



Town Council Meeting
July 16, 2020



The July 16, 2020 meeting of the Barnstable Town Council was physically closed to the public to avoid group congregation.

A quorum being duly present, President Paul Hebert called the July 16, 2020 Town Council meeting to order at 7:00 p.m. from a remote location.

An announcement was made by President Hebert regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: (On Zoom) Britt Beedenbender, David Bogan, Kristine Clark, Debra Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf (7:05), Tracy Shaughnessy, Gordon Starr. Eric Steinhilber. **Absent:** Jennifer Cullum,

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

PUBLIC COMMENT:

Janet Davis asked the town to appeal the decision of the First District Court, help us to protect our village and homes from the harm of the 5G installation.

Michael Arnold is against having the 5G installed in Centerville, a cell tower does not belong in an historic church steeple. Technology is not perfect, appeal the lower court ruling.

Corinne Whitaker asked the Council to pursue an appeal of the court decision, fighting this will show the telecom companies that we will not roll over.

Gary Conway is concerned about the radiation from this cell location, the damage will not be felt overnight, it will take a longer period of time, but it will happen. There is radiation emitted by each and every cell phone. We will add this to the list of what not to do along with smoking and vaping.

Jack D'Ambrosia is concerned about the installation of 5G, this is a serious threat to the children and neighbors of Centerville. We can't rely on the FCC, he is asking for the town to appeal the decision.

Michelle Woeller spoke about the church cell tower, asking the Council to appeal the decision of the installation of the 5G for the health and safety of the residents.

Ellen Nosal spoke about the short term rental ordinance in Barnstable, in that an unlimited number that could be allowed in any part of town. At this moment the real estate market is red hot, we will be the eyes and ears for the town and our job will be to file a complaint. Be cautious, implore you to protect the aquifer.

Reza Mahdavi thanked the Council for fighting for us in Centerville; this is a very unfair battle. Who is going to help us with the emission from the 5G technology? Why do I need to lose 25% of my property value due to 5G? This is not right, we need your support.

Bob Schulte read into the record an email from various civic/homeowner associations about their concerns regarding the Short Term Rental ordinance. Asked the Council to allow the residents to be involved, be part of the discussion of Short Term Rentals, (Exhibit A)

Rosalie McCarthy asked the Council to appeal this District Court decision, this is a worldwide concern. I don't think anyone is going to feel safe anymore.

Mark Schindler added his voice to the opposition of the 5G cell tower in Centerville. Please take the legal path to take on this appeal so we can continue to fight.

Beth Couet echoed all the previous speakers regarding the 5G tower in Centerville.

Councilor Response to Public Comment:

Thank you for sharing your thoughts with us, we recognize the safety of our residents is our number one concern. We are taking this seriously; we have picked up more good information. The item in the newspaper regarding the Short Term Rental Ordinance was incorrect! Please know that only the Council as a whole can move an item forward.

TOWN MANAGER COMMUNICATIONS: (Exhibit A)

For June 26th to July 16th

Meg Mayo-Brown, Barnstable Schools Superintendent, shared a Power Point Program regarding the reopening of School. Mayo-Brown indicated there would be three different scenarios of how the Barnstable Schools will move forward in the fall. Our guidance for reopening is through the State. All students' grades 2-12 will wear masks, and the Pre K to 1st graders will be encouraged to wear masks. Desks will be set at 5 feet apart (State says 3 feet apart). We are prioritizing in person learning.

Councilor comments and questions:

Tough situation are you also planning to go to a complete remote learning situation: [yes we have three separate plans] do you see any screening of students or faculty as they enter the building [guidance from the state is that we do not need to do that, parents need to do that; training the bus drivers and school staff to help identify symptoms] As the virus is airborne it is important to look replacing air filters; [agreed] if you go to an A/B scenario, will the half of the class at home be able to follow along and be part of the classroom [synchronistic learning allows that to happen] how are you going to handle the connectivity [we worked on that this year] will art and music carry on [enrichment will continue] congratulations for Barnstable being chosen as a pilot; the bus issue is concerning, will we need more buses [awaiting that information from the medical board at the state] Is the school system working with the students on black lives matter [yes, equity in four areas, talk about race, infuse more topics to black, indigenous and people of color] Is this just through history [we are making adjustments to our curriculum to make sure all races are

part of the curriculum] bring in some role models. Not all students have the access to computers and WIFI, how are you working around that [This past spring we made sure all students had chrome books, the families still have those, if we need to go to remote learning again] How do you deal with teachers that have underlying conditions, also how do they get a break [case by case; the kids will always be 6 feet apart during meals, teachers will be scheduled for lunch breaks, everything we are doing is around health and safety first; we will need a pool of remote learning teachers as well].

