



Town of Barnstable  
Town Council  
James H. Crocker Jr. Hearing Room  
367 Main Street, 2<sup>nd</sup> floor,  
Hyannis, MA 02601  
Office 508.862.4738 • Fax 508.862.4770  
E-mail : [council@town.barnstable.ma.us](mailto:council@town.barnstable.ma.us)

Original posted  
11/01/2024  
@12:58pm.  
Updated on  
11/04/2024 to  
remove the word  
2/3 Full Council  
from Item  
#2025-044, and  
insert 2/3 Vote

## TOWN COUNCIL MEETING AGENDA

November 07, 2024

6:00 pm

### Councillors:

Felicia Penn  
President  
Precinct 13

Craig Tamash  
Vice President  
Precinct 4

Gordon Starr  
Precinct 1

Dr. Kristin Terkelsen  
Precinct 2

Betty Ludtke  
Precinct 3

John Crow  
Precinct 5

Paul C. Neary  
Precinct 6

Seth Burdick  
Precinct 7

Jeffrey Mendes  
Precinct 8

Charles Bloom  
Precinct 9

Matthew P. Levesque  
Precinct 10

Kris Clark  
Precinct 11

Paula Schnepf  
Precinct 12

Administrator:  
Cynthia A. Lovell  
[Cynthia.lovell@town.barnstable.ma.us](mailto:Cynthia.lovell@town.barnstable.ma.us)

The November 07, 2024 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2<sup>nd</sup> Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

1. The meeting will be televised live via Xfinity Channel 8 or 1070 or High-Definition Channel 1072 or may be accessed via the Government Access Channel live stream on the Town of Barnstable's website:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to: <https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/TownCouncil/Agenda-Comment.asp>

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/87559175830> Meeting ID: 875 5917 5830  
US Toll-free 1-888- 475- 4499

### PUBLIC SESSION

#### 1. ROLL CALL

#### 2. PLEDGE OF ALLEGIANCE

#### 3. MOMENT OF SILENCE

#### 4. PUBLIC COMMENT

#### 5. COUNCIL RESPONSE TO PUBLIC COMMENT

#### 6. TOWN MANAGER COMMUNICATIONS (Pre-Recorded and available on Video on Demand on the Town website)

### WORKSHOP

- Presentation on the Allocation of the Tax Levy – Adoption of a Residential Exemption and Residential Factor, Mark Milne, Director of Finance

#### 7. MINUTES

- ACT ON PUBLIC SESSION MINUTES: October 24, 2024

#### 8. COMMUNICATIONS - from elected officials, boards, committees, and staff, commission reports, correspondence and announcements

#### 9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

## **EXECUTIVE SESSION**

The Town Council will enter Executive Session pursuant to G.L. c. 30A, sec. 21(a)(6) to consider the purchase, exchange, lease or value of real property since a discussion in open session may have a detrimental effect on the negotiating position of the Town and Town Council. Identifying the property in question would compromise the purpose for which this Executive Session is being held, and therefore that information is being withheld.

