



Town Council Meeting
February 4, 2021



The February 4, 2021 meeting of the Barnstable Town Council was physically closed to the public to avoid group congregation.

A quorum being duly present, President Matthew Levesque called the February 4, 2021 Town Council meeting to order at 7:00 PM from a remote location.

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

PRESENT: (On Zoom) Nikolas Atsalis, David Bogan Kristine Clark (7:15 PM), 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 Councilor Rapp Grasseti followed by a moment of silence.

PUBLIC COMMENT:

Bob Schulte supported the creation of a residential task force to examine Barnstable's residential zoning. He noted there was a group petition planned reflecting citizen engagement with a strong presence of residents.

Henry Ramage supported affordable housing in Barnstable and urged Council to approve this project.

Close Public Comment

Councilor Response to Public Comment:

(Starr) Thanked Henry Ramage for speaking about the need for affordable housing. He supported more affordable housing projects in Barnstable.

(Bogan) He echoed Councilor Starr's comments regarding affordable housing. He noted housing issues remain a difficult issue on Cape Cod.

(Hebert) Thanked Henry Ramage and felt there was still a long way to go with really affordable housing.

(Shaughnessy) Thanked both Bob Schulte and Henry Ramage for speaking tonight.

TOWN MANAGER COMMUNICATIONS:

Update January 22 through February 4, 2021 (Exhibit A)

Chief Sonnabend spoke about the fire incident at Shootflying Hill Road. He explained that

a call was received from delivery personnel and two officers went to the Shootflying Hill Road residence. Officers Marcus Cunningham and Nelson Souve then entered the building pulling the unconscious owner from the burning structure. Officer Michael Lima and Gustavo Eloy who also arrived on scene then tended to the resident's medical needs with lifesaving measurers. The resident while being treated by C.O.M.M. fire rescue personnel, regained consciousness and was transported to the Cape Cod Hospital, later to a Boston area hospital. Chief Sonnabend commended the four officers involved in this incident. Due to this year's events COVID-19 and the issues with police and community relations he wanted to relay the sediment that the Barnstable Police are there for everyone. He felt by the actions of these four officers it exemplified how much the Barnstable Police force is dedicated to the safety and well-being of all our residents and citizens.

Andy Clyburn, Assistant Town Manager discussed the shortage of available COVID-19 vaccines. He said the locally we are ready to distribute as many vaccinations as the State can release to us. He explained we simply need more supply. He urged residents and citizens to maintain their patience. He added we will get to a place where anyone who wants the vaccine will be given it and no one will be left behind. He said we order supply of vaccines every week. However we can only receive what is given to us we have no control over this rollout. He noted Fire Chief Burke was the best of the best, and has been very knowledgeable during the COVID-19 Pandemic. (Hebert, Cullum and Dagwan) Thanked both Police Chief Sonnabend and Fire Chief Burke for their leadership.

Mark Ells reiterated the need for the public to follow the State guidelines and to take these basic precautions:

- Wear face coverings;
- Wash hands frequently;
- Maintain proper physical distancing;
- Stay home from work, school, sports and other activities when ill

Budget fiscal Year 2022

Standard and Poor AAA Rating

Achieve Digitalize our files – CARES ACT funding

Rental registration monetary system

Criterion 5 of the Green Communities Act and requested workshop

Comprehensive Wastewater Management Plan

Mark Ells gave an overview of his PowerPoint presentation regarding an update to the Comprehensive Wastewater Management Plan (CWMP). He spoke about the fiscal policy and the public communication for the CWMP. He said the primary focus at this time was the fiscal policy. He discussed the Town's mission statement, which was established by our Town Council, to protect Barnstable's quality of life, unique character, engage our citizens, and enact policies that respond to and anticipate the needs of our community. The challenge he explained was our water resources being critical in achieving the balance of quality of life in Barnstable. Every resident, every business and every visitor are in this together. It needs to be done equitably but we are all in this together. Our CWMP, which is a regulatory requirement, needs to be flexible and adaptive to change. We need to reduce the nitrogen levels. Big question is how to pay for the 43 percent of the cost of the CWMP. He added the two solutions were between a sewer assessment and utilizing general funds to pay for the remaining portion. The proposed draft sewer ordinance would

be placed on the April 1, 2022 Town Council agenda.