Closed out FY 2020 General Fund operations
Meeting with municipal departments to discuss operations
Following Orders and Directives of the Governor
Designated a Housing Choice community in 2020
Transportation Security Administration annual inspections on procedures
Vineyard Wind conversations continue
Barnstable Land Trust virtual meeting
Hurricane Preparedness Week

Councilor questions and comments:

A reminder for a briefing on the incident that happened this past January; congratulations to Nina Coleman, Director of Natural Resources for the Barnstable Land Trust's (BLT) Founders Award. Congratulations to Phyllis Miller who was honored with the BLT's President's Award. Barnstable received the Housing Choice, due to a track record of substantial housing; congratulations to the Town Manager and staff, thank you for your efforts and leadership. Are we going forward with the Infrastructure and Energy designation, [we are seeking that designation, in five major areas; as we move forward, I would like to give an overview, at a later time]

Department of Public Works, Dan Santos gave an update of the Comprehensive Wastewater Management Plan. [Mark Ells, Critical component is for us to begin discussion with the Town Council, many decisions still to be made before we get into the physical construction of sewers.]

Councilor questions and comments:

Could you send a copy of your report to the Town Council Administrator for distribution [Santos, certainly] When do we anticipate the residents around the lake will be hooking up to the sewer and when will the Main Street group hook up [number of years off, no date at this time, Main Street Centerville within a year of Spring of 2021, Pump Station, we are still looking at Mother's Park, the analysis is not complete yet] Do you have any update on Shubael' s Pond [we have submitted a grant and have not yet heard back] Thank you for the communication and taking down the portable classrooms in Marstons Mills.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to approve the minutes of the June 25, 2020 as written.

VOTE: PASSES 12 YES

5 minute break

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

Village day for Marstons Mills has been cancelled for this year. Portable classrooms have

been removed from the Marstons Mills School, Burgess Park beautification project ongoing. Vote by mail: [three options this year, Early voting in person, in the mail, or at the polling location on voting day September 1st; Early Voting location to be announced soon] As we go forward how we will be doing business may be different. We don't want to take any chances, we don't want to go backwards, we have to practice safety first, communicate with your Town Councilor, stress can cause physical harm and is bad for our health. Community Preservation Committee will be holding its annual meeting. Osterville Village day is still going forward, with social distancing. Armstrong Kelly Park is being acquired by the Trustees of Reservation will be having meetings if you want to see the new conceptual plans.

WORKSHOP ON STATUS OF VINEYARD WIND PHASE I PROJECT

Mark Ells, Town Manager, Rachel Pachter and Nate Mayo will be sharing phase one and phase two, there are a couple of steps that have to go before the Town Council. Chief Development Officer, Rachel Pachter, is available for questions and communication. Nate Mayo presented a Power Point overview of Phase One including jobs and energy savings. Outstanding items: easements rights of roadway; petition to the county to reaffirm Phinney's Lane is a town owned road; Chris Rodstrom updated the Council on the second project; the Park City Wind/Vineyard Wind Connector. Similar in size, timeline have submitted permits, expect 2023 for onshore construction. Nate Mayo Supplemental Environmental Impact Statement, State Filing made in June, state permitting will continue into 2022. Continue to send people our way for communicating this project, we welcome comments.

Councilor questions and comments:

Concerns for the optics off the substation in West Barnstable, can the look be softened, and concerns about the West Barnstable Fire District regarding downed wires [Rodstrom, we did listen to Eversource about the downed wire; underground ducting in West Barnstable, so that will not be an issue; we also heard the concerns about the look of the substation, Vineyard Wind will be flexible with the design]. Independence Park, Eversource is going to redesign their containment are they going to do the same in West Barnstable,[Assistant Town Attorney, Charles McLaughlin, has been working with Eversource on Independence Park, and will continue to retro fit Oak Street] Is there an alternate route to Independence Park [Nate in Phase one, this is the best and only Route] Mark Ells, Town Manager thanked the Vineyard Wind staff for giving us the overview/update.

