



SPECIAL TOWN COUNCIL MEETING
OPEN MEETING OF THE VOTERS
PURSUANT TO SECTION 8-9 OF THE TOWN CHARTER



A quorum being duly present, President Matthew Levesque called the October 23, 2023 Special Town Council meeting to order at 6:02 PM.

An announcement was made by President Levesque 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: Nikolas Atsalis (7.00 pm), Kristine Clark, Jennifer Cullum, Paul Cusack, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Paula Schnepp, Tracy Shaughnessy, Gordon Starr. Absent: Jessica Rapp Grasseti, and Eric Steinhilber

Also in attendance, Town Manager Mark Ells, Town Attorney Karen Nober, Senior Town Attorney Charles McLaughlin, Moderator Attorney Michael Ford and Ann Quirk, Town Clerk .

Opening Statement:

Mark Ells, Town Manager emphasized that the Town of Barnstable is not a proponent of the projects and the officials would do their best to answer questions.

Topic 1: Onshore transmission line routes on public land for both the proposed Park City Wind (PCW) and Commonwealth Wind (CW) projects

Public Comment/Questions:

Kathleen O'Connor of Centerville asked a question for another resident, Thomas Scanlon, is the landing of the lines on the public beaches appropriate?

Sandy Jones of Centerville are you aware PCW went into an agreement for 13 ½ acres, behind a residential neighborhood is that an area for a substation? This location is located on Mill Pond.

Bob Schulte of Centerville, played an excerpt from Local Comprehensive Planning (LCP) meeting, the use of outside engineering consultants was not a positive one. Why would we use the same engineering consultants going forward?

Gary Peters of Osterville, asked why can't the transmission lines be routed through the Cape Cod Canal, utilizing the existing power station?

Kenneth Nozzle of Centerville, Avangrid's recent radio ads state this will provide electricity for Cape Cod, how much power if any will be going to Cape Cod?

Kathryn Green of Osterville has the town factored in the disruption to the businesses as a result of the transmission lines being buried?

Tim O'Neill of Cotuit what power does the town have or any discretionary choice to support or not to support the wind projects?

Russell Norris of West Hyannis Port, we have lived with the streets torn up, but the residents in my area now have water and sewer lines paid for by Vineyard Wind and have left the streets paved better than before. Long term benefits are more significant. We all should have input in complicated issues.

MaryAnn of Osterville, everyone needs to know that the transmission lines under the beaches can have serious eroding.

Molly Sprawl of Centerville, historic elements are critical when will Avangrid provide residents with written comments of what they will do for the residents trees, streets and foundations?

Zenas Crocker of Centerville, should we be looking at the financial impacts, existing water lines will need to be replaced, and tax increases?

Jan Kubiak of Hyannis, we should do this, time is of the essence. Carbon and methane accumulate, the longer we wait the worse the situation, and this is a global situation.

Town Response:

Mark Ells:

- Landing the electric cables in open space or industrial areas? We don't get to say where the transmission lines are placed. We will look into that, the majority of what they are proposing to do falls outside of our authority to assume or deny.
- Why not have the cables going through the Cape Cod Canal? Still reaching out to the office of Executive Environmental Affairs.
- Accuracy of how many homes would be receiving the electricity? They are a private company they can communicate accurately and inaccurately. When we do the workshop we will ask these questions.
- Increase to the taxes? If this isn't done the way it is designed it could be problematic.
- When the projects come to the town can we just say no? The State does listen to us, and the proponent does listen. But we have authority in only specific areas
- How the cable projects will affect the trees? Regarding streetscapes, about the sidewalks they understand the impacts; we do not have all that in writing. We expect to have all of that in writing.
- Stability of the foundations? There will be pre and post assessment of the foundations, the proponent recognizes their responsibility to mitigate.
- Revenues for the clean water projects? Comprehensive Wastewater Management Plan (CWMP) we were opening up roads for the sewer. The proponent made the cable route follow the sewer lines, anything they disturbed they would have to restore. Opportunity was to do them together, however the sewer and the cable are completely separate.
- What about the poor-quality engineering issue? Right now private and public there is a shortage of engineers. We feel more comfortable doing that in house, for the earlier stages.

Topic 2: Environmental implications of the proposed PCW and CW projects on Craigville and Dowses beaches and the estuarine ecosystems identified in Barnstable's Coastal Resource Management Plan as the Centerville River System

Public Comment/Questions:

Adam Mirick of Osterville, is the town's Counsel aware of any area that Article 97 has been overridden for a single use allotment effectively, which would allow the town to say no.

Please reiterate that the sewage is not linked to the wind farm, what is the percentage of financial benefit?

Raymond Cormier of Hyannis, the negotiations for remuneration should take on greater impact, how did we come up with 16 million dollars? What are the factors?

