10/29/2020, 11/19/2020, 12/03/2020

Mark Milne, Director of Finance and Ed O’Neil Director of Assessing utilized a Power Point presentation to explain the Calculate Tax Rate.

(Schnepp) figures you just showed, regarding the percentage of the levy is that based on the most recent assessments? Was there a change? (Milne) Yes about a two percent change. (Schnepp) Commercial will handle more of the taxes (about 2 percent more of the levy)

Open public hearing, seeing no one close public hearing

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the Fiscal Year 2021.

VOTE: PASSES 13 YES

2021-030 ALLOCATION OF TAX LEVY FISCAL YEAR 2021 – RESIDENTIAL EXEMPTION INTRO: 10/29/2020, 11/19/2020, 12/03/2020

Director, Mark Milne gave the rationale

Open public hearing seeing no one, close public hearing

(Schnepp) Are multifamily properties considered residential or commercial? (O’Neil) any residential including apartments are valued and taxed at the residential rate, as a place of habitation per the state codes. (Schnepp) So rental properties are taxed higher rate than commercial properties, because they are not getting the residential exemption (O’Neil) lower, the residential rate is higher (Schnepp) landlord that owns apartments will be taxed at the higher residential rates (O’Neil) Yes, but they would be getting money off their value first.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby votes to adopt a Residential Exemption of twenty percent (20%) for fiscal year 2021

VOTE: PASSES 13 YES

2021-036 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$522,569 IN OPEN SPACE/RECREATION COMMUNITY PRESERVATION FUNDS FOR INCREASED COSTS FOR CONSTRUCTION OF 10 NEW DEDICATED PICKLEBALL COURTS AND 2 TENNIS COURTS WITH PICKLEBALL OVERLAY LINES LOCATED AT 760 OSTERVILLE WEST BARNSTABLE ROAD, MARSTONS MILLS, MA INTRO: 11/19/2020, 12/3/2020

Dan Santos, Director of Public Works gave the rationale

Open for public hearing, Stephanie Platt called to say she was in favor of this item

Closed public hearing

(Schnepp) what happened to the budget on this, is there a different design (Santos) much different after hearing from the Pickle Ball court players, and the field study, it has changed (Schnepp) are we going to loose more tennis courts (Santos) there are two tennis courts. (Dagwan) would like to have Patti Machado speak about the growing interest in Pickle Ball

(Machado) this activity is exploding nationally, we have been offering “learn to play Pickle Ball,” it will be offered again. Families and special needs young people are able to play and they enjoy it. (Dagwan) Are there tournaments now for Pickle Ball, (Machado) we will be able to do that now, we can do a large tournament here (Santos) we can have 16 games going simultaneously (Starr) is the footprint that has been cleared is that it (Santos) Yes (Starr) will this be available during school time (Machado) we will be working with the schools other than school pick up/drop off time. (Levesque) great, long time coming, thank you for the support (Machado) we have higher quality asphalt, the DPW worked hard on that. (Schnepp) will there be lights (No)

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of Five Hundred and Twenty Two Thousand Five Hundred Sixty Nine and 00/100 (\$522,569) Dollars be Appropriated and Transferred from the amount set aside for open space and recreation within the Community Preservation Fund for the purpose of constructing 10 new Pickleball courts and 2 Tennis courts with Pickleball overlay lines located at 760 Osterville West Barnstable Road, Marstons Mills, MA and 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.

VOTE: PASSES 13 YES

2021-037 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000 FOR THE PURPOSE OF FUNDING THE EVALUATION OF DENITRIFICATION IMPROVEMENTS AT THE WATER POLLUTION CONTROL FACILITY INTRO: 11/19/2020, 12/03/2020

Dan Santos, Director of Public Works gave the rationale
Open to public hearing, seeing no one close public hearing

(Starr) all of this nitrogen goes into Lewis Bay, does that cover the mediation that we have to do (Santos) Yes, this is because we are doing additional sewerage, this will offset that. (Starr) If we double the amount of effluent we put into the sewage plant, does it still work out (Santos) this accommodates that (Starr) are there plans to pick up some of those little pieces (Santos) Yes