2020-189 APPROPRIATION AND LOAN ORDER of \$129,400 PURSUANT TO TEMPORARY REPAIRS PROGRAM FOR CERTAIN PRIVATE WAYS REGARDING NYES NECK ROAD, CENTERVILLE INTRO: 06/04/2020
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Dan Santos, Director of Public Works gave the rationale
Open to a public hearing

Hope Hirsch Nyes Neck is a long neglected road, heard about the betterment program; thank you for the guidance; please pass this item.

Margaret Menzin the road is full of potholes thank you for passing this item for us
Close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$129,400 be appropriated for the purpose of making temporary repairs to Nyes Neck Road in Centerville, 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 \$129,400 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 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: PASSES 12 YES

**2020-190 SUPPLEMENTAL APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$212,700 FOR THE FISCAL YEAR 2020 AIRPORT CAPITAL BUDGET
INTRO: 6/18/2020, 07/16/2020**

Katie Servis Barnstable Airport Manager gave the rationale
Open public hearing seeing no one close public hearing

Councilor questions and comments

Will this vehicle fit in your garage [Yes]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$212,700** be appropriated and added to the original amount of \$220,000 appropriated under Town Council Order 2019-103, for a revised appropriation amount of \$432,700, for the purpose of funding the replacement of Aircraft Rescue and Fire Fighting (ARFF) Equipment - Airport #816 (Rapid Response ARFF Vehicle circa 1999) and that to meet this appropriation, that \$212,700.00 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: PASSES 12 YES

**2020-192 ORDER AMENDING THE GENERAL ORDINANCES BY ADDING CHAPTER 190 SHORT TERM RENTAL PROPERTIES AND AMENDING CHAPTER 170 RENTAL PROPERTIES
INTRO: 06/18/2020, 07/16/2020**

Upon a motion duly made and seconded this item was opened and continued as written to a public hearing on August 20th

VOTE: PASSES 12 YES

Upon a motion duly made and seconded it was

SECTION 1. ORDERED that the Code of the Town of Barnstable be amended by adding the following Chapter 190, Short Term Rental Properties, to the General Ordinances:

“CHAPTER 190 SHORT TERM RENTAL PROPERTIES

§ 190-1 Purpose

The purpose of this chapter is to protect the health, safety, and welfare of both the occupants of short term rental units and the general public and to maintain the quality of life in residential neighborhoods and the availability of the Town’s housing stock. It will assist the Town in the enforcement of state and local health and safety regulations and provide a method of correcting violations when requiring immediate attention.

§ 190-2 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING COMMISSIONER

The Building Commissioner of the Town of Barnstable or his designee.

COTTAGE COLONY

A group of three or more detached dwellings, legally in existence at the time of adoption of this ordinance, located on a single lot, which are customarily occupied on a seasonal basis.

DWELLING

Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two- or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter.

INSPECTIONAL SERVICES DEPARTMENT

Consisting of Town Building and Health Divisions.

OCCUPANCY

The use or possession of or the right to use or possess a short term rental.

OCCUPANT (GUEST)

Any individual residing overnight in a short term rental.

OPERATOR (HOST)

Any individual operating a short term rental.

OPERATOR’S AGENT

An individual who, on behalf of an operator of a short term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An “operator’s agent” shall include, but not be limited to, a property manager, property management company or real estate agent.

OWNER

Any person, as defined immediately below, whom alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or other person appointed by the courts.

PERSON

An individual, partnership, trust or association, with or without transferable shares, joint-stock company, a corporation which is not publicly traded, society, club, firm, organization, institution, estate, receiver, trustee, assignee or referee any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any other combination of individuals, directly or indirectly or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever acting as a unit, including a governmental unit other than the Town of Barnstable or any of its agencies.

