



Town Council Meeting
November 7, 2019



A quorum being duly present, Vice President John Flores called the November 7, 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 Vice President Flores 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: Britt Beedenbender, Jennifer Cullum, Debra Dagwan, John Flores, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Eric Steinhilber, James Tinsley, Jr., Philip Wallace

The Pledge of Allegiance was led by Vice President Flores followed by a moment of silence to honor the late Town Council President, James H. Crocker, Jr.

PUBLIC COMMENT:

Joe Butera told the Council they have a fiscal responsibility to the taxpayers of Barnstable; concerned with how narrow Sea Street is now that the roads have new curbs and sidewalks; people are getting flat tires from all the curbs; waste of money buying the building at 310 Main St. in Centerville.

Zenas Crocker congratulates this group for efforts for clean water for the town; thanked the councilors who are leaving for their service and time, and his late cousin, Jimmy. Gave a newsletter (Exhibit A) for the councilors; thank you for your service.

Elizabeth Wurfbain representing the businesses on Main Street, we thank all of you for time and your service, we will miss Jim Crocker, he was a man of the entire town.
Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT

Curbing has the effect of slowing down traffic, which is a big issue in this town; so the sidewalks are for the safety and health of the residents and visitors.

TOWN MANAGER COMMUNICATIONS: (Exhibit A)

Proceeding with the tasks in the updated budget action calendar

Proposed Fee Hearing scheduled for November 12th

Joint meeting workshop scheduled with the School Committee

Snow and Ice removal deficit spending authorized

The Department of Public Works is prepared to submit the Comprehensive Wastewater Management Plan (CWMP)

The Mass Department of Environmental Protection has scheduled five public hearings on the Draft 2030 Solid Waste Master Plan.

Presented the draft Comprehensive Wastewater Management Plan with the Town Administrator of Yarmouth

Met with the Secretary of the Executive Office of Administration and Finance

Thanked the Councilors that are leaving for their dedication to the Town of Barnstable and their support and commitment to the community and the staff.

Councilor questions and comments:

Could you summarize a couple of the goals of the DEP with regard to the solid waste [review committee to look at the issues, looking to reduce the waste stream; but what happens when the recycling market collapses; now that the recyclables are not being recycled, how do we make it adaptive] state regulates how any municipality manages their solid waste and requires certain things to be recycled [some are bans on certain products, if a facility exceeds the measures we can be penalized, the regulations are not adaptive to the changing market] After the last storm, why sometimes do they allow us to bring the debris to the transfer station, how is that determined? [We have to ask for a temporary permit, we are not permitted to take branches and stumps, we didn't get a lot of calls, we can ask for it] happy to see movement on the armory, what are the next steps [does not meet a lot of the codes, we need to make it a functioning facility, does not have functioning plumbing, looking for municipal use with arts and culture, we need an answer on the revenue stream first]

ACT ON MINUTES:

Upon a motion duly made and seconded it was voted to approve the minutes of the October 3, 2019 as written.

VOTE: PASSES UNANIMOUS

Upon a motion duly made and seconded it was voted to approve the minutes of the October 10, 2019 as written.

VOTE: PASSES UNANIMOUS

Tribute to James H. Crocker, Jr.

Each of the Councilors told stories of the "James, Jim and Jimmy" they worked with on the Council and the impact he had in their lives. They described the "Jim" they will forever remember. It was a heartfelt tribute of the late Town Council President that was a peer, a mentor and a friend. These are a few of the descriptions that were used:

- Family man, dedicated husband and father
- Never took things for granted
- Pride and respect for the military
- Made an impact
- Depth of knowledge about the town
- Strategic thinker
- Energetic; Cared about the future of this town
- Tough on the outside, a real softie on the inside
- Competitive, intense and passionate
- Charismatic, could win people over
- Brilliant mind, stubborn and loyal
- Powerful personality, kind and caring

- Always prepared
- “He didn’t have hobbies, he had committees”

Taking 2020-054 out of order, with the consent of the council

2020-054 NAMING OF TOWN COUNCIL HEARING ROOM “JAMES H. CROCKER, JR. HEARING ROOM” INTRO: 11/7/2019

Upon a motion duly made and seconded

RESOLVED: That in recognition and appreciation of James H. Crocker, Jr.’s longstanding service to the Town of Barnstable, the Town Council does hereby request the Town Manager to designate the Town Council Hearing Room in Town Hall as the “James H. Crocker, Jr. Hearing Room” and determine a date on which to hold a ceremony and affix a plaque to celebrate this naming.