## **10. ADJOURNMENT**

**NEXT REGULAR MEETING: November 21, 2024**

ITEM NO.	INDEX TITLE	PAGE
<b>A. OLD BUSINESS</b>		
2025-034	Order authorizing a second amendment to the Intergovernmental Agreement between the Town of Barnstable and Barnstable County for dredging services <b>(May be acted upon) (Majority Vote)</b> ..	4-5
2025-043	Supplemental Appropriation Order in the amount of <b>\$25,000</b> for the purpose of paying outside counsel expenses of the Legal Department <b>(Public Hearing) (Roll Call Majority Full Council)</b>	6-7
2025-044	Appropriation Order in the amount of <b>\$2,600,000</b> for the purpose of acquiring real property consisting of approximately 10.4± acres of land in Cotuit, as shown on Assessors Map 037, Parcel 010, for general municipal purposes <b>(Public Hearing) (Roll Call 2/3 Vote)</b> ..	8-10
<b>B. NEW BUSINESS</b>		
2025-038	Appropriation Order in the amount of <b>\$65,381</b> for the Barnstable Police Department Fiscal Year 2025 Operating Expense Budget for the purpose of funding the costs associated with the hiring of 5 patrol officers <b>(Refer to Public Hearing 11/21/2024)</b> ..	11-12
2025-045	Authorization to contract for and expend a Fiscal Year 2025 Housing Choice Grant in the amount of <b>\$255,000</b> from the Commonwealth of Massachusetts, Executive Office of Housing & Livable Communities for water line improvements on Crocker Street in Hyannis <b>(May be acted upon) (Majority Vote)</b> ..	13-14
2025-046	Appointments to a Board/Committee/Commission: <b>Comprehensive Financial Advisory Committee:</b> Chris King, as a regular member to a term expiring 06/30/2026; <b>Housing Committee:</b> Chris Beach, as a regular member to a term expiring 06/30/2025; <b>Mid Cape Cultural Council:</b> Rachel Jones, as a regular member to a term expiring 12/31/2026; <b>Shellfish Committee:</b> Timothy Hamel, as a commercial permitted member to a term expiring 06/30/2026; <b>Zoning Board of Appeals:</b> Natalie Pittinger, as an associate member to a term expiring 06/30/2026 <b>(First Reading) (Refer to Second Reading 11/21/2024)</b> ..	15
2025-047	Vote on the merits of a Citizens’ Petition requesting that the Town Council vote to revoke and rescind the action taken in Executive Session on June 13, 2024, approving the terms and execution of a certain “side agreement” <b>(Refer to Public Hearing 11/21/2024)</b> ..	16-20

**Please Note:** The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it votes, the Council may go into executive session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

**A. OLD BUSINESS (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-034**  
**INTRO: 10/24/2024, 11/07/2024**

**2025-034 ORDER AUTHORIZING A SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND BARNSTABLE COUNTY FOR DREDGING SERVICES**

**ORDERED:** That the Town Council authorizes the execution and delivery by the Town Manager of a second amendment to the existing Intergovernmental Agreement with Barnstable County, authorized by Item No. 2024-082, dated December 21, 2023, under which Barnstable County is performing dredging work for the Town at the Cotuit Bay Entrance and Embayment Channel, to add an additional \$427,100 for an amended not-to-exceed amount of **\$772,800**, and to extend the term to provide for an amended end date of no later than April 1, 2025.

**SPONSOR:**Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/24/2024</u>	<u>First Reading, Referred to Second Reading 11/07/2024</u>

\_\_\_\_\_

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2025-034

INTRO: 10/24/2024 11/07/2024

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** October 24, 2024  
**SUBJECT:** Order authorizing a second amendment to the Intergovernmental Agreement between the Town of Barnstable and Barnstable County for dredging services

**BACKGROUND:** As authorized by Item No. 2024-082, dated December 21, 2023, the Town entered into an Intergovernmental Agreement (IGA) with Barnstable County to use the County's Dredge Program to dredge the Cotuit Bay Entrance and Embayment Channel, which requires dredging to maintain safe navigation. Utilizing the Barnstable County's Dredge Program is more cost effective than retaining a private contractor.

Item No. 2024-082 authorized an IGA with an amount not-to-exceed \$345,700 and a term not-to-exceed 6 months. The County Dredge mobilized in early 2024 to commence work, but due to weather conditions, along with approaching time-of-year work restrictions, the IGA only covered a one-month period. At the beginning of this month the Town and the County executed a first amendment to the IGA to ratify the existing agreement, confirm that 5 months remain available under the existing authorizations (with only 1 month having been used in early 2024), and to provide that the remaining 5 months will run from October 1, 2024, to February 28, 2025. This first amendment allowed the County Dredge Program to mobilize this month and commence work.

The second amendment is needed to increase the IGA's not-to-exceed amount due to the County's rates having increased since last year and because more material needs to be dredged than originally estimated. This second amendment also would allow extending the time of work, if needed, from February 28, 2025, to April 1, 2025. The original IGA authorization had a not-to-exceed amount of \$345,000. The present item would increase the amount of the IGA by \$427,100, resulting in an amended not-to-exceed amount of \$772,800.