SHORT TERM RENTAL

A residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: Cottage Colonies, as defined herein; hotels licensed under M.G.L. Chapter, 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; lodging establishments licensed under M.G.L. Chapter 140, Section 23 or under Chapter 506 of the Code of the Town of Barnstable; and bed & breakfast establishments or bed & breakfast homes licensed under said Chapter 506.

§ 190-3 Short Term Rental Registration

A. Registration Required

No Owner shall rent, or offer to rent, any Short Term Rental prior to registering with the Inspectional Services Department. No tenant or lessee of an Owner shall let or sub-let a Short Term Rental under any circumstances.

B. Limits on Number of Registrations per Owner

A maximum of two (2) Short Term Rental registrations shall be issued per Owner; provided that Owners who have short term rentals registered with the Massachusetts Department of Revenue as of April 30, 2020, will be eligible to register those short term rentals with the Inspectional Services Department, notwithstanding the limit of two set forth herein.

C. Compliance

A dwelling used as a Short Term Rental shall be in compliance with the provisions of all state and local health and safety laws, ordinances and regulations. Demonstration of compliance shall be in the form of a sworn affidavit submitted as part of the registration application described in Section D below to the Inspectional Services Department prior to occupancy. Operators shall comply with all applicable federal, state and local laws, ordinances and regulations, including, but not limited to, Chapter 133 Noise, Chapter 353, Art. 1, Storage of Garbage and Refuse, the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, except as specifically set forth otherwise herein.

D. Application Required

The Owner of the dwelling shall be required to complete a short term rental registration application, the form and content of which shall be provided by the Inspectional Services Department.

E. Registration Renewal

Short term rental registrations shall be renewed biennially (every two years) after a satisfactory inspection by Inspectional Services and upon payment of the renewal fee.

F. Fees

The fee for a short term rental registration or a renewal of a registration shall be initially set at \$35 and thereafter may be modified by the Town Manager at a fee hearing.

G. Non-Transferability

Short term rental registrations shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property; it shall be terminated upon sale or transfer of the property for which the registration has been issued.

§ 190-4 Publication of Registration Number

The Town-issued registration number shall be included on any listing offering the Short Term Rental for rent.

§ 190-5 Contact Information of Owner, Operator and/or Operator's Agent

- A. An Owner of a Short Term Rental shall provide the Inspectional Services Department with his/her current residential address and telephone number upon application for a Registration as well as a full and complete list of persons (as defined above) or who have a direct or indirect interest in any property for which a Short Term Rental Registration in the Town of Barnstable has been issued or for which a Short Term Rental Registration application is pending.
- B. If the Owner is a corporation, the name, address, and telephone number of the president and legal representative of the corporation shall be provided. If the Owner is a realty trust or partnership, the name, address, and telephone numbers of the managing trustee or partner shall be provided.
- C. The name and contact information of the Operator must be provided, along with the name and contact information of an Operator's Agent, if different from the Operator, who is able to respond in person to any issues or emergencies that arise during occupancy within one (1) hour of contact by Inspectional Services Department, Barnstable Police, or any Fire District to complaints regarding the condition or operation of the Short Term Rental. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to Short Term Rental Occupants and the above-stated public safety agencies. This contact information shall be included in the application for a Short Term Rental Registration and shall be posted conspicuously within the rental unit.

§ 190-6 Good Neighbor Information

Short term rental registrations will be published to the Inspectional Services page of the Town's website and shall include the contact information required in section 190-5(C) above. The website shall also include information about these short term rental regulations, and instructions and contact information to file a complaint.

§ 190-7 Posting of Notices

The Town shall provide information to each registered Operator summarizing the regulations for short term rentals. For each Short Term Rental Registration issued, this will include, but shall not be limited to: the name and 24-hour contact information of the Operator or Operator's Agent designated in the Application, requirements for trash removal, occupancy requirements, parking, and noise restrictions.

The Operator shall:

- A. Provide occupants a copy of the provided information; and
- B. Post the information, along with the Short Term Rental Registration, in a conspicuous location within the Short Term Rental.

§ 190-8 Trash Removal

The Short Term Rental Operator shall be responsible for ensuring that household trash is removed from the premises immediately after Occupancy is concluded or once per week, whichever is more frequent, in addition to compliance with the requirements of Chapter 353, Art. 1, Storage of Garbage and Refuse.