Bernard Kling of Osterville, when you have an energy system like the windmills, does the state take into consideration what is needed to defend that operation?

Chuck Tuttle of Centerville, this is about landing 2 billion watts under the residential areas and recreational areas. The utility bills will not decrease. These projects will not affect global warming.

George Bachrach of Marstons Mills, every study that has been made suggest this will be environmentally safe and sound. Look at Europe, we are 20 years behind. The proponent can go to the Massachusetts Energy Facilities Siting Board (EFSB) to make the deal. Cut the best deal you can.

Susan (?) what plan if any the impact of the transmission cables degradation over the life of the contract? Why are we negotiating at all, the transmission cables should be going through military bases?

Janet Davis of Centerville, do we have a plan in place for an emergency disaster?

Joseph Conway of Osterville, the cables belong in an industrial zone, who would like to be responsible for the upcoming catastrophes?

Peter Bentivegna of Osterville, read biological studies of the effects of the transmission cables can do to our bodies over a period of time. Find another way to get them into the grid.

Town Response:

Town Attorney, Karen Nober

- Any precedence of Article 97 overridden? Not aware of any incidence where a town is overridden by Article 97, but there are ways that it can happen and it certainly is possible, the Governor is committed to meeting the environmental goals.
- How did the town arrive at 16 million? (Ells) in 2016, substations contain fluids, what would it take to replace a new water supply (32 million) as the project continued, they split the project, that is where the 16 million came from, and the personal property taxes.
- These wind assets will be in federal waters, is the town aware that maybe these need protection? Outside of our authority, but will reach out to federal agencies to find an answer.
- Is there a backup plan, if there is a problem? Is the town ready for that? Yes, it is in the planning now with all of our emergency responders.
- Are there monitoring plans so we know if a problem exists? It will constantly be monitored by a computer system.
- The landing spots are inappropriate? Thank you; please communicate this to the state and federal authorities, that is where the policy will be established.
- If the aquifer is heated up who is looking into that? We are aware of the possibility, but everything we have seen, they meet their regulatory requirements. Modified designs to push the heat down, we don't anticipate a problem. However, we are planning to bring in a third party to look at all of this.

Topic 3: Siting of the project substation(s) on top of and/or in the vicinity of water wellhead protection areas

Public Comment/Questions:

Tom Frederick of Osterville he would like an impact statement and if there are any cables from pulled through residential areas?

Cliff Carroll of West Barnstable, how can the Town of Barnstable allow almost 20 acres of oil filled transformer substation be developed over our designated well protection zone, our aquifer protection zone and in the village of West Barnstable?

Kathy Duran of Hyannis, please consider our most precious resource, our children, we don't know what the impact will be over the next 50 years.

Fabia Mirick-Russano Yazaki of Osterville, at the town level we can still preserve Article 97?

Lawrence Brown of Centerville, we should route the cables through the Cape Cod Canal. I am not going to be here to see the impact of the transmission cables, but our children and grandchildren will be. We need to address climate change issues.

Paul Phalen of Centerville thanked the participants and town staff for the extensive work and announced his write-in candidacy for the upcoming municipal election.

Nancy Hansen of Osterville, where are the proposed locations of the substations?

Tom Scanlon Osterville, how did we get here? A Spanish company creating an LLC, major investor is going to make money off of us to support Hezbollah!

Thomas Bernard of Centerville, we have to think about where we are putting the substations as and the impact on our town.

Town Response:

Mark Ellis

Commented [QA1]:

- We need for a broad based impact report? That is part of the scoping the state does with financial ability, but does not cover the tourism and small business? We did not do that.
- We had success before with the environmental impacts, why can't we do that again at the EFSB? There is nothing more important that the protection of our water resources on Cape Cod. We are trying to look at what falls within our authority. The Host Agreement is where we can add things to ultimately benefit the community if the project proceeds. EFSB has the authority to approve these projects; we have looked at ways to minimize the risk and the impact.
- Siting the substations on top of well head areas? Youth are our priority as well as the future. We take into consideration our emergency responders and how we can manage in any disaster.

Topic 4: Current status of the PCW and CW projects' financeability, including but not limited to Power Purchase Agreements (PPAs) (e.g., status of renegotiations and/or anticipated Requests for Proposals) and whether the Town should require evidence of financeability and/or PPAs for both proposed projects to be in place before any additional work on taxpayer funded property by the developer and/or permitting for the

project(s) is authorized by the Town or any of its committees and/or commissions, which require expenditure of taxpayer-funded resources

Public Comment/Questions:

Susanne Conley Osterville, the town does have power; Article 97 is a constitutional amendment, with a two thirds vote of the Town Council, to put a home rule petition forward. It gives the town permission to grant easements of a change of use for constitutionally protected public lands.

Joanne O'Connor of Centerville, knowing the issues, is Avangrid a company that the Town Council wants to work with?