VOTE: PASSES 12 YES

Sharon Crocker came to the podium to thank the Town Council for all you shared with us and the town, thank you for all of your work, you are wonderful. Town Council Vice President and Councillor Steinhilber presented Gail Crocker with a bouquet of sixteen (16) red roses representing the sixteen years President Crocker was on the Town Council.

2020-019 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE II SECTION 9 TO REMOVE SEASONAL RESTRICTIONS ON THE ERECTION OF TENTS AS TEMPORARY ACCESSORY STRUCTURES TO EXISTING PERMANENT BUSINESSES INTRO: 09/05/2019, 11/07/19

Open public hearing

Planning and Development’s Senior Planner, Paul Wackrow gave the rationale

Close public hearing

Councilor questions and comments:

Why the time restrictions [geared towards seasonal businesses]

Upon a motion duly made and seconded it was

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1: That Chapter 240, Article II, §9 “Temporary uses” of the Zoning Ordinance is hereby amended as follows:

1. Amend §240-9D(4) as follows:

a. Strike the phrase “only during the period beginning May 1 until October 31” so that it reads as follows:

(4) Subject to annual approval by the Building Commissioner, a tent may be erected and used as a temporary accessory structure to an existing permanent business. The tent shall conform to all parking requirements and bulk or dimensional requirements of this chapter.

VOTE: PASSES 11 YES (Tinsley off dais)

2020-020 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE VII SIGN REGULATIONS TO ELIMINATE THE LOCATION HARDSHIP REQUIREMENT FOR A-FRAME SIGNS IN HYANNIS VILLAGE BUSINESS DISTRICT INTRO: 09/05/19, 11/07/19

Open public hearing seeing no one close public hearing
Planning and Development's Senior Planner, Paul Wackrow gave the rationale

Upon a motion duly made and seconded it was
ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

That Chapter 240, Article VII, Section 60 "Definitions" of the Zoning Ordinance is hereby amended to strike the definition for "LOCATION HARDSHIP SIGN"

SECTION 2

That Chapter 240, Article VII, Section 61 "Prohibited Signs" of the Zoning Ordinance is hereby amended as follows:

2. Amend §240-61(H) as follows:

a. Strike the phrase "with the exception of a location hardship sign in the HVB" and replace it with "with the exception of A-Frame Signs expressly permitted herein" so that it reads as follows:

(H) Any portable sign, with the exception of A-Frame Signs expressly permitted herein, including any sign displayed on a stored vehicle, except for temporary political signs.

SECTION 3

That Chapter 240, Article VII, Section 71 "Signs HVB District" of the Zoning Ordinance is hereby amended as follows:

1. Amend §240-71(E) as follows:

a. Strike the phrase "location hardship sign" and replace it with "A-Frame Sign" so that it reads as follows:

(E) Open/closed sign, business trade figure or symbol, or A-Frame Sign: Subject to § 240-85, Permit required; identification stickers.

2. Amend §240-71(E)(3) as follows:

a. Strike the phrase "location hardship sign" and replace it with "A-Frame Sign"; and
b. Strike the phrase "provided that a special permit is obtained from the Planning Board subject to the provisions of § 240-125C herein and"; so that it reads as follows:

(E)(3) A-Frame Sign. These signs are allowed in the HVB District, subject to the following criteria and performance standards.