§ 190-9 Occupancy Requirements

Notwithstanding the provisions of Chapter 59-3, the maximum number of Occupants in a Short Term Rental shall be two per bedroom, plus an additional two.

§ 190-10 Smoke Detectors and Carbon Monoxide Alarms

Each Short Term Rental shall contain functional smoke detectors and carbon monoxide alarms. In addition, the Operator shall provide and maintain one 2.5 lb. multi-purpose fire extinguisher on each floor. Extinguishers shall be maintained or replaced in accordance with the manufacturer's specifications. Operators shall test and perform maintenance on every smoke detector, carbon monoxide alarm upon renewal of the Short Term Rental Registration. Any detector or alarm found to be defective shall be repaired or replaced forthwith. The Occupant(s) shall be notified to report faulty or inoperative smoke detector unit(s) to, first, the owner of the dwelling and, second, the Inspectional Services Department.

§ 190-11 Keeping of Register

The Operator or Operator's Agent shall be responsible for keeping a register containing the name of the Occupant who is the leaseholder, total number of occupants, and dates of occupancy. The register shall be retained for a period of two (2) years and shall be made available upon request to Inspectional Services Department staff, police, or other duly appointed or authorized code compliance staff of the Town of Barnstable.

§ 190-12 Ineligible Units

The following are not eligible to be rented or offered to rent as Short Term Rentals:

1. Dwellings designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law;

2. Family Apartments or Accessory Affordable Apartments;
3. Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short Term Rental;
4. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders;
5. Properties designated as Problem Properties under Chapter 160.

§ 190-13 Failure to Pay or to Make Suitable Arrangements for the Payment of Municipal or District Taxes, Fees, Assessments, and Charges

The privilege of receiving or holding a Short Term Rental Registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a Person to comply with this requirement shall be cause, after notice and hearing pursuant to the requirements of G.L. c. 40, § 57, for denial, suspension, amendment, or revocation of a Short Term Rental Registration for any and all property in which the person holds a direct or indirect ownership interest, as above defined.

§ 190-14 Inspections

Short term Rentals shall be subject to reasonable inspections by Town and District inspectional staff (“Inspectors”).

§ 190-15 Complaint Process, Violations

- A. Complaint. A complaint alleging that a Short Term Rental is in violation of this Chapter or any applicable law, code or regulation may be filed with the Inspectional Services Department. The complaint must contain the Short Term Rental address, unit number, date and nature of alleged violation(s), and name and contact information of complainant.
- B. Written notice of any violations of this chapter shall be treated as a complaint and may also be given by Inspectors. The notice shall specify the nature of the violation to the Occupant and Owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing such notice, through the United States Postal Service by certified mail, or by delivering in hand such notice as memorialized by an affidavit of any Town employee or officer authorized to serve any form of process notice to the Owner or legal representative named on the registration application.
- C. Any notice required or contemplated by this chapter shall be deemed sufficient if delivered to or mailed to the mailing address listed by the owner on the Short Term Rental Registration application then on file with the Inspectional Services Department. A written change-of-address notice signed by the Owner/s and delivered to the Inspectional Services Department may be filed at any time.
- D. Review of Complaint. The Commissioner or his designee shall investigate complaint(s) within a reasonable timeframe and shall determine whether there may be a violation. If the alleged violation is under the jurisdiction of another city or state or federal agency, the Commissioner shall refer the complaint to such agency for further action. Upon a finding of a potential violation, the Commissioner or designee shall serve notice of the

violation upon the Owner of the Short Term Rental. The Commissioner shall keep records of all complaints received and determinations made.