Councilor questions and comments:

Schedule workshop for 2nd meeting (Ells) Yes, we will schedule the Green Communities building code language for the 2nd meeting in March. (Rapp Grasseti) Is the Board of Health agreeable with Title 5 as being an adequate solution? (Ells) We intend to have a discussion with Board of Health. Need to look at nitrogen sensitive areas. Board of Health has very specific areas where it will be beneficial, areas where it will not be sewered for 20 to 30 years for this type of solution.

(Schnepp) How are the documents digitizing? (Florence) 80,000,000 documents we are utilizing an indexing company along with an upgrade to Laserfiche. This will allow outside access to records.

Elizabeth Jenkins, Planning and Development Director gave an overview of a PowerPoint presentation regarding zoning amendments. She discussed the 40A Zoning Act. She explained there were specific procedures initiated by Council, Planning Board and residents. There will be 2 public hearings and 2 public notices in the newspaper. The Planning Board will be an advisory role with recommendations given to Council. We will utilize electronic communication, emails, website and any other enhancements available. (Shaughnessy) Is this form-based code? (Jenkins) The area is only the Downtown Hyannis area not entire Barnstable.

(Rapp Grasseti) The webpage for this type of communication is a great idea.

(Bogan) Citizens need to be part of the group, referring to Bob Schulte's idea. (Ells) This will be taken under review; we will be looking at what is being done in other communities.

Elizabeth Jenkins Planning and Development Director gave an overview of a PowerPoint presentation regarding local comprehensive planning plan. This is a long-term vision for our community. The comprehensive plan was last update in 2010. 2018 the Cape Cod Commission Regional Policy Plan was updated. Updates were in 2019 Cape Cod Commission Local Comprehensive Plan and 2020 new federal census. Part 1 of the plan is community visioning, data and reviewing existing conditions. Part 2 is targeting an action plan, goals and performance measurers.

Councilor questions and comments:

(Hebert) Where is the Housing committee? Are they participating? (Jenkins) The housing committee has not recently met due to COVID-19 issues. (Ells) The first reading will be next meeting. It will be brought forward with finance; and will establish a committee, looking to engaging citizens as well.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to approve the January 21, 2021 minutes,

VOTE: PASSES 13 YES

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

Subcommittee changes: Zoning Regulations February 9th, Asset Advisory committee February 17th.

Farm to Families at the Transportation Station 10am -1pm

Five-minute break

2021-058 AMENDING THE ZONING MAP OF THE TOWN OF BARNSTABLE TO EXPAND THE MULTIFAMILY AFFORDABLE HOUSING DISTRICT TO INCLUDE MAP 250 PARCEL 160 AT 3 WHITEHALL WAY, HYANNIS, MA INTRO: 12/17/2020, 02/04/21

Open to a public hearing

Elizabeth Jenkins, Planning and Development Director gave the rationale. She discussed redevelopment of the 3 Whitehall Way property into residential housing. John Kenney Attorney for the applicant explained the 850 Falmouth Road property would be absorbed into the 3 Whitehall property. The multifamily Affordable Housing district would expand to include the Falmouth road property.

Public comment – none
close public hearing

Councilor questions and comments:

Well thought out project helpful with the number of units for citizens to find affordable housing.

Upon a motion was duly made and seconded it was

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable to rezone property from the Residence C-1 Zoning District to the Multifamily Affordable Housing Zoning District as shown on maps entitled:

- “Proposed Amendment to the Town Zoning Map expanding the MAH District in Hyannis” and
- “Proposed Amendment to the Hyannis Zoning Map expanding the MAH District in Hyannis – Sheet 3 of 7” and
- “Proposed Amendment to the Centerville Zoning Map expanding the MAH District in Centerville – Sheet 4 of 7”