Shelly Stone of Centerville, no one has mentioned the fisherman, the whales, and impact studies on the fisheries industry. Hope you can pull the plug on this!

Susan Starkey of Yarmouth said Barnstable created a good host agreement. Has the Council started working with Representative Dillon Fernandes to get in place the language so that we can get the electrical energy?

Ellen Massa of Centerville, we have unanswered questions from Avangrid. Avangrid has commercial ads say we lead the way with clean energy. The money is tied to the sewer project. How much money does the town stand to gain over the life of the host agreement how will it be used and where do individual Councilors stand?

Bob Abrams of Osterville, what legislative efforts have you (Town Council) considered, lobbying efforts, litigation efforts?

Cliff Carroll of West Barnstable we are all with you to help you kill that third host agreement. When fighting Cape Wind, four miles off Craigville beach a Spill Fatality Chart indicated all the beaches would be affected.

Bernard Kling of Osterville, would you be willing ask the auditor general, inspector general to look into how the bidding process works?

Larry Morin of Cotuit cautioned the town about the cumulative effects of the cables. Are you going to consider what you heard tonight and are you going to communicate it back to the community so we know you heard us?

Town Response:

Mark Ells

- Look at Article 97, we do have rights. (Nober) Yes Article 97 gives permission to use property, it would allow a granting of the easement, the Town Council has decided to put that granting of the easement on hold until the EFSB issues its decision. Article 97 there is a way the State can override the decision.
- Impact studies on fisheries? (Ells) Not by the town.
- What would the town actually receive financially? Once completed Vineyard Wind is between 800,000 and 1.2 million each year personal property taxes and 16 million through the Host Agreement. The money is then deposited into the General Fund.
- The bidding process after penalized how do they continue? Relevant to the bidding, when the proponent came to us they had the federal grant, and the PPA in place; they had proceeded with their

purchase. As soon as we heard about the default, reached out to the Attorney General in both Massachusetts and Connecticut. We immediately ceased our discussion outside of the review of the permits, they had filed.

Topic 5: Process related to negotiations for a Host Community Agreement and potential Article 97 vote for the proposed CW project, and their implications on the community

Public Comment/Questions:

Patricia Conlon of Osterville, the Host Agreement was all done during COVID. We came here to talk to the Councilors. Why haven't we scored the money in the state to sewer the Cape?

Anne Schulte of Centerville, can you please tell us what if any detailed analysis at the time of negotiation and who performed it, will the TOB be able to renege PCW?

Scott Fitzgerald of Centerville, does Barnstable have a bond with PSW? Focus on what we can do not what we cannot do.

Janet Smith of Osterville, you work for and are paid by the Town of Barnstable. We had to get a petition for you to talk to us. You work for us. Commonwealth Wind is marking up the road, how can they do that? Who is paying for that?

John Gruen, Avangrid is not the controlling interest, it goes back to Spain. We need to have Iberdrola of Spain here for this discussion.

Joanne O'Connor of Centerville spoke in behalf of two business owners, a loss of revenue due to road closures affecting their businesses.

MaryAnn ? Why are we not voting on topic five? Why is this so secretive? What is going on?

Katherine of Osterville, speak to the Town Councilors who are running in your Precinct, vote!

Jennifer Lynch climate change is here to stay unless we make a universal effort to change it. She was very discouraged to see all the plastic bottles on the dais.

Town Response:

Mark Ells

Impact on the businesses, we have several more years of sewer work, please come and talk with me.

Petitioner Final Remarks – Chuck Tuttle

One of the petition initiators, this was all about you. The Town has the ability to stop the industrialization of our recreational areas. The Town Councilors need to do what is good for it's citizens. Notify the EFSB that the citizens of Barnstable do not want the transmission lines to go underneath the beaches.

Council Response and Comment:

President Levesque asked the Councilors if they would like to speak to come to the dais.

Councilor, Paul Cusack, Precinct 5, expand the entire picture this is our wind, we should determine our own path forward. This is a big step in the right direction. Our citizens feel things are out of their control. We need more environmental protections; we should get a better deal on our rates. Former Council President Jim Crocker aggressively pushed for smart business decisions to keep our taxes low and services high and efficient. Where are the American Companies in this? The Town Council has been listening and adapting.

Councilor Ludtke Mr. Ells answered the questions, we must listen to the people better, we delegate a lot to Mr. Ells.

Councilor President Levesque we have taken action with Article 97 a few weeks ago. The resolve that we put in place, we are not going to consider signing anything until the EFSB makes a decision. We have a Town Council form of government. You can come to any Town Council meeting and speak at public comment. We will invite Avangrid to a Town Council meeting to ask them all the questions you have put forward. Continue to stay engaged.

Motion to adjourn
Adjourned 9:26 PM

Ann Quirk/Town Clerk