- E. Offering an Ineligible Unit as a Short Term Rental. Any person who offers a unit as a Short Term Rental, where such unit is not an eligible Dwelling Unit or is not registered, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. The Commissioner or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short Term Rental.
- F. Failure to Obtain a Registration. Any person who offers an eligible Dwelling Unit as a Short Term Rental without a valid Short Term Rental Registration, or any person who offers an eligible Dwelling Unit as a Short Term Rental while the unit's registration is suspended, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
- G. Failure to Comply with Notice of Violation. Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Commissioner or a designee for a violation of any provision of this section may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
- H. Right to Hearing. A person upon whom a notice of violation has been served may request a hearing by filing a written petition requesting a hearing on the matter with the Inspectional Services Department within fourteen days after the day the notice of violation was served. Upon receipt of a petition for hearing, the Inspectional Services Department shall notify the complainant of the place, date and time of the hearing. The hearing shall be conducted by a Hearing Officer designated as such by the Town Manager and shall occur no later than three (3) weeks after the date the Inspectional Services Department receives the petition for hearing. The time period in which violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held and the Hearing Officer has issued a decision.
- I. Decision. Within seven days after the conclusion of the hearing, the Commissioner or designee shall sustain, modify, or withdraw the notice of violation and shall inform the person upon whom a notice of violation has been served, in writing, of its decision and the reasons therefor. If the Inspectional Services Department sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued or in the modification.
- J. Violations of an unoccupied dwelling shall be corrected prior to occupancy. Violations found in an occupied dwelling shall be corrected within the time specified as determined by the Inspectors.

- K. If a written petition for a hearing is not filed within fourteen (14) days after the notice of violation has been served, or if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

§ 190-16 Registration Suspension, Modification and Revocation

In addition to, and not in lieu of, the penalties that may be assessed pursuant to this chapter, the Inspectional Services Department, after notice and public hearing, may suspend, revoke or modify any or all registration approvals issued hereunder to an Owner for violation of these regulations or of any conditions imposed by the Inspectional Services Department, notwithstanding that a violation may have been found with respect to one or more, but not all of the registered properties held by an owner. These remedies shall be non-exclusive.

§ 190-17 Judicial Appeals

Any person aggrieved by a final decision of the Hearing Officer and Inspectional Services Department with respect to a notice of violation or any other order issued under this section may seek relief therefrom in any court of competent jurisdiction.

§ 190-18 Penalties

- A. Any person who violates any provision of this chapter may be subject to a fine in accordance with the following:

- Warning 1st Offense
- \$100 2nd Offense
- \$200 3rd Offense
- \$300 4th Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

§ 190-19 Enforcement

The Town may enforce the provisions of this chapter by any or all of the following: the noncriminal disposition process of M.G.L. c. 40, s. 21D; by seeking to restrain a violation by injunction; and by filing a complaint in any court of competent jurisdiction.

§ 190-20 Regulations

The Inspectional Services Department may adopt regulations, policies and procedures for the implementation of this chapter.

§ 190-21 Severability

Each provision of this Chapter shall be construed as separate. If any part of this Chapter shall be held invalid for any reason, the remainder shall continue in full force and effect. In the event of a conflict between this chapter and any other chapter of the General Ordinances, this chapter 190 shall control."

SECTION 2. **ORDERED** that the Code of the Town of Barnstable, General Ordinances Chapter 170, Rental Properties, be amended as follows:

- A. By adding to § 170-2, Definitions, "Dwelling," after the words "rooming houses," the words "except any required to be registered pursuant to § 190-3 Short Term Rental Registration" of Chapter 190 Short Term Rental Properties.

B. By adding to § 170-2, Definitions, "Licensed Facility," after the words "registered under this chapter" the words "or Chapter 190 Short Term Rental Properties."

2020-194 SUPPLEMENTAL APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$277,600 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: 06/25/20, 07/16/2020

Katie Servis, Barnstable Airport Manager gave the rationale
Open public hearing seeing no one close public hearing

Councilor questions and comments:

Do you anticipate putting aside additional monies for possible mitigation going forward [Yes, those funds will be set aside] Capping 2 ½ acres, but the PFOS is still there, what is the next step [Brian Massa, Consultant, this is phase one, capping a vast majority, phase two is to finish the full delineation, then phase three come up with a way to deal with the residual impacts that may remain. How far is the water below ground [Massa twenty to twenty-five feet] then it would head to the Maher Well across the street [yes] Money that the Airport received from the Federal Government. [Katie not going after Cares Act money, for this project, because it is an environmental project; however I can use the money for utility bills and for salaries, so in essence this project will be paid for through Cares Act money]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$277,600** 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 **\$277,600** 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: PASSES 12 YES

2021-001 RESOLVE ALLOWING MARK S. ELLS, TOWN MANAGER TO CONTINUE TEACHING AT CAPE COD COMMUNITY COLLEGE UNDER SECTION 8 OF THE TOWN MANAGER CONTRACT INTRO 07/16/2020

Upon a motion duly made and seconded it was

RESOLVED: That according to Section 8 of the Town Manager Contract Agreement between the Town of Barnstable and Mark S. Ells, the Barnstable Town Council does hereby approve Mark S. Ells to continue teaching at Cape Cod Community College for the period of July 1, 2020 to June 30, 2021.