3. Amend §240-71(E)(3)(a) as follows:

- a. Strike subsection [1] in its entirety, which reads “Applications for location hardship signs shall demonstrate through visual evidence substantial obstruction or other substantial location hardship as defined herein.”; and
- b. In subsection [2], strike the phrase “location hardship sign” and replace it with A-Frame sign and strike the word “frontage”
- c. In subsection [3], strike the phrases “the Planning Board and” and “that is the subject of the special permit application”
- d. Strike subsection [4] in its entirety, which reads “Where the location hardship sign is within the Hyannis Main Street and Waterfront Historic District a certificate of appropriateness shall be obtained prior to and submitted with the application for special permit.”
- e. In subsection [5], strike the phrase “location hardship sign” and replace it with “A-Frame Sign”
- f. In subsection [5][b], strike the phrase “the Planning Board and”
- g. Renumber the remaining subsections [1] through [3];

So that §240-71(E) (3) (a) reads as follows:

(a) Criteria.

[1] One A-Frame Sign is permitted per each business.

[2] Evidence demonstrating to the satisfaction of the Building Commissioner that explicit written permission has been given by the owner(s) of the property proposed for placing the sign.

[3] Where the A-Frame Sign is proposed on Town property, the following additional criteria shall be met:

[a] Proof of receipt of a license from the Town Manager or designee for the sign at the proposed location.

[b] Proof of insurance consistent with this license from the Town Manager or designee shall be provided to the Building Commissioner prior to placing any approved sign.

4. Amend §240-71(E)(3)(b) as follows:

a. Strike the phrase “location hardship signs” in subsection [1] and replace it with the phrase “A-Frame Signs”.

5. Amend §240-71(E)(3)(b)[1] as follows:

a. Strike the phrase “two feet by four feet” in subsection [1] and replace it with “eight square feet per side and four feet in height”, so that it reads as follows:

Shall not exceed eight square feet per side and four feet in height

VOTE: PASSES 11 YES, (Hebert off dais)

**2020-021 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING, TO UPDATE AND STANDARDIZE
REQUIREMENTS FOR EXTERIOR LIGHTING INTRO: 09/05/2019, 11/07/19**

Open public hearing

Planning and Development’s Senior Planner, Paul Wackrow gave the rationale

Close public hearing

Councilor questions and comments:

What impact with this have on current biometrical areas; [will not affect existing lighting] sometimes on the roadways the tilt of these lights could be a problem, who would we call [planning department and the building commissioner]

Upon a motion duly made and seconded it was

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

That Chapter 240, Article III District Regulations, Section 24.1.3 “Hyannis Village Business District” subsection (D) “Site Development Standards” of the Zoning Ordinance is hereby amended as follows:

3. Amend §240-24.1.3D(6) as follows:

a. Strike the subsection in its entirety and replace it with “Exterior Lighting shall comply with the requirements in Section 240-24.1.11.”

SECTION 2

That Chapter 240, Article III District Regulations, Section 24.1.11 “Site Development Standards” subsection (A) (7) “Lighting” of the Zoning Ordinance is hereby amended as follows:

1. Amend §240-24.1.11(A)(7) as follows:

a. Strike the subsection in its entirety and replace it with the following:

(7) Exterior Lighting.

(a) Any outdoor lighting shall be directed onsite only.

(b) Light fixtures shall have a total cutoff of all light at less than 90 degrees and a beam cutoff of less than 75 degrees. Attached building or wall pack lighting should be screened by the building's architectural features or contain a 45 -degree cutoff shield.

(c) For commercial or mixed use developments, trespass of light at the property boundary shall not exceed 0.1 foot candles. Where commercial or mixed use developments abut a residential district, trespass of light at that boundary shall not exceed 0.05 foot candles. For developments that are exclusively residential, trespass of light at property boundaries shall not exceed 0.05 foot candles. At driveways, lighting may be up to 0.5 foot candles at the property line adjacent to a roadway. Electric service for lighting on posts or poles shall be placed underground.

(d) In no case shall exterior or outdoor lighting cause glare that impacts motorists, pedestrians or neighboring premises.

