



Town Council Meeting
October 3, 2019



A quorum being duly present, President James Crocker, Jr. called the October 3, 2019, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Crocker 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.

Bo Chu is recording this meeting

PRESENT: Britt Beedenbender, James Crocker, Jr., Jennifer Cullum, Debra Dagwan (7:12 PM), John Flores, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary (7:05 PM), Paula Schnepp, Eric Steinhilber, James Tinsley, Jr., Philip Wallace

Andy Clyburn, Assistant Town Manager introduced some representatives from the mall and the new Target store. Property management business partner, Sarah Tinsley and Cape Cod Mall Target Store director, Darren Holloway are very happy to be here, gave the date of the Grand Opening and discussed Target's mission statement "to help all families discover the joy of everyday life." On October 20th the Target doors will be open for business providing 200 job opportunities. Target is focused on the community.

PUBLIC COMMENT:

Tina Carey brought more signatures to ban food trucks and beer from the Village Green in Hyannis. The Town does not allow food trucks on Kalmus Beach, or Veteran's Beach to protect the food shacks. (Exhibit A)

Bo Chu sang a few songs to the Town Council.

Cheryl Osimo, Executive Director of the Massachusetts Breast Cancer Coalition and Cape Cod Coordinator for Silent Springs spoke about STEEP. STEEP is a partnership of the University of Rhode Island, Harvard T.H. Chan School of Public Health, Department of Environmental Health, and Silent Spring Institute and is funded under a grant of the National Institute of Environmental Health Sciences. Currently, STEEP is focused on two study sites, one on Cape Cod and the other in the Faroe Islands.

Close public comment

TOWN MANAGER COMMUNICATIONS: (Exhibit B)

Proceeding with the tasks of the updated budget action calendar for the period of September 20th to October 3rd

Department of Public Works has provided the Town Council with the draft Comprehensive

Wastewater Management Plan (CWMP)
Cape Cod & Islands Water Protection Fund Board Meeting
During National Employ Older Workers Week recognizing three local employers;
STEEP (Sources, Transport, Exposures & Effects of PFAS) science Day meetings hosted
by Barnstable Town Hall
Big Fix Event for 2019

Councilor questions and comments:

On the Big Fix, 16 lucky homeowners are going to be helped, are there more? [Yes, but this was the number we could help in one day] Who collected the information [HAC] What is the schedule for this draft of Comprehensive Wastewater Management Plan (CWMP) to become finalized [target date is by the end of this calendar year] We have worked in committee to help develop the program, this is the intentional step one. The 2.9 million that is in the fund, is any of that necessarily from our town [Yes, the DOR have not yet posted the numbers town by town] When Dan Santos does the public information sessions will there be time for questions and answers [Yes] the STEEP meeting is that available on line [yes] Overflow project will be put together to do more work to improve properties; Open forum how are we sending that information out [any and all forms of notifying folks] how will the revenue funds be distributed from the fund [to be determined, upcoming discussions, we have some of the most active wastewater plans] Are these board meetings open to the public [yes] when all this began, Barnstable should get what we contributed, as should all towns, a lot of discussion going forward. I will take you up on the offer to have Dan come out to Cotuit.

Presentation by Mark A. Milne, CPA, Director of Finance, Financing the Comprehensive Wastewater Management Plan: (Exhibit C)

Program Cost Breakdown the largest Capital Project for Barnstable total 1.062 Billion dollars

Long term bonding over 30 years

Program Funding Sources:

- Cape and Islands Water Protection Fund
- Sewer Assessments
- Local Meals Taxes
- Local Rooms Tax on Short term rentals
- Sewer Utility Charges
- Investment Earnings
- Systems Development Charges
- General Fund Contribution

Councilor questions and comments:

Rooms and meals tax is contributing a large amount of this funding; what if the people failed to come to the Cape, what then happens to our bond rate, should we lock into more bonds while we have a good rate, what if? [It does give me sleepless nights, but we will have good and bad years over the 30 years of this project; these types of consumer taxes are much more volatile, we believe the assumptions we are using are solid] clarify, some of the assumptions, cost of the property owner as long as we put the pipes in the ground. Looking at the map, some will never be impacted; will that be a potential policy decision to make everyone pay [yes, it could be] making everyone pay towards this, definitely look at this per parcel; managing connections would the town have to pay prevailing wage? Are we too large to be eligible for USDA [Yes we are] Significant impact reducing from 60 to 30 years; a fifty year plan? [30 years for construction, with bonds up to 50 years] what are the

total number of parcels in the town [29,000; 25,000 are residential] on the wastewater protection fund did it include B&B's and short term rentals; [did not include short term rentals] when the project is complete, what does that mean [the line is in and they have the ability to hook-up] How much did Stewarts Creek pay [just under 7,500 dollars per unit] what if you just had to put in a new septic system, when did we require hook-up to sewer; [Ells, working on a separate document with Building, Board of Health, the DPW and Legal, what different ways can we approach this, that is another policy decision; where do we want that authority to fall] Are homeowners expected to fight their own case, or do we have someone to reach out to the resident, communication is key [Ells, absolutely, it is essential, we serve our public, we need that role, we will have laws that dictate, we need to be with our residents] Stewart's Creek project needed grinder pumps, have those been included [Milne it is part of the project] BOH has had its process diluted in the Stewart's Creek area, 71 people have not hooked up in that area; we will have to have a solid plan that everyone has to hook-up. We have to have a way to account for it; we will have to work hard to get to the bottom of what is fair and equitable. Hotel/motel taxes only one third go into the sewer; we have to look at all our options and programs. Of the 71 people that are not hooked up in Stewart's Creek, how did that happen [Ells, they went to Board of Health, asked for amnesty and were granted, until the property sells] Really have to look at how far we have gone with our comprehensive plan, we know, the financing part is an area that may have to change over the course of the years, we have to do this for the environment; who will be doing the construction [Ells, subject to procurement law, will be bid] policy is one aspect, there is still a lot of work to do, we have to be bold; pumping and proper notice, by understanding we can help the residents; how many parcels will be helped by Vineyard Wind [Milne 1,640 parcels that could be served, majority have houses] my house value will go up when we have town sewer; will that raise property taxes, [Milne, no that is not considered new growth, only if they expanded the house, such as a second floor] we have a solid team from the DPW working on this project; it is very impressive; applaud you all; suggesting, some element of the financial plan be included with these meetings [Ells, policy support from our council is critical] maybe just a pie chart, to help the homeowner see what is possible. The finances at the very least it would be good to show the cost of hook-up versus replacing a septic system; [Ells, lots of variables in that, maybe we should ask what the costs are for each customer; it does vary depending if you are on sand low lying versus higher areas away from the water; we have everybody in Barnstable uses our water pollution control facility] permitting has become very difficult now for septic permits; develop a longer term hand out; Can you wrap this up in about 5 weeks.

Discussion regarding the Town of Barnstable's proposal submitted to Joint Base Cape Cod: Mark Ells, Town Manager and Andy Clyburn Assistant Town Manager, regional wastewater treatment and disposal facilities at Joint Base Cape Cod (JBCC). We began discussions to acquire land rights on JBCC. We wanted to acquire the current treatment plant owned by the Air National Guard, engaged other communities Bourne, Mashpee, Falmouth and Sandwich. Letter of interest was submitted by the town of Barnstable; the response from Air National Guard stated they had received many proposals. We have had conversations with the Upper Cape Cod Regional Cooperative to protect water supply and the habitat on the base. Converge was looking at managing the base and the sheriff's department on a short term basis, increasing customer rates to provide the service. Our interests are long term interested in the land for the effluent discharge. We had no conflict with Converge, as they had no interest in the land. Proposed agreement for options that we are interested in the ownership or long term lease of land; holding the permit would be very valuable. We can walk away if we do not like the

agreement; we approached this as a regional facility by partnering with Mashpee, Falmouth, Bourne and Sandwich. Converge is proposing to put through a 250 million dollar facility. We just cannot run a facility outside of the Town of Barnstable without pursuing legislation. Right now the long term goal is to put a wastewater treatment plant out at the JBCC. Right now we do not know how the Air National Guard is going to go forward. Also, we want to speak with the Town of Yarmouth about taking wastewater.