**FINANCIAL IMPACT:** The cost of the Barnstable County Dredge's service will not exceed \$772,800. The Town received a \$375,000 Massachusetts Dredging Grant for this project. The remainder will be funded by existing capital appropriations (2021-102 and 2024-120).

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this Order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works

**A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-043**  
**INTRO: 10/24/2024, 11/07/2024**

**2025-043 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$25,000 FOR THE PURPOSE OF PAYING OUTSIDE COUNSEL EXPENSES OF THE LEGAL DEPARTMENT**

**ORDERED:** That the amount of **\$25,000** 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 the lawsuit filed against the Town in July 2024 by the Conservation Law Foundation; and to meet such appropriation, that **\$25,000** be provided from the General Fund Reserves.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/24/2024</u>	<u>Referred to Public Hearing 11/07/2024</u>

- \_\_\_\_ Read Item
- \_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_ Rationale
- \_\_\_\_ Public Hearing
- \_\_\_\_ Close Public Hearing
- \_\_\_\_ Council Discussion
- \_\_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2025-043

INTRO: 10/24/2024, 11/07/2024

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Karen L. Nober, Town Attorney  
**DATE:** October 24, 2024  
**SUBJECT:** Supplemental Appropriation Order in the amount of **\$25,000** for the purpose of paying outside counsel expenses of the Legal Department.

**BACKGROUND:** In February 2021, the Conservation Law Foundation (“CLF”) filed a lawsuit against the Town of Barnstable alleging violation of the federal Clean Water Act for operating the Town’s wastewater treatment facility without obtaining a National Pollutant Discharge Elimination System permit for discharges from the facility to groundwater. The law firm of Anderson & Kreiger represented the Town in this matter.

In October 2021, the Town filed a motion to dismiss the Clean Water Act lawsuit, and in July 2022, U.S. District Court Judge Burroughs granted the Town’s motion and issued an Order of Dismissal. CLF then filed a motion for reconsideration, which Judge Burroughs denied in January 2023. However, she amended her Order of Dismissal to be a dismissal without prejudice, meaning that CLF could file a new lawsuit against the Town.

On February 16, 2023, CLF sent the Town a new Notice of Intent (NOI) to file suit against the Town for alleged violations of the Clean Water Act, and in April 2023, the Town Council approved a supplemental appropriation in the amount of \$35,000 to pay for outside counsel services for this anticipated lawsuit. A year and a half after sending its NOI, CLF filed a new lawsuit in July 2024 against the Town in federal court. On September 23, 2024, the Town filed a motion to dismiss the lawsuit. This requested supplemental appropriation would be used to pay the anticipated legal costs to complete the additional work needed for the initial phase of legal work associated with responding to this lawsuit. If any claims survive the motion to dismiss and we need to litigate, substantial additional funds will be needed.

**FISCAL IMPACT:** The relief and penalties sought by CLF under the Clean Water Act would have a potentially substantial financial impact on the Town, and it is therefore critically important that the Town continue to have the benefit of representation by counsel with significant experience and expertise in these types of matters.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this Supplemental Appropriation Order.

**STAFF SUPPORT:** Karen Nober, Town Attorney

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-044**  
**INTRO: 10/24/2024, 11/07/2024**

**2025-044 APPROPRIATION ORDER IN THE AMOUNT OF \$2,600,000 FOR THE PURPOSE OF ACQUIRING REAL PROPERTY CONSISTING OF APPROXIMATELY 10.4± ACRES OF LAND IN COTUIT, AS SHOWN ON ASSESSORS' MAP 037 AS PARCEL 010, FOR GENERAL MUNICIPAL PURPOSES**

**ORDERED:** The Town Council hereby authorizes the Town Manager, on behalf of the Town, to purchase or take by eminent domain for general municipal purposes a parcel of land located at 304 Putnam Avenue, Barnstable (Cotuit), Massachusetts, as shown on Town of Barnstable Assessors Map 037, Parcel 010, and as more particularly described in a deed recorded with the Barnstable County Registry of Deeds in Book 533, Page 426; and further authorizes that the amount of **\$2,600,000** be appropriated from the General Fund reserves for the purpose of funding this acquisition, 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, is authorized to accept any grants or gifts in relation thereto, and is authorized to negotiate, accept, sign, deliver any documents or agreements, including an escrow agreement, and record any instruments necessary to effectuate this Order and complete this transaction.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/24/2024</u>	<u>Referred to Public Hearing 11/07/2024</u>