SECTION 3

That Chapter 240, Article IX “Site Plan Review”, Section 103 “Site Development Standards” of the Zoning Ordinance is hereby amended as follows:

2. Amend §240-103(E) as follows:

a. Strike the phrase “All illumination shall be directed and/or shielded so as not to shine beyond the perimeter of the site or interfere with traffic” and amend the subsection to include the following subsections:

- (1) Any outdoor lighting shall be directed onsite only.
- (2) Light fixtures shall have a total cutoff of all light at less than 90 degrees and a beam cutoff of less than 75 degrees. Attached building or wall pack lighting should be screened by the building's architectural features or contain a 45 -degree cutoff shield.
- (3) For commercial or mixed use developments, trespass of light at the property boundary shall not exceed 0.1 foot candles. Where commercial or mixed use developments abut a residential district, trespass of light at that boundary shall not exceed 0.05 foot candles. For developments that are exclusively residential, trespass of light at property boundaries shall not exceed 0.05 foot candles. At driveways, lighting may be up to 0.5 foot candles at the property line adjacent to a roadway. Electric service for lighting on posts or poles shall be placed underground.
- (4) In no case shall exterior or outdoor lighting cause glare that impacts motorists, pedestrians or neighboring premises.

VOTE: PASSES 12 YES

<p>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, 11/07/19</p>

Lt. Jean Challis of the Barnstable Police Department gave the rationale of the reimbursement grant.

Councilor questions and comments:

Concerned about the earmark, hopeful that we are mindful of where we will place the people [Ells- we are mindful, appropriate lodging, we will work with Duffy] How does our homeless situation look at this time [Challis, we are working to manage with the social services, we have a young population that is non-compliant, working with the agencies is slow, but we are staying on top of the camps] As far as the counts go are we up this year compared to last year [Challis, will try to get you some numbers] Did we expend all the funds last year [at the end of the season last year we had spent it all] fabulous job, poverty is increasing; who transports the homeless,[usually the police department, we have used cab vouchers for other towns]

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: PASSES UNANIMOUS

<p>2020-037 ORDER FOR THE ADOPTION OF A LITTER CONTROL POLICY, ORDINANCE AND ENFORCEMENT INTRO: 10/03/19, 11/07/19</p>

Councilor Cullum introduced this item and Councilor Beedenbender gave the rationale Lynne Poyant presented the primary theme for the public education program, the plan is to go with Councilor Cullum and Councilor Beedenbender's decision.

Councilor questions and comments:

There is a Mass General Law Chapter 270, Section 16, speaks to rubbish on coastal waterways and is currently on the books [Weil, enforced by the environmental police] the general law states it can be enforced by natural resource officers, harbormaster, state and town police officers; who is going to enforce this new law, currently this law is not being enforced. Another MGL chapter 161, section 94 A; also MGL chapter 90, section 22G the registry can suspend the license of someone for 7 days for littering; just concerned how are we going to enforce this law [Weil, in the ordinance before you, Town Manager, Natural Resources, Police Officers, and Board of Health are the enforcing entities] Cullum, to have a law on our books; an educational campaign, trying to change behavior, more than trying to catch people for throwing trash out their window. Changing the reckless behavior; it is not meant to be a money making scheme, but an awareness campaign. These logos are they going up on signs [Beedenbender, some are signs, engaging liquor store owners, businesses, PSA's and civic associations, etc. some will be keeping Barnstable litter free for you and me; a public education to raise awareness campaign] this has to be done, assume the money is in the budget to do this [Poyant, currently the money for the additional page in with the census mailing is coming out of the Community Services Department] this is a law on the books, the first offense is up to \$5,500.00 and half of that money goes into the conservation trust, on the state level, with this would the money go into the general fund [Flores, to be determined, down the road] thank you for getting this going, where do we go with this, changing behaviors, all the redemption centers are closing; last year the Commonwealth took in forty-five million dollars on abandoned deposits.