Dated August 6, 2020 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit

VOTE: PASSES 13 YES

2021-059 AMENDING ARTICLE III, CHAPTER 240, SECTION 16.1 OF THE ZONING ORDINANCE TO MODIFY THE REQUIRED PERCENTAGE OF AFFORDABLE UNITS AND REVISE THE DEFINITION OF AFFORDABLE UNIT AND AMENDING ARTICLE XI, CHAPTER 240, SECTION 116 OF THE ZONING ORDINANCE TO EXEMPT DEVELOPMENT PERMITTED UNDER THE MULTIFAMILY AFFORDABLE HOUSING FROM GROWTH MANAGEMENT INTRO: 12/17/2020, 02/04/2021

Elizabeth Jenkins, Planning and Development Director gave the rationale. She discussed the proposed amendment to the text, a modification in the district. Changes to affordability deed restriction from 25 percent to 18 percent of units and affordability is at 50 percent of median income. John Kenney, Attorney for applicant reiterated the parcel being included with 18 percent of units reduced from 65 percent of median income to 50 percent AMI. Final exemption – exempt units per building permits – Multifamily Affordable Housing. (Starr) Is this changing other properties? (Jenkins) No only this property will be changed.

The zoning and tax incentives could be modeled going forward.

Public comment – none
close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

By amending Article III, Section 16.1(F) by striking in the first sentence “25%” and replacing it with “18%” so it reads as follows:

F. Affordable Units. At least **18%** of the dwelling units shall be affordable units, subject to the following conditions:

SECTION 2

By amending Article III, Section 16.1(I) by striking in the definition of AFFORDABLE UNIT the phrase “as defined in §9.2 of the Code” and replacing it with the phrase “as defined herein” so it reads as follows:

AFFORDABLE UNIT

A dwelling unit reserved in perpetuity for rental or ownership by a qualified affordable housing unit tenant or purchaser as defined herein and priced to conform with the standards of the Massachusetts Department of Housing and Community Development (DHCD) Local Initiative Program Guidelines, in order that such affordable units shall be included in the DHCD Subsidized Housing Inventory.

SECTION 3

By amending Article III, Section 16.1(I) by adding a definition of “Qualified Affordable Housing Unit Purchaser or Tenant” as follows:

QUALIFIED AFFORDABLE HOUSING UNIT PURCHASER OR TENANT

A. An individual or household with total annual income that does not exceed the following percentages of the area median income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development:

(1) For the purchaser of a condominium unit: 50%.

(2) For the tenant in a rental unit: 50%.

SECTION 4

By amending Article XI Growth Management, Section 116 by adding the following:

(G) Development permitted under the Multifamily Affordable Housing Residential District.

VOTE: PASSES 13 YES

2021-067 APPROPRIATION ORDER IN THE AMOUNT OF \$45,000 FOR THE PURPOSE OF ACQUIRING AN EASEMENT ON A PORTION OF THE PROPERTY LOCATED AT 528 CRAIGVILLE BEACH ROAD, BARNSTABLE (CENTERVILLE) MASSACHUSETTS SHOWN ON ASSESSORS MAP 246 AS PARCEL 071 TO BE ASSOCIATED WITH THE CONSTRUCTION OF NEW SEWER INFRASTRUCTURE
INTRO: 01/21/2021, 02/04/2021

Open public hearing

Dan Santos, Public Works Director gave the rationale. This property/pumping station is essential to the sewer expansion.

Public comment – none

close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$45,000** be appropriated for the purpose of acquiring an easement and other costs incidental thereto, and to fund this appropriation, that **\$45,000** be transferred from the available balance in the Sewer Construction and Private Way Maintenance and Improvement Special Revenue Fund; and 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 infrastructure and related purposes, an easement on a portion of the parcel of land located at 528 Craigville Beach Road, Barnstable (Centerville) Massachusetts, as show on the Plan entitled “Sewer Easement Plan, 528 Craigville Beach Road, Village of Centerville, Barnstable Massachusetts”, prepared by, and on file with, the Barnstable Department of Public Works.

VOTE: PASSES 13 YES

2021-068 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND PEARL STREET HOLDINGS, LLC FOR 9 NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 39 PEARL STREET, HYANNIS, MA
INTRO: 01/21/2021, 02/04/2021

Arden Cadrin, Housing Coordinator gave the rationale.

