



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail : council@barnstable.gov

TOWN COUNCIL MEETING
September 17, 2026
6:00pm

Councilors:

Craig Tamash
President
Precinct 4

Kris Clark
Vice President
Precinct 11

VACANT
Precinct 1

Thomas Keane
Precinct 2

Betty Ludtke
Precinct 3

VACANT
Precinct 5

William Crocker
Precinct 6

Seth Burdick
Precinct 7

Lisa DaLuz
Precinct 8

Charles Bloom
Precinct 9

Matthew P. Levesque
Precinct 10

Barry Sheingold
Precinct 12

VACANT
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.lovell@barnstable.gov

The September 17, 2026 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2nd 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. **If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the American with Disabilities Act or state law, please contact Tammy Cunningham, Deputy Director of Human Resources, at (508) 862-4692, or at Tammy.Cunningham@barnstable.gov**

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: <https://barnstable.cablecast.tv/internetchannel/watch-now>

2.Written Comments that will be distributed to the entire Town Council may be submitted to: council@barnstable.gov

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/89589432481> Meeting ID: 895 8943 2481
US Toll-free 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)

7. MINUTES

- **ACT ON PUBLIC SESSION MINUTES: September 03, 2026**

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

- **Doing Business in Barnstable: Kyle Pedicini, Assistant Director, Planning and Development**
- **Update from Christine Beer, Chair, Council on Aging**

9. ORDERS OF THE DAY

- A. Old Business**
- B. New Business**

10. ADJOURNMENT

NEXT REGULAR MEETING: October 1, 2026

CANCELLED

ITEM NO.	INDEX TITLE	PAGE
A.	OLD BUSINESS	
2027-026	Appointments to a Board/Committee/Commission: Licensing Authority: John Murphy from an associate position to a full member position to a term expiring 06/30/2029; Hyannis Main Street Waterfront Historic District Commission: Conrad Watson from an alternate member to a full member position, to a term expiring 06/30/2028 (May be acted upon) (Majority Vote)	4
2027-027	Appropriation Order in the amount of \$90,000 from the Capital Trust Fund and authorization to contract for and expend a grant in the amount of \$317,500 from the United States Department of Agriculture, Natural Resources Conservation Service for the design and construction of the Rosa Lane Fish Passage Improvements Project (Public Hearing) (Roll Call Majority Full Council or 2/3, whichever is greater)	5-6
B.	NEW BUSINESS	
2027-034	Appropriation Order in the amount of \$25,000 and authorization to contract for and expend a Fiscal Year 2027-2028 Grant from the Commonwealth of Massachusetts Division of Marine Fisheries in the amount of \$25,000 (Refer to Public Hearing 10/01/2026)	7-8
2027-035	Amending the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, to dissolve and remove certain committees (First Reading) (Refer to Second Reading 10/01/2026)	9-10
2027-036	Authorizing and directing the Town Manager to submit a waiver request to the Massachusetts Cannabis Control Commission to prohibit the delivery of Marijuana or Marijuana products within the Town of Barnstable for a period not to exceed two years (First Reading) (Refer to Second Reading 10/01/2026)	11-12
2027-037	Resolve to schedule a Special Election to be held on December 29, 2026 to fill a vacancy on the Town Council (May be acted upon) (Majority Vote)	13-14

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# 2027-026

INTRO: 09/03/2026, 09/17/2026

2027-026 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Licensing Authority:** John Murphy from an associate position to a full member position to a term expiring 06/30/2029; **Hyannis Main Street Waterfront Historic District Commission:** Conrad Watson from an alternate member to a full member position, to a term expiring 06/30/2028

SPONSOR: Appointments Committee Members: Councilor Seth Burdick, (Chair); Councilor Thomas Keane; Councilor Charles Bloom

DATE	ACTION TAKEN
<u>09/03/2026</u>	<u>Refer to Second Reading 09/17/2026</u>
_____	_____

_____	Read Item
_____	Rationale
_____	Council Discussion
_____	Vote

B.