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: PASSES 12 YES

2020-041 ACCEPTANCE OF FISCAL YEAR 2020 STATE 911 DEPARTMENT TRAINING AND EMERGENCY MEDICAL DISPATCH GRANT IN THE AMOUNT OF \$49,230.76 FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 11/07/19

Anne Spillane, Barnstable Police Department Finance and Support, gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a Fiscal Year 2020 State 911 Department Training and Emergency Medical Dispatch Grant award in the amount of **\$49,230.76** from the Commonwealth of Massachusetts Executive Office of Public Safety and Security for the purpose of funding costs associated with the mandatory training of all 911 dispatchers who perform emergency dispatch operations, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein

VOTE: PASSES UNANIMOUS

2020-042 ACCEPTANCE OF A FEDERAL FISCAL YEAR 2019 BULLETPROOF VESTPARTNERSHIP GRANT IN THE AMOUNT OF \$10,415.83 FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS INTRO: 11/07/19

Anne Spillane, Barnstable Police Department Finance and Support, gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept a Federal Fiscal Year 2019 Bulletproof Vest Partnership Grant from the United States Department of Justice, Office of Justice Programs in the amount of **\$10,415.83** for the purpose of funding the replacement of bulletproof vests in keeping with the a recommended 5-year replacement safety standard on behalf of each police officer and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein

VOTE: PASSES UNANIMOUS

2020-043 ACCEPTANCE OF FISCAL YEAR 2020 911 DEPARTMENT SUPPORT AND INCENTIVE GRANT IN THE AMOUNT OF \$202,282 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY INTRO: 11/07/19

Barnstable Police Chief Matt Sonnabend gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept the Fiscal Year 2020 911 Department Support & Incentive Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety, in the amount of **\$202,282** for the purpose of funding overtime costs associated with shift shortages in the 911 center and also to fund the base salary of a portion of civilian dispatchers working in the 911 center, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES UNANIMOUS

2020-044 ACCEPTANCE OF FISCAL YEAR 2020 STATE 911 DEPARTMENT EMERGENCY MEDICAL DISPATCH GRANT IN THE AMOUNT OF \$20,038 FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 11/07/19

Barnstable Police Chief Matt Sonnabend gave the rationale

Councilor questions and comments:

Is this a reoccurring grant [used to be one grant, this year they bifurcated the grant into two grants] we could have to pick this up at some point [that is possible, I don't know what the future holds]

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a Fiscal Year 2020 State 911 Department Emergency Medical Dispatch Grant award in the amount of **\$20,038** from the Commonwealth of Massachusetts Executive Office of Public Safety and Security for the purpose of funding costs associated with emergency dispatch operations, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES UNANIMOUS

2020-045 APPROPRIATION AND LOAN ORDER OF \$515,400 PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING WHEELER ROAD IN BARNSTABLE INTRO: 11/07/19

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$515,400 be appropriated for the purpose of making temporary repairs to WHEELER ROAD in the Village of Marstons Mills, Barnstable, MA, a private road within the town of Barnstable, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow \$515,400 under and pursuant to Chapter 174 of the Acts of 1994, as amended by Chapter 350 of the Acts of 2014 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and 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; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes assess betterments in accordance with M.G.L. c. 80, and further that the Town Manager is authorized to accept any grants or gifts in relation thereto.

VOTE: To a Public Hearing on 11/21/19-Unanimous

2020-046 SUPPLEMENTAL APPROPRIATION REQUEST IN THE AMOUNT OF \$100,200 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2020 OPERATING BUDGET FOR THE PURPOSE OF FUNDING THE HIRING OF FIVE CURRENT PATROL OFFICER VACANCIES INTRO: 11/07/19

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$100,200** be added to the Fiscal Year 2020 Police Department General Fund Operating Expense Budget for the purpose of funding Fiscal Year 2020 expenses related to hiring and training new officer set-up expenses.

VOTE: To a Public Hearing on 11/21/19-Unanimous

2020-047 RESOLVE AUTHORIZING THE RELEASE OF THE DRAFT COMPREHENSIVE WASTEWATER MANAGEMENT PLAN FOR REGULATORY REVIEW INTRO: 11/07/19

Director of Public Works Department gave the rationale

Councilor questions and comments:

