



Town Council Meeting  
February 18, 2021



The February 18, 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 18, 2021 Town Council meeting to order at 7:02 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, Gordon Starr, Eric Steinhilber. **Absent:** Tracy Shaughnessy

The Pledge of Allegiance was led by Councilor Hebert followed by a moment of silence.

**PUBLIC COMMENT:**

John Julius thanked the Council for their time, is disappointed with the wastewater plan, there is a law in Massachusetts that allows the people to be aware of the costs; need a ballot for us to vote on this money. He asked the Council to delve more into the costs. Do not mess around with this Federal Judge, the merits of the lawsuit are frightening, you need to get this resolved as quickly as possible.

Brian Hughes we have addressed the town council in the past, to improve the Stewarts Creek area. If this development goes forward, we along with our neighbors are concerned with traffic congestion and safety. Development will radically change the neighborhood, 650 plus new residents will impact the safety and integrity of the neighborhood.

Farley Lewis concerned about the project at 35 Scudder Avenue, it is much too large and a detriment to the wetland. He asked the Council to do a study of all environmental factors.

Tara Vargas Wallace work closely with all walks of life; affordable housing is a dire issue.

Anne Roland has grave concerns about the development behind the old Dunfey's; summer traffic is tough now at the west end rotary. Not enough parking, our Main Street will change its composition. We all know that we have terrible nitrogen loading, and now we are adding more people. This development will take away from the town.

Cate Gulliver the Twin Brooks Golf Club should be part of the Districts of Critical Planning Concern (DCPC), the largest green space in the village of Hyannis, which is critical to the health of the people. The project is huge, the largest housing project on Cape Cod, now you are proposing to add more pollutants to this faulty system. Substantial increase in foot traffic will be a safety issue; noise pollution from the renters in the new housing. It will contribute to a loss of property value. Would you like this in your neighborhood?

Megan Newman share the concerns of previous speakers, the density is a huge concern, the traffic, and the wetlands. A gated community at this end of Hyannis, I don't see how this will fuel the economic engine of Hyannis. That is my objection.

Julie Jones spoke about a list of green communities, Barnstable is not on this list, saving money for our time, where is Barnstable in this process and why aren't we doing more? There seems to be no reason why we would not be part of the green communities.

Bob Colford read an email sent to the Councilors (Exhibit A) requesting the Town, County and Cape Cod Commission hold any future developers to a high standard as the proposal for the Twin Brooks land specifies use of large amounts of pavement. The project is a formula for excessive storm water run-off into Joshua's Creek. We oppose this project.

#### **Councilor Response to Public Comment:**

(Cullum) thank you to the speakers, we will ask staff to give us some information about the process and the sewerage process. (Jenkins) there is a proposed development at 35 Scudder Ave for multi families 312 rental units, subject to the jurisdiction of the Cape Cod Commission. The developers have filed a preliminary application, with the Cape Cod Commission, related to the development process that will be required for this development. Lennar Multifamily Communities (LNC) plans to permit this process through a development agreement with the Cape Cod Commission. There is a hearing with the Cape Cod Commission on Thursday the 25<sup>th</sup> on the process through which the development will be reviewed. There will be a traffic study through the Cape Cod Commission and an environmental review through our Conservation Commission.

(Cullum) understands your concerns are being heard, the folks at Lennar are very accommodating; suggest anyone who wants to talk with these folks to reach out to Deb Krau of the Greater Hyannis Civic Association to hear your concerns. (Starr) One twist of language, the piece of land is not an open undeveloped piece of land and it is not town owned. (Santos) The Water Pollution Control Facility also referred to as the Wastewater Treatment Plant has been updated many times operates completely within the state guidelines. We discharge half of the amount of nitrogen that we are allowed to discharge. We are moving ahead to have a study at the treatment plant of improving the nitrogen removal to the lowest number possible today. Currently there is tremendously less nitrogen entering the Lewis Bay and Stewarts Creek due to this treatment plant. Current wastewater management plan will allow us to completely meet the federal clean water standard with our existing plant and upgrades. It is a state of the art treatment plant.