BARNSTABLE TOWN COUNCIL

ITEM# 2027-027

INTRO: 09/03/2026, 09/17/2026

2027-027 APPROPRIATION ORDER IN THE AMOUNT OF \$90,000 FROM THE CAPITAL TRUST FUND AND AUTHORIZATION TO CONTRACT FOR AND EXPEND A GRANT IN THE AMOUNT OF \$317,500 FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE FOR THE DESIGN AND CONSTRUCTION OF THE ROSA LANE FISH PASSAGE IMPROVEMENTS PROJECT

ORDERED: That the amount of **\$90,000** be appropriated from the Capital Trust Fund for the purpose of funding the Rosa Lane Fish Passage Improvements Project, 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; and that the Town Manager is further authorized to contract for and expend a Fiscal Year 2027 United States Department of Agriculture, Natural Resources Conservation Service Grant in the amount of **\$317,500** for design and construction of the Rosa Lane Fish Passage Improvements Project.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>09/03/2026</u>	<u>Refer to Public Hearing 09/17/2026</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2027-027

INTRO: 09/03/2026, 09/17/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: September 03, 2026
SUBJECT: Appropriation Order in the amount of **\$90,000** from the Capital Trust Fund and authorization to contract for and expend a grant in the amount of **\$317,500** from the United States Department of Agriculture, Natural Resources Conservation Service for the design and construction of the Rosa Lane Fish Passage Improvements Project

BACKGROUND: This project will design, permit, and complete construction to replace an existing culvert on Rosa Lane with a larger culvert for the purpose of improving passage for river herring along the Marstons Mills River on their way to spawn in Middle Pond and Mystic Lake.

The Town Council previously appropriated \$225,000 (Order 2023-078) for the purpose of design and permitting for the Rosa Lane Fish Passage Improvement Project. Additionally, the Town Council has previously authorized (2024-026) the acceptance of a \$400,000 grant from the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), for the design, construction administration, construction. During design development, it has become clear that supplemental funding is necessary to complete the project. As a result, NRCS has agreed to provide a supplemental grant in the amount of \$317,500 to cover increased design, construction, and construction administration costs for a total grant amount of \$717,500.

The Town must provide a 25% non-federal match to the NRCS grant. In addition, the Town is solely responsible for the costs of permitting and any additional costs necessary to complete the project. This order includes an appropriation of \$90,000 in supplemental funds to cover these additional costs.

ANALYSIS: This grant will enable completion of the design and construction of the Rosa Lane culvert replacement to improve fish passage in partnership with the NRCS and Cape Cod Conservation District under the Watershed Flood Prevention Operations (WFPO) Program's Cape Cod Water Resources Restoration Project.

FINANCIAL IMPACT: This is a reimbursement grant. The Town must expend the funds upfront and subsequently submit for reimbursement. The Town's matching funds for this project will be provided from the Capital Trust Fund which has an available balance of \$10,054,082.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this appropriation order and grant acceptance.

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

B. NEW BUSINESS (First Reading) (Refer to Public Hearing 10/01/2026)

BARNSTABLE TOWN COUNCIL

**ITEM# 2027-034
INTRO: 09/17/2026**

**2027-034 APPROPRIATION ORDER IN THE AMOUNT OF \$25,000 AND
AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR
2027-28 GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS,
DIVISION OF MARINE FISHERIES IN THE AMOUNT OF \$25,000 FOR THE
MILLWAY BOAT RAMP PARKING LOT RESURFACING PROJECT**

ORDERED: That the amount of **\$25,000** be appropriated from the Capital Trust Fund Reserves for the purpose of funding the Millway Boat Ramp Parking Lot Resurfacing Project, including the payment of costs incidental or related thereto; and that the Town Manager is hereby authorized to contract for and expend a Fiscal Year 2027-28 Grant from the Commonwealth of Massachusetts, Division of Marine Fisheries in the amount of **\$25,000**.