This is exciting, how was the response to the outreach [some of the meetings were more interactive, many questions, a real conversation with the audience, a lot of support at the meetings] what would you consider the top concern for the people [Rob Steen, Assistant DPW Director, many people were concerned about the financial piece, many more wanted a discussion about ponds, those were the things that stood out.] We are going to see more concerns over the ponds, was there a sense of urgency to have someone at the DPW to listen and answer questions? [From the general public no, we should have a discussion going forward, we have heard you about that] hope we have something in the budget to provide manpower for that position. We have worked for years to bring us to this point. What is next, the various review processes, how long do they take [assuming a positive vote tonight, discussions with DEP, statutory time lines, we would expect to move forward by the end of the first quarter next year] the location of pump stations, hope going forward a better process to determine the location of these pumping stations.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council approve the release of the Draft Comprehensive Wastewater Management Plan in the form as presented to the Town Council on October 3, 2019, for regulatory review by the Massachusetts Environmental Policy Act Office, Cape Cod Commission, and the Massachusetts Department of Environmental Protection, and any other local, state or federal agency having regulatory oversight

VOTE: PASSES UNANIMOUS

2020-048 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$134,281.00 FOR THE REHABILITATION AND RESTORATION WORK TO THE UNITARIAN CHURCH OF BARNSTABLE LOCATED AT 3330 MAIN STREET (ROUTE 6A), BARNSTABLE, MA INTRO: 11/07/19

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$134,281.00** be appropriated for the purpose of rehabilitation and restoration work at the Unitarian Church of Barnstable, 3330 Main Street (Route 6A), Barnstable, MA, and that to fund this appropriation, that pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Thirty-four Thousand Two-hundred and Eighty-one dollars and NO/100 (\$134,281.00) be transferred from the amount set aside for historic preservation within the Community Preservation Fund, including without limitation the restoration or replacement of 33 windows; repairs and renovations to the church entrance including a front door with hardware; repairs to the granite wall and stairwell; replacement of the cupola on Warren Hall with a replica; installation of dehumidification and vapor barrier in the basement/crawl space; and siding for Warren Hall, subject to oversight by the Community Preservation Committee, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: To a Public Hearing on 11/21/19-Unanimous

2020-049 AMENDMENTS TO THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE IV, MUNICIPAL ORGANIZATION CHANGING THE SENIOR SERVICES DIVISION OF THE COMMUNITY SERVICES DEPARTMENT TO THE COUNCIL ON AGING DIVISION INTRO: 11/07/19

Upon a motion duly made and seconded it was

ORDERED that pursuant to Section 5-1 and Section 10-7(k)(1)-(2) of the Town of Barnstable Home Rule Charter, the Administrative Code, Section 241, Article IV, Municipal Organization, is hereby amended by striking out Section 241-47.10 C in their entirety and substituting in place thereof the following:

§ 241-47.10 Community Services Department.

The Community Services Department provides an array of recreation, social, leisure time, and informative services to the citizens of Barnstable that appeal to a wide range of ages and interests.

C. Council on Aging Division.

(1) Purpose. The Council on Aging Division supports older adults in our community by providing programs and services designed to optimize their quality of life and help them maintain their independence so they may successfully age-in-place in the Town of Barnstable. The Council on Aging assesses the needs of citizens age 60 and over and develops programs to meet those needs, advocates and educates the community on issues affecting older people, and enlists support and funding for the programs from federal, state, Town, and other public and private organizations.

(2) Authorities and responsibilities. The Council on Aging provides a wide and diverse array of programs designed to meet the needs of older adults that includes, but is not limited to, the following: community outreach, health and wellness education and assistance, supportive day, social, recreational and educational programming, benefits counseling, information and referral, caregiver support, nutrition, and transportation.

Services are developed and provided through staff, volunteers and cooperative efforts with community groups and agencies. It also serves as a resource to other departments and community groups concerning issues having an impact on older people, as well as regularly assessing needs and developing financial resources.

(3) Interrelationships.

(a) Town Manager. The Council on Aging interacts with the Town Manager primarily for program approval, budget expenditures, secondarily and for all other appropriate matters.

(b) Other departments. The Council on Aging interacts with Public Works relative to facilities program preparation, maintenance, and improvement. It interacts with the Health Division for cooperation in providing appropriate health services. Ongoing interaction with all other departments and organizational components to insure accomplishment of its goals and objectives is commonplace.