(Cullum) Just to be clear the Wastewater Treatment Plant is not a faulty system. (Santos) No, it is a state of the art system in complete compliance with all requirements. (Levesque) Thank you for that clarification, please read the press release that went out about the lawsuit. Town Manager, Ells would you like to speak to this now; (Exhibit B) (Ells) I will read part of my communications now, the Conservation Law Foundation (CLF) filed a Clean Water Act lawsuit and it was released to the press. (Levesque) we know we have been talking about all of this, we are trying to be transparent, we know we have to have a vote for a debt exclusion, the process of financing was done by our Finance Director,

these things are all happening to move forward to protect our town (Ells) Town of Barnstable is taking decisive action to improve water quality. The approved Comprehensive Wastewater Management Plan (CWMP) will achieve nitrogen reduction need to meet federal clean water standards. The Town adheres to applicable environmental requirements, operates the Hyannis Water Treatment Plant in full compliance of the Massachusetts Department of Environment Protection. Please go to the Town's homepage and click on Barnstable's Water Resources button on the left had side of the screen to find information and links. We ask all to engage in the discussions. (Clark) Could we get an update on the Green Communities and where we are at this time (Ells) we are pursuing certification as a Green Community, we are focused on the stretch code and our Building Commissioner is working on that now. (Schnepp) Thanked everyone for coming out and especially speaking to Accessory Dwelling Units (ADU's) (Starr) Thanked everyone for public comment, where are we in the ADU's? (Jenkins) compiling a summary of all the comments regarding ADU's, and will be getting the comments out to the Council tomorrow. (Clark) People who are looking for the relevance of the sewer assessments are located on the property (Ells) we are in the process of providing as much information as we can, please click on the Barnstable Clean Water on the home page, will check with staff to make sure the information is accurate. (Levesque) We have gone a long way to clear up the misconceptions, appreciate the staff being ready to answer those questions.

#### **TOWN MANAGER COMMUNICATIONS:**

Update February 5, 2020 through February 18, 2021 (Exhibit A)

- Storm event starting today
- Continue to follow the Orders and Directives of our Governor
- Proceeding with the tasks in the budget action calendar for FY2022
- Town Treasurer, Debra Blanchette announced competitive bids from bond underwriters
- Vineyard Wind conversations continue

(Starr) very impressed with the bond rating (Ells) thank you, Deb Blanchette does and excellent job (Cullum) thank you to staff for jumping in and answering the questions on the fly.

Dan Santos, Director of Public Works provided an update on the Route 28/Willow Street intersection improvement project. Utilizing some slides Director Santos, gave an overview of the improvement plan of the busiest intersection on Cape Cod.

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

(Neary) I understand the additional lanes, how does it mitigate the traffic, it just pushes it down the road, does it go all the way to the airport rotary? (Santos) allows turning lanes, so it does help the traffic; there is a future project to the rotary with the Cape Cod Commission assistance a regional plan to improve and continue to extend this plan. (Neary) egress to and from the hospital is necessary (Santos) the intersection on Route 28 and Bearses Way has helped that intersection. (Clark) Is there any accommodation to link up with the Cape Cod Rail Trail (Santos) Yes that is the intent.

Dan Santos, Director of Public Works provided an update on Barnstable's Comprehensive Wastewater Management Plan. Utilizing some slides Director Santos, gave an overview and update of the CWMP.

## **ACT ON MINUTES:**

Upon a motion duly made and seconded it was to approve the February 7, 2021 minutes

**VOTE: PASSES 12 YES**

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

(Bogan) Covid vaccinations Mother-in-law got an appointment and the process at the Melody Tent was excellent. Every member of this council asked the Governor to increase the number of vaccines available and to have a site at the Cape Cod Community College. Please be patient.