SPONSOR: Mark S. Ells, Town Manager

DATE

ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM# 2027-034
INTRO: 09/17/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, Director, Department of Public Works
DATE: September 17, 2026
SUBJECT: Appropriation in the amount of **\$25,000** and authorization to contract for and expend a Fiscal Year 2027-2028 Grant from the Commonwealth of Massachusetts Division of Marine Fisheries in the amount of **\$25,000**

BACKGROUND: The Commonwealth of Massachusetts Division of Marine Fisheries (DMF) administers a small grant program designed for the legally recognized entities to provide funding towards projects that will create, revitalize, or enhance recreational fin-fishing opportunities in marine waters within Massachusetts. The Town of Barnstable applied for and was awarded \$25,000 for the Millway Boat Ramp Parking Lot Resurfacing Project to resurface the failing driveway and parking lot approaching the Millway Boat Ramp. While a match is not required, the grant will not cover the full expense of the project, which is estimated at \$50,000.

ANALYSIS: Acceptance of this grant and authorization of the appropriation request will fund costs associated with resurfacing the failing driveway and parking lot approaching the Millway Boat Ramp. This is a reimbursement grant. The Town is required to submit records of all activities associated with the project, copies of all invoices, and a certificate of project completion.

FISCAL IMPACT: To fully fund this project, \$25,000 of appropriated funds are being requested from the Capital Trust Fund which has an available balance of \$9,964,082. This grant is a reimbursement grant in the amount of \$25,000. The Town must expend and request reimbursement of the costs. All costs associated with this grant must be expended prior to June 30, 2028.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this appropriation order and grant acceptance.

STAFF ASSISTANCE: Daniel W. Santos, Director, Department of Public Works

B. NEW BUSINESS (First Reading) (Refer to Second Reading 10/01/2026)

BARNSTABLE TOWN COUNCIL

**ITEM# 2027-035
INTRO: 09/17/2026**

2027-035 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, TO DISSOLVE AND REMOVE CERTAIN COMMITTEES

ORDERED: That the Town Council hereby amends the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, by deleting Sections 241-14, 241-24, 241-38, 241-40 and 241-45 in their entirety, thereby dissolving the following committees and removing them from the Administrative Code:

Cable Television Advisory Committee
Town Library Committee
Water Quality Committee
Road Committee
Jane Eshbaugh Community Service Award Committee

SPONSORS: Councilors Kris Clark, Seth Burdick and Betty Ludtke, as members of the Town Council Ad Hoc Committee to Review the Purpose, Composition, Functionality and Effectiveness of the Standing Committees of the Town

DATE

ACTION TAKEN

___ Read Item
___ Rational
___ Council Discussion
___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2027-035
INTRO: 09/17/2026

SUMMARY

TO: Town Council
FROM: Councilors Kris Clark, Seth Burdick and Betty Ludtke, as Members of the Town Council Ad Hoc Committee to Review the Purpose, Composition, Functionality and Effectiveness of the Standing Committees of the Town
SUBJECT: Amending the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, to dissolve and remove certain committees
DATE: September 17, 2026

RATIONALE: At its meetings of February 26, 2025, and March 12, 2025, the members of the Town Council Ad Hoc Committee to Review the Purpose, Composition, Functionality and Effectiveness of the Standing Committees of the Town voted to recommend to the Town Council that the following standing committees be dissolved and removed from the Town Code:

Cable Television Advisory Committee
Town Library Committee
Water Quality Committee
Road Committee
Jane Eshbaugh Community Service Award Committee

This item brings forward this recommendation of the ad hoc committee.

FISCAL IMPACT: N/A

STAFF SUPPORT: Karen L. Nober, Town Attorney; Allison Cogliano, Assistant Town Attorney

B. NEW BUSINESS (First Reading) (Refer to Second Reading 10/01/2026)

BARNSTABLE TOWN COUNCIL

**ITEM# 2027-036
INTRO: 09/17/2026**

2027-036 AUTHORIZING AND DIRECTING THE TOWN MANAGER TO SUBMIT A WAIVER REQUEST TO THE MASSACHUSETTS CANNABIS CONTROL COMMISSION TO PROHIBIT THE DELIVERY OF MARIJUANA OR MARIJUANA PRODUCTS WITHIN THE TOWN OF BARNSTABLE FOR A PERIOD NOT TO EXCEED TWO YEARS