(c) Multiple-member boards. The Council on Aging provides administrative support to the Council on Aging Board and receives advisory information regarding program service delivery.

(d) Other interactions. The Council on Aging interacts with appropriate community agencies and groups as well as state and regional agencies to seek effective accomplishment of the departmental programming.

VOTE: To a Public Hearing on 11/21/19-Unanimous

2020-050 RESOLVE AUTHORIZING INTERMUNICIPAL AGREEMENTS BETWEEN BARNSTABLE, BOURNE, BREWSTER, CHATHAM, DENNIS, FALMOUTH, HARWICH, MASHPEE, ORLEANS, SANDWICH AND YARMOUTH FOR WEIGHTS AND MEASURES SERVICES INTRO: 11/07/19

RESOLVED: That the Town Council authorizes the execution and delivery by the Town Manager of Intermunicipal Agreements for the provision of Weights and Measures services by the Town of Barnstable to the Towns of Bourne, Brewster, Chatham, Dennis, Falmouth, Harwich, Mashpee, Orleans, Sandwich and Yarmouth for a maximum term of twenty-five (25) years

VOTE: PASSES UNANIMOUS

2020-051 BUDGET REDUCTION OF \$151,500 FOR THE FISCAL YEAR 2020 SANDY NECK ENTERPRISE FUND OPERATING BUDGET INTRO: 11/7/19

Director of Finance, Mark Milne, gave the rationale

Councilor questions and comments:

Hard budget to put together, are there any concerns of the impact on staffing or equipment needs [currently, we are able to maintain the staff, reduction went to the sand replenishment account] were these closures related to weather/natural events [Nina Coleman, Sandy Neck Park Manager- we did have reduced beach access due to the plovers, we have the ability to deter those birds from the mouth of access trail, we did have a reduction of the off road vehicle permit sales due to plover nesting]

Upon a motion that was duly made and seconded it was

RESOLVED: That the sum of **\$1,147,959** appropriated for the purpose of funding the Town's Fiscal Year 2020 Sandy Neck Park Enterprise Fund budget under Town Council

order 2019-171 be reduced by **\$151,500** resulting in a revised Fiscal Year 2020 operating budget of **\$996,459**, and that to meet such appropriation the **\$957,055** be raised from Enterprise Fund Revenues and that **\$39,404** be transferred from the Sandy Neck Enterprise Fund Reserves.

VOTE: PASSES UNANIMOUS

2020-052 SUPPLEMENTAL APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$150,000 FOR THE FISCAL YEAR 2020 AIRPORT CAPITAL BUDGET FOR THE PURPOSE OF FUNDING AIRPORT CAPITAL IMPROVEMENT PROJECTS FOR MITIGATION OF PER AND POLYFLUOROALKYL SUBSTANCES (PFAS) AND 1,4-DIOXANE INTRO: 11/07/19

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of **\$150,000** be appropriated for the purpose of funding mitigation for the impacts of per and polyfluoroalkyl substances (PFAS) and 1,4-dioxane in soil and groundwater associated with the use of firefighting foams; and that to meet this appropriation that \$150,000 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 be authorized to accept any grants or gifts in relation thereto.

VOTE: To a Public Hearing on 11/21/19-Unanimous

2020-053 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$100,000 FOR THE FISCAL YEAR 2020 AIRPORT CAPITAL BUDGET FOR THE PURPOSE OF FUNDING AIRPORT CAPITAL IMPROVEMENT PROJECTS FOR ONGOING EVALUATIONS OF PER AND POLYFLUOROALKYL SUBSTANCES (PFAS) AND 1,4-DIOXANE INTRO: 11/07/19

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of **\$100,000** be appropriated for the purpose of funding ongoing investigations into the impacts of per and polyfluoroalkyl substances (PFAS) and 1,4-dioxane in soil and groundwater and to meet this appropriation that \$100,000 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 be authorized to accept any grants or gifts in relation thereto.