(Levesque) Farmers to Families is going on again this weekend on Saturday at the Transportation Center in Hyannis

5 minute break (8:30)

## **Update from Kristy Senatori, Executive Director, Cape Cod Commission, Staff activities Priorities for the coming year in Barnstable and across the Cape**

Year in review of 2020, highlights, Cape and Islands Water fund has about 11 million dollars in the fund. The management board adopted regulations to disperse these funds, Thanked Town Manager, Mark Ells for chairing the committee. First subsidies should be forth coming. Kristy then introduced former Town Councilor Fred Chirigotis a member of this committee. Following are some of the highlights:

- Economic recovery;
- COVID response efforts;
- Data dashboard;
- Bridge crossings;
- Municipal planning resource kit to support the needs of the local businesses;
- Regional pilot grant project.
- Climate action plan, engaged the younger populations with high school students.

Fred Chirigotis commented he looks forward to the Commission and the Town working together to get things done.

## **Councilor questions and comments:**

(Clark) Developing the database around the freshwater ponds and lakes will that include cyano bacteria (Senatori) Yes that should be considered and the water quality (Rapp Grasseti) Cape Cod Commission's did a thorough corridor study where Barnstable meets Mashpee, as well as Route 28 and Route 130 many incidences of traffic issues, how do we engage the Cape Cod Commission to advocate for the town to go from a study to brought to a priority. (Senatori) will bring that back to the Commission to see what can be done to make it a priority. (Schnepp) One of the priorities next year will be a regional housing, how is that going to go forward, who the strategy will work with affordable housing? (Senatori) still so many unknowns, what we would like to do is go from regional down to the town level, community activity centers, how to foster infrastructure, and to increase affordable housing needs by the available jobs. (Schnepp) the affordability component is key, when the Cape Cod Commission was formed it specifically had a housing specialist (Steinhilber) appreciate seeing you and Fred, Town and Commission working together. We worked together on the Chapter H; new commercial proposal on Attucks Way brought that to fruition, and the Route 132 corridor.

**2021-070 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:  
02/04/2021, 02/18/2021**

Councilor questions and comments:

(Clark) Does the Appointments Committee, ask if the Associate members want to become a regular member (Rapp Grassetti) Yes they are asked by the Chair, there was no interest to come forward to be regular members

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: PASSES 12 YES**

**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, 02/18/2021**

Airport Manager, Katie Servis gave the rationale utilizing a few slides to highlight the presentation for the appropriation.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

(Schnepp) eventually the town staff will be maintaining the site, (Servis) the current group will teach the Airport Staff to take over the website once the contract is up (Schnepp) do you have any data on how many hits. (Servis) we only have Facebook hits, this company will be providing that data, to help us understand what people are looking for (Schnepp) websites may not be the place people are going to get information. (Servis) the social media and the website will be linked (Schnepp) when is the launch date for the new website (Servis) It is a four step process, going through the steps now hopefully in a few months (Levesque) appreciate your vision and branding, especially at this time

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: PASSES 12 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, 02/18/2021**

Open public hearing

Elizabeth Jenkins, Director of Planning and Development gave the rationale along with Ms. Smith. Tax Increment Financing (TIF), this has been reviewed twice and has been approved each time.

**Councilor questions and comments:**

(Atsalis) How many new jobs has this created (Jenkins) expansion of the retail bakery and a proposal of a baking facility and school, the number increased to 6 employees (Atsalis) do they have to maintain the 6 employees to keep this TIF, (Jenkins) it is written as an anticipated number of jobs (Neary) can you elaborate what was the delay on getting this off the ground (Jenkins) the Smiths ran into unexpected costs when they started the business, this was seen as an option to help them keep their business going, then there were several changes to our prior TIF agreement (Neary) is this integral to moving this business forward, should the parcel be changed or sold the TIF ends. (Jenkins) Yes, the TIF ends if the business is sold. (Steve Pizzuti) represents the petitioner, it is important to note that they filed with the town a couple of years ago and he feels it fell through the cracks. There are actually 7 full time employees, creating more revenue and jobs.