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$200,000** be appropriated from the Sewer Enterprise Fund reserves for the purpose of funding an evaluation of denitrification improvements at the Water Pollution Control Facility, including the payment of costs incidental or related thereto; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: PASSES 13 YES

2021-043 GRANT OF EASEMENT TO VINEYARD WIND LLC IN CERTAIN STREETS AND WAYS, INCLUDING PORTIONS OF CRAIGVILLE BEACH ROAD, STRAWBERRY HILL ROAD, WEQUAQUET LANE, PHINNEY’S LANE, ATTUCKS LANE AND INDEPENDENCE DRIVE INTRO 11/19/2020, 12/03/2020

Charles McLaughlin, Assistant Town Attorney gave the rationale

(Atsalis) how will the delay of Vineyard Wind impact the sewerage (Ells) looking at those delays, Vineyard Wind is entering into an agreement with an equipment provider; expect it

to be a short term delay. We will keep you advised of the information from Vineyard Wind

Upon a motion duly made and seconded it was

ORDERED: That pursuant to the Host Community Agreement between the Town and Vineyard Wind LLC with respect to the wind generating facility to be developed by Vineyard Wind LLC in federal waters south of Martha's Vineyard (the "Project"), the Town grants easements to Vineyard Wind LLC, and its successors and assigns, for the purpose of constructing, installing, inspecting, operating, maintaining, repairing and replacing subsurface high voltage electric power transmission lines, along with associated subsurface appurtenances, including, but not limited to, telecommunications lines, conduits, duct banks, bays and vaults, and together with surface appurtenances for access, in connection with the Project, namely, such portions of Craigville Beach Road, Strawberry Hill Road, Wequaquet Lane, Phinney's Lane, Attucks Lane, and Independence Drive as comprise the in-road cable route for the Project as approved by the Energy Facilities Siting Board in its Final Decision in EFSB 17-05 dated May 10, 2019, and as shown on the plans on file with the Town Council, and that the aforesaid grant of easements shall take effect upon recording of an instrument or instruments with the Barnstable County Registry of Deeds.

VOTE: PASSES 13 YES

2021-046 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION: INTRO: 11/19/2020, 12/03/2020

(Bogan) both the candidates are excellent candidates

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: **Licensing Authority:** Aaron Webb, as a regular member to a term expiring 6/2022; **Recreation Commission:** George Bent, as a regular member to a term expiring 6/2022

VOTE: PASSES 13 YES

2021-047 APPROPRIATION ORDER IN THE AMOUNT OF \$90,000 FOR THE INSPECTIONAL SERVICES DEPARTMENT FISCAL YEAR 2021 THE OPERATING EXPENSE BUDGET TO FUND A CONTRACT FOR THE COMPREHENSIVE MONITORING OF RENTAL PROPERTIES INTRO 12/03/2020

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$90,000** be appropriated from the General Fund Reserves and added to the Fiscal Year 2021 Inspectional Services Department Operating Budget of \$2,164,880, resulting in a revised Fiscal Year 2021 Operating Budget of \$2,254,880 for the purpose of funding a contract for the comprehensive monitoring of rental properties

VOTE: TO A PUBLIC HEARING ON 12/17/20 PASSES UNANIMOUS

2021-053 TRANSFER ORDER IN THE AMOUNT OF \$23,870 FOR REPLACEMENT OF AN ANIMAL CONTROL VAN NTR0: 12/03/2020

Derek Lawson, Director of Marine and Environmental Affairs gave the rationale

(Shaughnessy) is our animal control officer okay (Lawson) Yes. (Bogan) Does the \$23,870 cover the cost of the van and the required equipment (Lawson) we did receive

Office of Vice President:

1. Eric Steinhilber Seconded by Jessica Rapp Grassetti
2. Paula Schnepf Seconded by Tracy Shcughnessy

The nominations are closed. The Election of Officers will proceed on the December 17th Town Council meeting. We will first hold the election for the office of President.

Adjourned at 9:25 PM

Respectfully submitted,

Ann M Quirk
Town Clerk/Town of Barnstable

Exhibit A Town Manager Update

NEXT MEETING: December 10, 2020