



Town Council Meeting
January 7, 2021



The January 7, 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 January 7, 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, Jennifer Cullum, Debra Dagwan, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber.

The Pledge of Allegiance was led by President Levesque followed by a moment of silence. He mentioned the Nation's capital buildings and hoped there would be time for healing and recovery. Councilor Hebert asked to keep Robert Hayes, a Korean veteran who had passed and all veterans in our thoughts and prayers.

PUBLIC COMMENT:

None

Councilor Response to Public Comment:

None - We will move past and return if the public should want to speak

TOWN MANAGER COMMUNICATIONS:

Update December 18th, 2020 through January 7th, 2021 (Exhibit A)

Elizabeth Jenkins, Planning and Development Director discussed assistance, adjustments and changes for businesses that have been affected by COVID-19. She spoke about licensing fee credits, reduction and licensing extensions for alcohol licenses. She added there was \$60,000 to direct assistance grant for downtown Hyannis and a \$20 million direct assistance for restaurants. She noted continued expanded outdoor dining and limiting downtown Hyannis Main Street to one-way for spring and summer months. There are also enhancements for street roll out adaptive strategies. The department is working on two grants, regulatory process for small business, and technical strategies for need to help with COVID -19.

Councilor Response:

(Cullum)

Thank you for your efforts. COVID set so many people back from the restaurants and still only 25 percent are allowed in a restaurant.

(Atsalis)

How is the outdoor seating space determined? Some folks were concerned about spacing.

(Brain Florence, Building Commissioner)

Each restaurant establishment had to meet social distancing with what they had available and what they proposed for their establishment.

(Shaughnessy)

Is there a reassessment for commercial tax increase? Small business is unprepared for a tax increase. What relief is available?

(Mark Milne, Finance Director)

This year Barnstable is offering property tax relief, in the form of filing for abatement. The Department of Revenue conditions do not relate to impact Fiscal Year 2021 as values were set as of January 2020 prior to the pandemic. We had to look at a full calendar year with next year will be drastically different.

(Schnepp)

Very creative with Main Street Hyannis but art/cultural performances were difficult to due to COVID-19.

(Elizabeth Jenkins)

We had a delayed opening with the artist shanties, ran program with fewer shanties due to restrictions but sales were on par with other years. Our shanties were one of the few options available to artists.

(Rapp Grasseti)

There were grants available to businesses in downtown Hyannis will there be other considerations for businesses in the entire Town?

(Elizabeth Jenkins)

Funding source was CARES for Hyannis with one-third the money from direct assistance.

(Levesque)

Thank you, Elizabeth Jenkins, Richard Scali and Brian Florence and staff, for the needed help during COBID-19.

PUBLIC COMMENT:

None

Town Manager

- Mary Holway – 2021 Gary Philbrick Professional of the Year Award
- COVID Update – restrictions:
 - 25 percent capacity seating only in restaurants,
 - Movie theaters and offices with indoor events limited to 10 people,
 - Outdoor events limited to 25 people.
 - Cape Cod Melody Tent testing site by appointments only
 - Follow State Guidelines: wear a face covering, wash your hands frequently, and maintain proper physical distancing, stay away from work or school when ill.
- Budget Fiscal Year 2022

Comprehensive Wastewater Management Plan

Mark Milne, Finance Director gave an update on the Comprehensive Wastewater

Management Plan. He discussed the funding sources: room occupancy tax (up to 6 percent), Barnstable (2 percent) to sewer construction and private way fund (1 million dollars per year which had generated since 2011). The 2020 tax from short-term rentals is 5.7 percent to 6 percent. He mentioned the local meal tax rate of 0.75 percent. He discussed the Fiscal Year 2021 budget timeline.

(Cullum)

The Melody Tent COVID testing was not run by the Town of Barnstable or Hyannis Fire Department. The process was terrible.

(Dagwan)

Had concerns with COVID-19 testing, Not everyone can afford to pay for the test.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to approve the December 17, 2020 minutes

VOTE: PASSES 13 YES

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

Barnstable Historic Commission - project award and service award please contact Erin Logan by April 30th

Substance Abuse Event – January 12th held by Youth Commission this is the 7th event. It is from 6-7 pm.

Cotuit Center for the Arts – Some Re-casted Evening held on January 21st live performances

Barnstable Adult Community Center is offering classes remotely. Please check it out.

Thank you Mark Ells and Dan Santos for the proposed sewer pump station meeting scheduled for a Zoom meeting on January 11th at 7:00pm. Thank you to Massachusetts Environment Policy Act (MEPA) approval on our Town of Barnstable Comprehensive Waste Water Management Plan.

Eight Minute Break

2021-060	REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:
INTRO: 12/17/2020; 01/07/2021	

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: **Town of Barnstable’s Representative to the Steamship Authority’s Board of Governors:** Robert Jones, as a regular member to a term expiring 12/31/2023; **Town of Barnstable’s Representative to the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority Port Council:** Eric Shufelt, as a regular member to a term expiring 12/31/22

VOTE: PASSES 13 YES

2021-061 ACCEPTANCE OF A FISCAL YEAR 2021 MUNICIPAL AMERICAN DISABILITY ACT IMPROVEMENT GRANT IN THE AMOUNT OF \$250,000 FROM THE MASSACHUSETTS OFFICE ON DISABILITY FOR COMPLETION OF AN AMERICAN DISABILITY ACT SELF-EVALUATION AND TRANSITION PLAN INTRO: 01/07/2021

Elizabeth Jenkins, Planning and Development Director gave the rationale. She noted the \$250,000 dollar grant was for American Disability Act. The project includes a self-evaluation and transition plan which would look at the accessibility of Town facilities with emphasis on planning and action.