(Atsalis) Did that answer the first question, (Steinhilber) when this first came before the TIF committee, we looked at the blighted property being redeveloped, it increased the tax dollars coming in, and the number of employees, the fee that came in was a large one from the fire district. We have done this before the hotel in front of the Cape Cod Mall, was more a process/paperwork filing, not unprecedented. (Neary) thank you that is succinct and appreciate that it clarifies things. (Starr) this is the first TIF that I have seen on the Council, have there been other TIF's granted in the last year and a half (Jenkins) no: (Starr) if no why not (Jenkins) this is an initiative of the Tax Incentive Committee, can be typically tricky to navigate through, we try to engage small businesses. (Starr) Barnstable County Regional economic target area, anywhere in the town you can apply for a TIF. (Jenkins) yes, that is correct, prior iterations of the statute limited it to certain geographies (Starr) Looked for the minutes of the June 25, 2019 no records on any meetings of the TIF on the website; (Cullum) totally understand the hard work, and love these programs to help small businesses, I am going to support this item. (Bogan) Going to agree with both Neary and Cullum, the bakery was built on the outskirts of the town and helped to extend the business district. Sorry it took so long but we got it done. (Hebert) Congratulations you took a risk, giving opportunities to people and being creative, I support this item. (Rapp Grassetti) wish we were meeting in person, absolutely supporting this item. (Levesque) I will support this, a great fun place to go.

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: PASSES 12 YES**

**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, 02/18/2021**

Open public hearing seeing no one close public hearing  
Chief Sonnabend gave the rationale

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: PASSES 12 YES**

**2021-075 TRANSFER ORDER IN THE AMOUNT OF \$108,000 FROM THE TOWN COUNCIL'S OPERATING RESERVE FUND TO THE FISCAL YEAR 2021 SANDY NECK ENTERPRISE FUND OPERATING BUDGET TO PURCHASE SAND FOR REPLENISHMENT TO THE SANDY NECK BEACH PARK FRONTAL DUNE INTRO: 02/18/2021**

Nina Coleman, Sandy Neck Park Manager gave the rationale.

**Councilor questions and comments:**

(Schnepp) Six out of the last eight years we have had to bring in sand, do you expect this to continue to happen (Coleman) this is not a sustainable way to continue to protect the infrastructure. We are looking to design and permitting to push the parking lot back and look at other alternatives, our shoreline continues to be pushed back. (Hebert) Thank you, if we push the parking lot back, and would we then lose the building out there. (Coleman) that line is right along our new bath house; hopefully there will be new technologies to help us. We have to address that the sand is not sustainable (Starr) is it possible we could have a storm next week and we could lose the parking lot. (Coleman) we still do have a nice chunk of sand in front of our parking lot, we need to shore that up. (Starr) get the permits set and ready to go (Coleman) Yes, this does help to position us in case we have a big storm. (Starr) so if it was shovel ready we could jump on grants

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$108,000** be transferred from the Town Council's Operating Reserve Fund to the Fiscal Year 2021 Sandy Neck Enterprise Fund Operating Budget to be used to purchase sand for replenishment to the Sandy Neck Beach Park frontal dune.

**VOTE: PASSES 12 YES**

**2021-076 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$37,000 FOR THE PURPOSE OF FUNDING SEASONAL SALARIES AND WAGES FOR THE FISCAL YEAR 2021 GOLF ENTERPRISE FUND OPERATIONS INTRO: 02/18/2021**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$37,000** be appropriated for the purpose of funding labor costs for seasonal salaries and wages associated with increased facility activity and compliance with state COVID-19 regulations and that to meet this appropriation, that **\$37,000** be provided from the Golf Enterprise Fund Reserves.

**VOTE: To a public hearing on 03/04/2021-UNANIMOUS**

**2021-077 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$5,000 FOR THE FISCAL YEAR 2021 AIRPORT OPERATING BUDGET FOR THE PURPOSE OF FUNDING THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE AIRPORT MASTER PLAN UPDATE PLANNING PROJECT INTRO: 02/18/2021**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$5,000** be appropriated for the purpose of funding the administrative costs for the Airport Master Plan Update Planning Project and that to meet this appropriation, that \$5,000 be provided from the Airport Enterprise Fund Reserves.