Councilor questions and comments:

If we get involved with JBCC, is that included in the money we are looking at now [there is money carried for the conveyance cost, but facilities would be additional money; we went to Mashpee and Sandwich to run pipes with them to convey our wastewater from here to there; this beyond the scope of what we are contemplating over the 30 year plan] we are going to have to increase our treatment plant [we are still in the process of determining for the total project] We have money allocated for our treatment plant, if we are successful at having Yarmouth take our sludge [If it makes more sense to take our effluent to another property, then we will look at that carefully, every option has to remain open, that is financially achievable] This is a conversation for next week, but does the CWMP have to include an adaptive management plan, are the alternatives going to be included [Santos, does not have to be part of an adaptive plan, we will keep revisiting, to become more cost effective] will JBCC become more financially beneficial [Santos, we don't really know yet, we have to have these options, until we know more as we get more information] Does the JBCC fall within the 30 year period [Santos, yes] Would we achieve legislation through home rule petition, is it possible to get that started sooner [Ells my intent as soon as I know what JBCC is going to do, that we should move forward with legislature, hopefully by first of the year] When we looked at JBCC, believe we had to identify the real estate that we needed to make this work. Rights, permits and real estate will help us go forward. We have a plant that we keep investing in and we need move property for providing for our children into the future.

ACT ON MINUTES:

Upon a motion duly made and seconded it was voted to approve the minutes of the September 19, 2019 as written.

VOTE: PASSES UNANIMOUS

COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements: Short Term Rental Regulations Survey; get as many people to answer this as possible, this will be available for about a month; will continue to update the Council each meeting. School Committee is going to vote to give up the Cotuit Elementary School; this is going to be an important issue going forward. Some School Committee members, are coming off this year, became partners with the town, everything they did was to make it better for the children

**2020-030 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$800,000
FOR THE ROUTE 28 EAST SEWER EXPANSION AND PUMP STATION INTRO:
09/19/2019, 10/03/19**

Open to public hearing

Dan Santo, Director of Public Works gave the rationale

Close public hearing

Councilor questions and comments:

Clarification, west of the yellow line you mean all three phases [definitely phase one] this is

not going to be the only one to service the west section [that will come in with the design, there will be dozens, the Marstons Mills School will become a pump station] When do you anticipate construction [probably two years from now] this is a collector for multiple pump stations [yes]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$800,000.00** be appropriated for the purpose of funding the Route 28 Sewer Expansion and pump station, roadway and utility work including the payment of costs incidental and related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$800,000.00**, under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes; and that the Town Manager may assess betterments in accordance with M.G.L. c. 80, or sewer assessments in accordance with M.G.L. c. 83, and that the interest rate applied to any such betterment or sewer assessment shall equal the rate the Town incurs on the funds borrowed to finance the project, and, further, that the Town Manager is authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2020-033 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

INTRO: 09/19/19, 10/03/19

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: **Golf Committee:** Ken Morey, 1111 Santuit-Newtown Road, Cotuit, MA as a regular member to a term expiring 06/30/22; **Sandy Neck Board:** Hank Farnham, 127 Coachman Lane, West Barnstable, MA as a regular member at large to a term expiring 06/30/21; **Youth Commission:** Lily Atwell, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/20; Nina Barrette, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/20; Brenden Dowling, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/20

VOTE: PASSES 13 YES

2020-034 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION: INTRO:
10/03/19

Suspend the rule to allow this to pass this evening, due to a time issue

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: Registrar of Voters: Diane Poyant, 56 West Hyannisport Circle, Hyannis as an appointed member to a term expiring 6/30/22

VOTE: PASSES 13 YES

**2019-035 ACCEPTANCE OF FISCAL YEAR 2020 LEGISLATIVE EARMARK
GRANT IN THE AMOUNT OF \$45,000 FROM THE MASSACHUSETTS DEPARTMENT
OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE PURPOSE OF FUNDING
HOMELESS OUTREACH SHELTERING SERVICES IN THE EVENT OF SEVERE COLD
TEMPERATURES INTRO: 10/03/19**

Upon a motion duly made and seconded it was to postpone until Nov. 7th.