RESOLVED: That, in accordance with Section 4(b) of Chapter 94G of the General Laws, as amended by Section 25 of Chapter 65 of the Acts of 2026, the Town Council does hereby authorize and direct the Town Manager to submit on behalf of the Town of Barnstable a waiver request to the Massachusetts Cannabis Control Commission (the “Commission”) to prohibit the delivery of adult-use marijuana or marijuana products within the Town of Barnstable for a period not to exceed two years; provided that such waiver may be renewed in two-year increments at the request of the Town at the discretion of the Commission.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ____ Read Item
- ____ Rationale
- ____ Council Discussion
- ____ Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2027-036
INTRO: 09/17/2026

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: September 17, 2026
SUBJECT: Authorizing and directing the Town Manager to submit a waiver request to the Massachusetts Cannabis Control Commission to prohibit the delivery of Marijuana or Marijuana products within the Town of Barnstable for a period not to exceed two years

BACKGROUND: Under M.G.L. c. 94G, Section 4(b), as amended by Section 25 of Chapter 65 of the Acts of 2026, delivery of marijuana or marijuana products is authorized statewide, including in municipalities that do not otherwise allow retail marijuana establishments. However, a municipality that does not authorize retail marijuana establishment licenses within its boundaries may request a waiver from the Massachusetts Cannabis Control Commission (Commission) to prohibit such delivery activity within the municipality, and such waiver request shall be granted by the Commission for a period not to exceed two years.

This waiver would allow the prohibition of delivery of adult-use marijuana or marijuana products to residents 21 years of age or older within the Town of Barnstable for a period not to exceed two (2) years. Waivers may be renewed in two (2) year increments upon request of the Town, at the discretion of the Commission. If the waiver expires and is not renewed, delivery of adult-use marijuana or marijuana products shall be permitted within the Town in accordance with applicable law. Delivery of medical marijuana and medical marijuana products to registered patients may not be prohibited.

To provide more process and notice to the residents, this item will be given two reads even though it is not a “measure”, as defined by the Town Charter, which would require two reads.

FINANCIAL IMPACT: Marijuana delivery operators remit sales tax to the municipality in which they have a host community agreement. As there are no retail recreational marijuana stores with host community agreements with the Town of Barnstable, prohibiting marijuana delivery would have no impact on Barnstable’s municipal finances.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends Town Council consideration of this item.

STAFF SUPPORT: Planning & Development Department

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

BARNSTABLE TOWN COUNCIL

ITEM# 2027-037
INTRO: 09/17/2026

**2027-037 RESOLVE TO SCHEDULE A SPECIAL ELECTION TO BE HELD ON
DECEMBER 29, 2026 TO FILL A VACANCY ON THE TOWN COUNCIL**

RESOLVED: That the Town Council hereby declares that a vacancy currently exists in the office of Town Councilor, Precinct 5; and further, the Town Council requests that the Town Clerk begin planning a special election to be held on December 29, 2026, to fill said seat for the balance of the unexpired term.

SPONSOR: Craig A. Tamash, Town Council President

DATE	ACTION TAKEN
_____	_____

_____	_____
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- ____ Read Item
- ____ Rationale
- ____ Council Discussion
- ____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2027-037
INTRO: 09/17/2026

SUMMARY

TO: Town Council
FROM: Ann Quirk, Town Clerk
DATE: September 17, 2026
SUBJECT: Resolve to schedule a Special Election to be held on December 29, 2026 to fill a vacancy on the Town Council

BACKGROUND: Due to the passing of Councilor John Crow (Precinct 5) on September 9, 2026, a vacancy exists on the Town Council.

Section 2-5 of the Town Charter provides that if a vacancy occurs in the office of councilor “during the first forty-four months of a term, it shall be filled by a special election. If a regular Town election is scheduled to be held within 120 days, but more than fifty days, after the date vacancy occurs, it shall be filled by a special election within that regular election; otherwise, the council shall schedule a special election to be held as soon as is practical to fill the vacancy for the balance of the unexpired terms.”

There is no upcoming regular Town election within this timeframe, so a special election needs to be scheduled. The Town Clerk recommends that the special election be held on December 29, 2026.

FISCAL IMPACT: Costs to the Town are anticipated to be approximately \$6,000.

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

STAFF ASSISTANCE: Karen L. Nober, Town Attorney