**VOTE: To a public hearing on 03/04/2021-UNANIMOUS**

**2021-078 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$470,000 FOR THE FISCAL YEAR 2021 AIRPORT ENTERPRISE FUND OPERATING BUDGET FOR THE PURPOSE OF PURCHASING AVIATION JET FUEL FOR RESALE INTRO: 02/18/2021**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$470,000** be appropriated for the purpose of funding the purchase of aviation jet fuel for resale, and to meet this appropriation, that \$470,000 be provided from the Airport Enterprise Fund reserves

**VOTE: To a public hearing on 03/04/2021-UNANIMOUS**

**2021-079 ACCEPTANCE OF A FISCAL YEAR 2021 GRANT IN THE AMOUNT OF \$154,140 FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ELDER AFFAIRS TO SUPPORT STAFF SALARIES AND PROGRAMS OF THE BARNSTABLE COUNCIL ON AGING DIVISION INTRO: 02/18/2021**

Director of Community Services, Madelyn Noonan gave the rationale

(Starr) There are more than 12,000 residents in that age group (Noonan) these numbers are far behind, based on our Municipal census.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby accept a Fiscal Year 2021 Grant in the amount of **\$154,140** from the Commonwealth of Massachusetts Executive Office of Elder Affairs for the purpose of paying support staff salaries and program expenses of the Barnstable Council on Aging Division.

**VOTE: PASSES 12 YES**

**2021-080 ACCEPTANCE OF A SUBSTANCE ABUSE PREVENTION COLLABORATIVE GRANT IN THE AMOUNT OF \$2,400 FROM THE BARNSTABLE COUNTY DEPARTMENT OF HUMAN SERVICES FOR THE 2021 SEVENTH GRADE YOUTH SUMMIT INTRO: 02/18/2021**

Director of Community Services, Madelyn Noonan gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** That the Barnstable Town Council does hereby accept a grant in the amount of **\$2,400** from the Barnstable County Department of Human Services for the purpose of hiring a keynote speaker for the Seventh Grade Youth Summit.

**VOTE: PASSES 12 YES**

**2021-081      APPROPRIATION ORDER IN THE AMOUNT OF \$70,000 FOR A COMMUNITY DATA AND VISIONING PROJECT CONSULTANT IN SUPPORT OF A LOCAL COMPREHENSIVE PLAN UPDATE INTRO: 02/18/2021**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$70,000** be appropriated for the purpose of funding a consultant to facilitate collection, analysis and presentation of community data and facilitate a community visioning effort in support of an update to the Town's Local Comprehensive Plan; and that to fund this appropriation, that **\$70,000** be provided from the General Fund Reserves.

**VOTE: To a public hearing on 03/04/2021-UNANIMOUS**

**2021-082      APPROPRIATION ORDER IN THE AMOUNT OF \$92,945 FOR THE TREATMENT OF THE INVASIVE SPECIES HYDRILLA IN LONG POND, CENTERVILLE AND MYSTIC LAKE AND MIDDLE POND, MARSTONS MILLS INTRO: 02/18/2021**

**ORDERED:** That the sum of **\$92,945** be appropriated for the purpose of treating Hydrilla in Long Pond, Centerville and Mystic Lake and Middle Pond, Marstons Mills; and that to fund this Appropriation, that \$92,945 be provided from the General Fund Reserves.

**VOTE: To a public hearing on 03/04/2021-UNANIMOUS**

**VOTE: ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED TO ADJOURN:**

**Adjourned at 10:20 PM**

Respectfully submitted,

Ann M. Quirk  
Town Clerk/Town of Barnstable

NEXT MEETING: March 4, 2021

Exhibit

- A. Email from Bob Colford
- B. Town Manager Update.