VOTE: To a Public Hearing on 11/21/19-Unanimous

2020-055 ACCEPTANCE OF A FEDERAL FISCAL YEAR 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$51,069 FROM THE U. S. DEPARTMENT OF JUSTICE INTRO: 11/07/19

Barnstable Police Chief Sonnabend gave the rationale

Upon a motion that was duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation award from the U. S. Department of Justice in the amount of **\$51,069** for the purpose of funding specific policing services and programs under a disparate certification grant that includes the towns of Barnstable, Yarmouth and Falmouth and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES UNANIMOUS

2020-056 ACCEPTANCE OF A GIFT IN THE AMOUNT OF \$3,000 FROM THE CORSON FAMILY FOR BARNSTABLE RECREATION DIVISION'S FRIDAY NIGHT SOCIAL PROGRAM INTRO: 11/07/19

Director of Community Services, Lynne Poyant gave the rationale

Upon a motion that was duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a gift of **\$3,000** from the Corson Family with such funds to be used for Barnstable Recreation Division's Friday Night Social Program and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

VOTE: PASSES UNANIMOUS

2020-057 RESOLVE AUTHORIZING THE ACCEPTANCE OF EXCESS PERSONAL PROPERTY FROM THE U.S. DEPARTMENT OF DEFENSE INTRO: 11/07/19

Barnstable Police Chief Matt Sonnabend gave the rationale

Councilor questions and comments:

Have you done this before and if so what items? [Gas masks, helmets, ammunition, cots, sleeping bags, anything from socks to aircraft]

Upon a motion that was duly made and seconded it was

RESOLVED: That, in accordance with G.L. c. 44, § 53A1/2, the Town Council approve the acceptance of gifts of excess personal property from the U.S. Department of Defense pursuant to the Law Enforcement Support Program (the "1033 Program") authorized by 10 USC § 2576a for the purpose of acquiring needed equipment for specific law enforcement purposes at no cost to the Barnstable Police Department and that the Town Manager be authorized to accept these gifts of excess personal property for the purpose stated herein.

VOTE: PASSES UNANIMOUS

2020-058 RESOLVE TO ALLOW THE TOWN COUNCIL AT THE NEXT REGULAR SCHEDULED MEETING THE NOMINATION OF THE COUNCIL PRESIDENT AND VICE-PRESIDENT INTRO: 11/07/19

Vice President Flores stated in an effort to maintain continuity, asking for a vote a little ahead of time.

Councilor questions and comments:

Clarify that there is a time element involved, we cannot go more than two meetings without a President and Vice President; [Flores that is correct] This is spelled out in Town Council Rule number 3; You can suspend the rules and vote that night, if there is only one candidate for each position, if there are multiples you have to go to the next meeting.

Upon a motion that was duly made and seconded it was

RESOLVED: That the Town Council shall place on the agenda of the next regular meeting of the Council the nomination of the Council President and Vice-President to allow the Council to consider whether to suspend its rules to allow the Council to nominate and/or elect a President and Vice President

VOTE: PASSES UNANIMOUS

**2020-059 AUTHORIZING THE USE OF IMAGECAST VOTING MACHINES
STARTING WITH THE PRESIDENTIAL PRELIMINARY ELECTION INTRO: 11/07/2019**

Ann Quirk, Town Clerk gave the rationale.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby confirms that portion of Town Council Order 2019-180 adopted by majority vote on May 16, 2019 which authorized the purchase for the sum of \$84,000 of new voting machines as described more fully on Page 155 of the Fiscal Year 2020 Budget Book and further hereby authorizes the discontinuance of the use of the AccuVote voting machine and associated equipment and authorizes the use of the Imagecast voting machine and associated equipment starting with the Presidential preliminary election on March 3, 2020 and all elections thereafter.

VOTE: PASSES UNANIMOUS

Councilor Steinhilber made presentations to Councilor Wallace, Vice President Flores for their years of service to the Town of Barnstable. Vice President Flores read a resolve for Councilor Tinsley for his twelve years of service to the Town of Barnstable.

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 10:00 PM

Respectfully submitted,

Ann M. Quirk
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: November 21, 2019

EXHIBITS:

- A. Barnstable Clean Water Coalition
- B. Town Manager Update