RESOLVED: That the Barnstable Town Council does hereby accept a Fiscal Year 2020 Legislative Earmark Grant from the Massachusetts Department of Housing and Community Development of **\$45,000**, and that the Town Manager is authorized to contract for and expend the grant funds for the purpose stated herein

VOTE: POSTPONE TO NOV 7TH- UNANIMOUS

**2020-036 AMENDING THE TOWN COUNCIL RULE 8A ROLL CALL VOTE INTRO:
10/03/19**

Senior Attorney, Ruth Weil gave the rationale

Upon a motion duly made and seconded it was

ORDERED: That the Town Council does hereby amend Town Council Rule 8A by striking the first sentence in its entirety and by substituting in place the following sentence:

“All final votes of the Town Council on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the town clerk.”

So Rule 8A, as amended, shall read as follows:

“RULE 8A ROLL CALL

All final votes of the Town Council on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the town clerk. On other matters requiring a vote, a roll call may be requested by any councilor. The order of the roll call voting shall be alphabetical, and rotated after each vote.

Every councilor present when the question is put shall vote yes, no, abstention, or pass. If a councilor passes, his or her name will be called again at the end of the vote for his/her vote. Prior to the announcement of the roll call vote, any councilor may have his/her name called again to record himself/herself differently.”

VOTE: PASSES 13 YES

**2020-037 ORDER FOR THE ADOPTION OF A LITTER CONTROL POLICY,
ORDINANCE AND ENFORCEMENT INTRO: 10/03/19**

Upon a motion duly made and seconded it was

ORDERED that General Ordinances of the Code of the Town of Barnstable be amended as follows.

SECTION 1. The General Ordinances are hereby amended by adding the following to Chapter 147, Peace and Good Order

“ARTICLE V
Litter Control

§ 147-15. Purpose and intent.

The citizens of the Town of Barnstable desire a clean and healthy environment, free of debris, trash and refuse. The purpose and intent of this article is in the first instance to enhance public awareness and encourage the responsible handling and disposal of waste. Activities and programs such as pack-in, pack-out contribute to maintaining such a clean and healthy environment. Nevertheless, the citizens must impose the responsibility for proper waste disposal by this ordinance in instances where voluntary action is not taken.

§ 147-16. Littering prohibited.

No person shall throw, deposit, sweep or abandon upon any public way or any property owned by the Town or on property of another any litter. For purposes of this provision "litter" includes but is not limited to paper wrappers from sandwiches; paper, styrofoam, or plastic cups; plastic bags; paper bags; cup lids; cigarette butts; cigarette packs; gum packs; paper towels; tissues; fruit skins and containers; nips and all manner of other beverage containers, both alcoholic and non-alcoholic; human or domestic animal feces; or any other refuse which would be considered trash.

§ 147-17. Violations and penalties. Violation of this article is punishable by noncriminal disposition pursuant to the provision of MGL c. 40, §21D as provided in section 1-1 of Article I of Chapter 1 of the General Ordinances. The fines imposed for violation shall be as provided in section 1-3 of Article I of Chapter 1 of the General Ordinances.

§ 147-18. Enforcing officials. The Town of Barnstable officials with the discretion to enforce the provisions of this article as the designated appropriate enforcing persons are the officials named in subsections (1) and (4) through (8), inclusive of section 1-2(A) of Article I of Chapter 1 of the General Ordinances."

SECTION 2. The General Ordinances are hereby amended by adding to section 1-3 of Article I of Chapter 1 of the General Ordinances after "Ch. 147, Art. II Camping on public or private property \$100" the following: "Ch. 147, Art. V Litter control

First Offense \$100

Second Offense \$200

Third Offense \$300"

VOTE: TO A PUBLIC HEARING ON 11/7/19 UNANIMOUS

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 9:45 PM

Respectfully submitted,

Ann M. Quirk
Town Clerk/Town of Barnstable

NEXT MEETING: October 10, 2019

NEXT REGULAR MEETING: October 17, 2019

EXHIBITS:

- A. Petition
- B. Town Manager Update
- C, Financing Plan of CWMP