Jake Dewey Developer explained the rent would be as close to moderate rate.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Pearl Street Holdings, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for nine (9) new market rate residential units located at 39 Pearl Street, Hyannis, MA (Assessor’s Map 308, Block 089), substantially in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Department of Housing and Community Development for approval.

VOTE: PASSES 13 YES

2021-070 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION
INTRO: 02/04/2021

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: **Barnstable Historical Commission:** Jack Kay,

from an alternate member to a regular member to a term expiring 06/30/2021;
Comprehensive Financial Advisory Committee: Adam Carter, as a regular member to a term expiring 06/30/2021; Charles McKenzie, as a regular member to a term expiring 06/30/2022; **Human Services Committee:** Carlos Barbosa, as a regular member to a term expiring 06/30/2023; Licensing Authority: John G. Flores, as a regular member to a term expiring 06/30/2022; **Zoning Board of Appeals:** Aaron Webb as an associate member to a term expiring 6/30/2022

VOTE: TO A SECOND READING ON 2/18/2021 - UNANIMOUS

2021-071 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$29,800 FOR THE FISCAL YEAR 2021 AIRPORT OPERATING BUDGET FOR THE PURPOSE OF FUNDING AIRPORT WEBSITE REDEVELOPMENT SERVICES INTRO: 02/04/21

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$29,800** be appropriated for the purpose of funding website redevelopment services; and that to meet this appropriation that \$29,800 be transferred from the Airport Enterprise Fund reserves; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and is further authorized to accept any grants or gifts in relation thereto.

VOTE: TO A SECOND READING ON 2/18/2021 - UNANIMOUS

2021-072 AUTHORIZING THE TOWN MANAGER TO ENTER INTO AND EXECUTE ON BEHALF OF THE TOWN AN EMPLOYMENT CONTRACT WITH MARK A. MILNE TO SERVE AS THE DIRECTOR OF FINANCE INTRO: 02/04/2021

Mark Ells gave the rationale. He discussed Mark Milne's Finance Director 5 year contract requiring authorization of Town Council.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes the Town Manager to enter into and execute on behalf of the Town an employment contract with Mark A. Milne to serve as the Town's Director of Finance for a term commencing on July 1, 2021 and ending on June 30, 2026, with all other terms and conditions the same as those in the employment contract currently in effect between the parties.

VOTE: PASSES 13 YES

2021-073 AUTHORIZATION OF A TAX INCREMENT FINANCING AGREEMENT AMONG THE TOWN OF BARNSTABLE, WORDSMITH INK, INC. AND SB NOMINEE TRUST FOR THE PROPERTY LOCATED AT 1254 MAIN STREET, OSTERVILLE, MA, MAP 119, PARCEL 056 INTRO: 02/04/2021

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby approves a Tax Increment Financing Agreement (the "TIF Agreement") among the Town of Barnstable, WORDSMITH INK, INC. (Lessee) and Amie M. Smith and James P. Smith, as Trustees of SB NOMINEE TRUST (Applicant and Lessor), for the property within the Barnstable County Economic Target Area located at 1254 Main Street, Osterville, MA, Map 119, Parcel 056, substantially in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute and submit the TIF Agreement to the Massachusetts Economic Assistance Coordinating Council for approval pursuant to G.L. c. 40, § 59.

VOTE: TO A SECOND READING ON 2/18/2021 - UNANIMOUS

2021-074 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$37,726 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2021 OPERATING BUDGET FOR THE PURPOSE OF FUNDING THE HIRING OF THREE CURRENT PATROL OFFICER VACANCIES INTRO: 02/04/2021

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$37,726** be added to the Fiscal Year 2021 Police Department General Fund Operating Expense Budget for the purpose of funding the expenses related to hiring and equipment purchases for three new officers; and that to fund this appropriation that \$37,726 be transferred from the General Fund Reserves.

VOTE: TO A SECOND READING ON 2/18/2021 - UNANIMOUS

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 9:56 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk/Town of Barnstable

NEXT MEETING: February 18, 2021

Exhibits:

- A. Town Manager update.