\_\_\_\_\_

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Vote



# BARNSTABLE TOWN COUNCIL

ITEM# 2025-044  
INTRO: 10/24/2024, 11/07/2024

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas J. LaRosa, First Assistant Town Attorney; David Anthony, Director of Asset Management  
**THROUGH:** Mark S. Ells, Town Manager  
**DATE:** October 24, 2024  
**SUBJECT:** Appropriation Order in the amount of **\$2,600,000** for the purpose of acquiring real property consisting of approximately 10.4± acres of land in Cotuit, as shown on Assessors Map 037, Parcel 010, for general municipal purposes

**BACKGROUND:** The Barnstable Land Trust, Inc. (BLT) identified the availability of this 10.4± acre property located at 304 Putnam Avenue in Cotuit, and the Town and BLT are working together on a land protection project. The eventual goal of this land protection project is for the Town to own all 10.4± acres, with approximately half dedicated to cemetery or other municipal purposes and the other half dedicated to open space purposes, subject to a conservation restriction (CR) to be sold later by the Town to BLT. The present item before the Council seeks to implement the first portion of the project, which is the acquisition of the property by the Town for general municipal purposes. The sale of a CR to BLT will be submitted to the Council at a later date for authorization.

The property was owned by John B. Monteiro, who died in 1981, and Mary (Rogers) Monteiro, who died in 1980. The property is the subject of a Petition to Partition and Sell filed at the Barnstable County Probate Court. The Probate Court filings indicate that 31 individuals have an interest in the property. Presumably because these 31 individuals could not agree on what to do with the property, the Probate Court appointed a commissioner and ordered the Commissioner to sell the property by January 31, 2025, at public auction or private sale for no less than \$2,600,000. The Probate Court established this amount as the fair market value based on the highest and best use of the property. BLT has commissioned its own appraisal, which we anticipate will confirm this amount and also establish the value of the CR at the planned \$1.3 million purchase price.

Section 14 of Chapter 40 of the Massachusetts General Laws establishes the Town's ability, with the Council's approval, to acquire property either through a purchase by deed or a taking by eminent domain. However, the statute provides that "no lot of land shall be purchased for any municipal purpose by any city subject to this section for a price more than twenty-five per cent in excess of its average assessed valuation during the previous three years." The property's averaged assessed valuation over the preceding 3 years is on the low end of \$702,433, and 25% over this amount equals \$878,041. Because the Court-ordered sale amount of \$2,600,000 exceeds the \$878,041 limit under section 14, the Town cannot acquire the property through a purchase by deed from the Commissioner. However, the statute permits the Town to take the property by eminent domain.

Taking the property by eminent domain is not a feasible option in these circumstances, because 31 individuals have an interest in the property. It is highly unlikely that each of the 31 individuals will be willing to provide a release to the Town if the Town took the property by eminent domain. Further, even if these individuals were willing to grant releases, they are scattered across the country, and we doubt releases could be secured by the Court's upcoming deadline in January 2025. Due to these challenges

and to avoid potential eminent domain litigation, we believe it makes sense to avoid a taking involving 31 individuals.

Instead, BLT and the Town would structure the transaction as follows: (1) BLT would acquire the property by deed from the Commissioner for \$2.6 million, and (2) then the Town would immediately take the property by eminent domain for general municipal purposes from BLT for \$2,600,000, with BLT providing a release to the Town. To achieve this outcome, the Town, BLT and BLT's attorney (as escrow agent) would enter into an escrow agreement under which the Town would deliver into escrow \$2,600,000 and the Order of Taking, and BLT would deliver into escrow its release on account of the taking. At the closing, the escrow agent would confirm the title, record the deed from the Commissioner to BLT and, in accordance with the escrow agreement, immediately record the order of taking and release, with the Commissioner receiving the full purchase price. This approach would meet the requirements of G.L. c. 40, sec. 14, since the Town would be taking the property and not purchasing it by deed, and it would also simplify the transaction and avoid potential eminent domain litigation.