(Hebert)

This is a very hard-working committee and town staff. This is time sensitive and must be done by June.

(Starr)

Will the department utilize money from grant for consultants?

(Elizabeth Jenkins)

Yes, hiring consultant for evaluation noting the short time frame, upon award of the Request to Proposal.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby accept a Fiscal Year 2021 Municipal Americans with Disabilities Act (ADA) Improvement Grant in the amount of **\$250,000** from the Commonwealth of Massachusetts Office of Disability on behalf of the Secretary of the Executive Office for Administration and Finance for the purpose of hiring a consultant to complete an ADA Self-Evaluation and Transition Plan and that the Town Manager be authorized to contract for and expend the grant funds made available for this purpose.

VOTE: PASSES 13 YES

2021-062 ACCEPTANCE OF THE GRANT OF A WATER EASEMENT FROM OCW RETAIL-HYANNIS, LLC FOR WATER MAIN EXTENSION INTRO: 01/07/2021

Dan Santos Public Works Director gave the rationale. He noted this was an improvement to the dead end on Attucks Lane to loop with the water main. This would improve the water pressure, etc. The Home Depot has given easement to the Town at no cost. We are utilizing available funds from the pipe replacement capital fund.

A motion was duly made and seconded to

RESOLVED: That the Town Council hereby accepts the grant of a perpetual easement to the Town of Barnstable, under the care, custody and control of its Department of Public Works ("DPW"), for the construction, maintenance, repair and use of a water main extension from OCW Retail-Hyannis, LLC, as shown on a plan prepared by the DPW Survey Section dated February 10, 2020, and maintained in the office of the DPW, and that the Town Manager is authorized to accept, sign, deliver and record documents for the purposes set forth herein.

VOTE: PASSES 13 YES

2021-063 APPROPRIATION ORDER IN THE AMOUNT OF \$85,000 FOR THE PURPOSE OF PAYING OPERATING EXPENSES OF THE LEGAL DEPARTMENT FOR THE SERVICES OF THE LAW FIRM OF ANDERSON & KREIGER WHICH IS SERVING AS OUTSIDE COUNSEL TO THE TOWN WITH RESPECT TO TWO NOTICES OF INTENT TO SUE RECEIVED FROM THE CONSERVATION LAW FOUNDATION INTRO: 01/07/2021

REFER TO PUBLIC HEARING ON 1/21/2021

VOTE: PASSES 13 YES

A motion was duly made and seconded to

ORDERED: That the sum of **\$85,000** be appropriated for the purpose of paying operating expenses of the Legal Department for the services of the law firm of Anderson & Kreiger which is serving as outside counsel to the Town with respect to two Notices of Intent to Sue received from the Conservation Law Foundation; and that to meet this appropriation, that \$85,000 be transferred from the General Fund Reserves.

2021-064 ACCEPTANCE OF A FISCAL YEAR 2021 MUNICIPAL ROAD SAFETY (MRS) GRANT IN THE AMOUNT OF \$39,999.80 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 01/07/2021

Chief Sonnabend gave the rationale. He explained the funding would enable the Traffic Division to participate in five different traffic mobilizations. The grant will also incorporate a covert speed tracker and driver education for minors.

(Shaughnessy)

Congratulations to the Police Academy graduates. The swearing in will be January 13th, 2020.

A motion was duly made and seconded to

RESOLVED: That the Town Council does hereby accept a Fiscal Year 2021 Municipal Road Safety (MRS) Grant in the amount of **\$39,999.80** from the Commonwealth of Massachusetts Executive Office of Public Safety and Security, Highway Safety Division for the purpose of funding the costs of traffic enforcement mobilizations, equipment and driver education for minors, and that the Town Manager be authorized to contract for and expend the grant funds for the purposes set forth herein.

VOTE: PASSES 13 YES

The Town Council may vote to go into executive session pursuant to G.L. c. 30A, sec. 21(a) (3) to discuss strategy with respect to litigation since a discussion in open session may have detrimental effect on the litigating position of the Town and Town Council. Specifically, the Council will discuss the two Notices of Intent to File Suit dated August 5, 2020 and September 16, 2020, respectively, sent by the Conservation Law Foundation to the Town regarding claims under the Federal Clean Water Act and the Massachusetts Title 5 septic regulations

Upon a motion duly made and seconded it was **VOTED** to go into executive session under G.L. c. 30A, sec. 21(a) (3) to discuss strategy with respect to litigation, regarding the two Notices of Intent to File Suit dated August 5, 2020 and September 16, 2020, and not to reconvene in Open Session.

VOTE: PASSES 13 YES

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 8:41 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk/Town of Barnstable

NEXT MEETING: January 21, 2021

Exhibit

A. Town Manager update for period December 18, 2020 thru January 7, 2021.