VOTE: PASSES 12 YES

2021-002 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$6,000 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANTS AND RESEARCH, HIGHWAY SAFETY DIVISION INTRO: 07/16/2020

Lena Bevelaqua 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 Pedestrian and Bicycle Safety Enforcement and Equipment Grant from the executive Office of Public Safety and Security, Office of Grants and Research, Highway Safety Division in the amount of **\$6,000** to be used to develop or enhance effective pedestrian and bicycle enforcement to reduce fatalities and injuries, including an educational component and for the purchase of ninety- five (95) bicycle helmets to be distributed to children in the Barnstable Public Schools, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES 12 YES

2021-003 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$300,000 OF COMMUNITY PRESERVATION FUNDS FOR THE CREATION OF TWO (2) MODERATE-INCOME DEED-RESTRICTED TWO-BEDROOM APARTMENTS AT 255 MAIN STREET HYANNIS, MA INTRO: 07/16/2020

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the sum of Three Hundred Thousand Dollars and No/100 (\$300,000.00) be appropriated and transferred from the Undesignated Funds portion of the Community Preservation Fund and that the Town Manager is authorized to contract for and expend the amount appropriated and transferred for the purpose of creating community housing consisting of two (2) moderate income deed-restricted residential rental two-bedroom apartment units to be indexed at 100% Area Median Income (AMI) in perpetuity located within a mixed use redevelopment of an historically significant building at 255 Main Street, Hyannis, and that the Town Manager is further authorized to execute, deliver and record documents and restrictions for the stated purpose subject to restrictions as provided in G.L. c. 44B for the stated purpose and the oversight of the Community Preservation Committee.

VOTE: to a public hearing on August 20-unanimous

2021-004 RESOLVE TO ACCEPT THE GRANT OF A SIDEWALK EASEMENT FROM VICTORY CHAPEL FOR NEW SIDEWALK IN MERCHANTS WAY, HYANNIS, MA INTRO: 07/16/2020

Dan Santos, Director of Public Works gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: that the Town accept the grant of a perpetual easement to the Town under the care, custody and control of its Department of Public Works for the construction, maintenance, repair and use of a public sidewalk on Merchants Way from Victory Chapel Christian Fellowship Church of Cape Cod, Inc., as shown on a plan prepared by the Department of Public Works Survey Section dated April 23, 2020 and that the Town Manager is authorized to accept, sign deliver and record documents for the purposes set forth herein.

VOTE: PASSES 12 YES

2021-005 RESOLVE TO ACCEPT THE GRANT OF A SEWER MAIN, PUMP STATION AND FORCE MAIN EASEMENT FROM CAPE COD FIVE CENTS SAVINGS BANK INTRO: 07/16/2020

Dan Santos, Director of Public Works gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: that the Town accept the grant of a perpetual easement to the Town under the care, custody and control of its Department of Public Works for the construction, maintenance, repair and use of a sewer main, pump station and force main at 1500 Iyannough Road (Route 132) , Hyannis from The Cape Cod Five Cents Savings Bank, as shown on a plan labeled as "Proposed Sewer Easement Area" on the Sewer Easement Plan, Sheet EASE 1.0, dated October 24, 2019, prepared by Baxter Nye Engineering & Surveying, and that the Town Manager is authorized to accept, sign, deliver and record documents for the purposes set forth herein.

VOTE: PASSES 12 YES

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 10:50 P.M.

Respectfully submitted,

Ann M. Quirk
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: August 20, 2020

EXHIBITS:

- A. Letter Bob Schulte read to the Council
- B. Town Manager Update