After this initial transaction closes, BLT will seek sources of funding to support BLT's acquisition from the Town of a CR upon roughly half of the east side of the property. BLT plans to apply for a grant from the Executive Office of Energy and Environmental Affairs for the acquisition of the CR. If BLT is not able to secure the EEA grant, BLT has proposed to fundraise to secure the necessary funding. When BLT has secured the necessary funding for the CR, we anticipate returning to the Council for a further authorization.

**FINANCIAL IMPACT:** This appropriation will be funded from General Fund reserves. If, at a later date, the Council authorizes the sale of a CR to BLT for \$1.3 million, the \$1.3 million would be applied to replenish the General Fund Reserves. Likewise, if the remaining portion of the property is dedicated to cemetery purposes, then up to \$1.3 million would be transferred from the Kirkman Fund to replenish the General Fund reserves. The Town Manager is the Trustee of the Kirkman Fund, and the Fund's limited purposes allow for expenditures for the "enlargement of the Cotuit cemetery."

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this Order.

**STAFF ASSISTANCE:** Thomas J. LaRosa, First Assistant Town Attorney; Mark Milne, Director of Finance; David Anthony, Director of Asset Management

**B. NEW BUSINESS (Refer to Public Hearing 11/21/2024)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-038  
INTRO: 11/07/2024**

**2025-038 APPROPRIATION ORDER IN THE AMOUNT OF \$65,381 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2025 OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH THE HIRING OF 5 PATROL OFFICERS**

**ORDERED:** That the amount of **\$65,381** be appropriated and added to the Fiscal Year 2025 Police Department Operating Expense Budget for the purpose of funding the initial expenses related to hiring five new police officers including training, uniforms, assessments, ammunition and equipment purchases, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2025-038**  
**INTRO: 11/07/2024**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** November 07, 2024  
**SUBJECT:** Appropriation Order in the amount of **\$65,381** for the Barnstable Police Department Fiscal Year 2025 Operating Expense Budget for the purpose of funding the costs associated with the hiring of 5 patrol officers

**BACKGROUND:** The Police Department has 4 patrol officer recruits who will be starting at the East Falmouth Police Academy on December 9, 2024, and we also have one recruit in the current Plymouth Academy. At the time of the preparation and finalization of the Fiscal Year 2025 Budget, the Police Department did not have confirmation on the number of vacancies that could be filled nor knowledge of the availability of police academy seats. The costs associated with the hiring of 5 police officers to fill current vacancies, including the costs to complete the hiring process (medical & psychological) for 4 of the recruits and to outfit the 5<sup>th</sup> recruit currently in the academy, requires a supplemental appropriation to the Police Department's Fiscal Year 2025 budget as follows:

### Academy Bound New Hires

Training (5)	\$ 16,000
Uniform (5)	\$ 21,508
Equipment (5)	\$ 8,905
Ammunition (5)	\$ 9,552
Firearm (5)	\$ 3,000

### Medical & Psychological Assessments

Medical for Recruits (4)	\$ 4,616
Psych Assessments (4)	<u>\$ 1,800</u>

TOTAL Fiscal Year 2025 Supplemental Budget Request – New Hires \$65,381

**ANALYSIS:** This appropriation request totals \$65,381 and is comprised of several parts: 1) pre-employment requirements including medical exams and psychological assessments; 2) academy tuition; 3) ammunition 4) equipment; and 5) uniform. The items listed above will need to be funded in Fiscal Year 2025 in order to complete the hiring components required by the East Falmouth Police Academy and enough ordering time for the remaining equipment and uniforms.

**FISCAL IMPACT:** The appropriation will be provided from the General Fund reserves which were recently certified by the State Department of Revenue at \$30,900,988.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this supplemental appropriation request.

**STAFF ASSISTANCE:** Jean B. Challies, Chief of Police; Anne Spillane, Finance and Support Services Director

**B. NEW BUSINESS (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-045  
INTRO: 11/07/2024**

**2025-045 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 HOUSING CHOICE GRANT IN THE AMOUNT OF \$255,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF HOUSING & LIVEABLE COMMUNITIES FOR WATER LINE IMPROVEMENTS ON CROCKER STREET IN HYANNIS**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2025 Housing Choice Grant in the amount of **\$255,000** from the Commonwealth of Massachusetts, Executive Office of Housing & Livable Communities for the purpose of funding water line improvements on Crocker Street in Hyannis.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_\_ Read Item
- \_\_\_\_ Rationale
- \_\_\_\_ Council Discussion
- \_\_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2025-045**  
**INTRO: 11/07/2024**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** James Kupfer, Director, Planning & Development Department  
**DATE:** November 07, 2024  
**SUBJECT:** Authorization to contract for and expend a Fiscal Year 2025 Housing Choice Grant in the amount of **\$255,000** from the Commonwealth of Massachusetts, Executive Office of Housing & Livable Communities for water line improvements on Crocker Street in Hyannis

**BACKGROUND:** The Town of Barnstable was awarded a grant in the amount of \$255,000 to support improvements to the water infrastructure on Crocker Street, Hyannis that will support existing and proposed residential development in the area. The grant comes from the Commonwealth of Massachusetts Executive Office of Housing & Livable Communities, Housing Choice Grant Program which assists municipalities in addressing certain barriers to expanding housing through grants for public infrastructure projects.

**ANALYSIS:** This project will fund water infrastructure upgrades on Crocker Street in Hyannis. By providing a new water line on a street that currently has insufficient water service, the Town is ensuring that there is adequate infrastructure in an area targeted for new investment. The Town of Barnstable was awarded a \$255,000 Housing Choice Grant from the Commonwealth of Massachusetts Executive Office of Housing & Livable Communities. This grant requires the Town to commit to implementing the proposed project. The Housing Choice grant funds must be spent prior to the completion of Fiscal Year 2026. In order to meet this schedule, the project schedule anticipates bidding the project in the Spring of 2025 and commencing construction in the early Fall of 2025 with completion in June 2026.

**FINANCIAL IMPACT:** The grant is 100% reimbursable grant whereby the Town must expend the funds upfront and submit for reimbursement. There is no matching requirement.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, supports this item.

**STAFF SUPPORT:** James Kupfer, Director, Planning & Development Department; Daniel W. Santos, P.E., Director of Public Works

**B. NEW BUSINESS (First Reading) (Refer to Second Reading 11/21/2024)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-046  
INTRO: 11/07/2024**

**2025-046 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: Appointments to a Board/Committee/Commission: **Comprehensive Financial Advisory Committee:** Chris King, as a regular member to a term expiring 06/30/2026; **Housing Committee:** Chris Beach, as a regular member to a term expiring 06/30/2025; **Mid Cape Cultural Council:** Rachel Jones, as a regular member to a term expiring 12/31/2026; **Shellfish Committee:** Timothy Hamel, as a commercial permitted member to a term expiring 06/30/2026; **Zoning Board of Appeals:** Natalie Pittinger, as an associate member to a term expiring 06/30/2026

**SPONSORS:** Appointments Committee Members: Councilor Jeffrey Mendes, Chair; Councilor Kris Clark, Vice Chair; Councilor Kristin Terkelsen; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Vote

**B. NEW BUSINESS (Refer to Public Hearing 11/21/2024)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-047  
INTRO: 11/07/2024**

**2025-047 VOTE ON THE MERITS OF A CITIZENS’ PETITION REQUESTING THAT THE TOWN COUNCIL VOTE TO REVOKE AND RESCIND THE ACTION TAKEN IN EXECUTIVE SESSION ON JUNE 13, 2024, APPROVING THE TERMS AND EXECUTION OF A CERTAIN “SIDE AGREEMENT”**

**RESOLVED:** That the Town Council does hereby vote to find that the citizens’ petition submitted to it on August 22, 2024, requesting that the Town Council vote to “revoke and rescind the action taken in Executive Session on June 13, 2024 wherein the council, by a vote of 7-5, approved the terms and execution of a certain “Side Agreement”, and to place that proposal on the council’s agenda for consideration in open, public meetings of the Town Council”, has merit.

**SPONSOR:** Felicia Penn, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Vote



# BARNSTABLE TOWN COUNCIL

**ITEM# 2025-047**  
**INTRO: 11/07/2024**

## SUMMARY

**TO:** Town Council  
**FROM:** Karen Nober, Town Attorney  
**DATE:** November 07, 2024  
**SUBJECT:** Citizens' Petition requesting that the Town Council vote to revoke and rescind the action taken in Executive Session on June 13, 2024, approving the terms and execution of a 'side agreement' and to place that proposal on the Council's agenda for consideration in open, public meeting of the Town Council.

**BACKGROUND:** On August 22, 2024, Cliff Carroll and Attorney Ed Kirk submitted to the Town Council a Group Petition pursuant to Section 8-7(b) of the Town Charter, requesting that the Council "vote to revoke and rescind the action taken in Executive Session on June 13, 2024 wherein the council, by a vote of 7-5, approved the terms and execution of a certain 'Side Agreement', and to place that proposal on the council's agenda for consideration in open, public meetings of the Town Council." A copy of that petition is attached.

The Town Clerk has certified that the petition contains the signatures of at least 150 registered voters of the Town, as required by the Charter.

As set forth in the Charter, the action to be taken by the Council is simply a vote on whether the request has merit. It is not a vote to approve the request as written. If the Council concludes that the request has merit, then it will be up to Council leadership and the full Council to consider what, if any, actions it may wish to take. To ensure compliance with the Open Meeting Law, any action by the Council, other than the vote on the merits, should take place at a future Town Council meeting so that it may be properly noticed on that meeting's agenda.

**STAFF SUPPORT:** Karen Nober, Town Attorney

**TOWN OF BARNSTABLE  
NOMINATION/PETITION PAPERS**  
CONTACT PHONE # (508) 862 - 4044

**DROP-OFF INFORMATION**

CANDIDATE NAME/PETITION #:

Town Charter

# OF PAGES REC'D: 9

RECEIVED FROM:

NAME: Cliff Carroll

ADDRESS/EMAIL/PHONE#: 508-685-4567

TIME STAMP:

22 AUG '24 AM 10:50  
BARNSTABLE TOWN CLERK

**PICK-UP INFORMATION**

CANDIDATE NAME/PETITION #:

Town Charter

# OF CERTIFIED SIGNATURES: 210 Good Synetras

NAME OF PARTY PICKING UP:

ADDRESS/EMAIL/PHONE#:

TIME STAMP:

NOTES:

Q:\ELECTIONS\Nomination Papers\NOMINATION PAPERS RECEIPT SHEET b.doc

EDWARD W. KIRK

ATTORNEY AT LAW

WIANNO PLACE

901 MAIN STREET

OSTERVILLE, MASSACHUSETTS 02655-0393

P. O. BOX 393  
(508) 428-4600

FACSIMILE  
(508) 428-4111

Barnstable Town Council  
Barnstable Town Hall  
Hyannis, Mass. 02601

August 22, 2024

Attn: Town Clerk - Ann Quirk

Re: Town Charter Petition  
Pursuant to Section 8-7 (b)

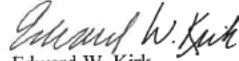
Dear Madam Clerk

Enclosed you will please find PETITION submitted to the Barnstable Town Council pursuant to the provisions of Section 8-7 (b) the Charter of the Town of Barnstable. This petition is submitted on behalf of the individuals whose signatures are set forth on the nine (9) signature sheets submitted herewith.

In addition to the notice and publication process set forth in Section 8 -7 (b) of the Charter, would you or the council please be so kind as to also provide such notice to me at the address listed above, and also at the email address listed below.

If you have any questions relating to this petition, please feel free to contact me.

Very truly yours,



Edward W. Kirk  
ed.kirk@verizon.net

ewk/se  
w/encl ( )

