



Town Council Meeting  
September 5, 2024



A quorum being duly present, President Felicia Penn called the September 5, 2024, Town Council meeting to order at 6:00 PM.

An announcement was made by President Penn 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 8 or Channel 1072.

**PRESENT:** Charles Bloom, Seth Burdick, Kristine Clark, John Crow, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Felicia Penn, Paula Schnepf, Gordon Starr, Craig Tamash, Kristin Terkelsen

Vice President Tamash invited veteran Billie Stewart to the podium. Billie Stewart read a moving tribute about the founding of the Zion Church, then lead the Pledge of Allegiance. President Penn asked for a moment of silence to remember the pain, suffering and jubilation of the building of Zion Church.

**PUBLIC COMMENT:**

**In-Person:**

Larry Morin gave his thoughts of the misuse of executive session, stating the use of the phrase of Attorney Client Privilege never happened with the Council. The Attorney Client privilege is always in the control of the client. Executive sessions did not apply, he read a document.

Pete Hansen as a water commissioner in reference to Avangrid, any new pipe must be insulated, the insulated pipes are more expensive. Not all the pipes need to be replaced. They downplay the concerns, think about the consequences.

Gary Peters spoke about catastrophic accidents and the electromagnetic field exposure and a number of health issues. The cables will be only 4 to 5 feet below the sand, the cables would result in almost constant exposure. This is unacceptable.

Stacy Guenther advocated for the health of the citizens as it relates to offshore winds. valid concerns were repeatedly dismissed by Avangrid. Barnstable citizens health and lively hood are being put at risk, overwhelmingly opposed for more wind projects. Urged the Councilors to engage with the public to block any future offshore plans with the town.

Cliff Carroll turned in a petition, requesting the Council take a vote in public for a revote of the side agreement. You were elected to represent us, no excuse to allow these people to come in and tear up our wellfields and our roads. This is threatening our way of life, no more hiding behind a Host Agreement.

MaryAnn from Osterville, there is so much misinformation about the Wind Projects. Get the facts do your research and analyze it. I have the information and will share with all of you. The

energy costs will increase.

Adam Mirick offshore wind does not deserve our support because it is not net green, electric rates are the third highest in New England and they will go up. The state leaders are promoting the wind projects, we need to fight and not to saddle ourselves with additional costs.

Dawn Ericson-Taylor regarding Great Streets her concerns about accessing our beaches our Main Street shopping, all the handicapped parking spaces has a 4-to-6-inch granite curb. Marginalizing those that cannot walk. The focus should be access for all.

Tom Scanlan why should Cape Cod become the electric outlet for New England? First do no harm. We just had a fire at a substation in Hyannis. Why would the power be diverted out of Massachusetts? Cape Cod should always be a retirement and destination community.

Andrew Dean what more needs to be said, if these concerns alone are not enough. Why did windmill blade break off? What happens when the hurricanes come? We look to you people to take care of us.

Larry Morin continued with Section 21C.3 of the open meeting law code, the content of the agenda was specifically misrepresented. He read the open meeting law explanation, of the two requirements to go into executive session.

Point of order please, Mr. Morin has used his minute and a half.

Point of Order why are we giving people more time if we are limiting everyone to three minutes?

Cliff Carroll spoke about an accident at a transformer service station in another country.

**Zoom:**

Paul Phalan stated the Airport Commission just gave the Airport Manager a salary of \$200,000; you do not want to look at the airport at all. The Airport is a land hog, there is a lot of potential out there. We need a study of air, rail and sea.

**In-person:**

Michael Farrell, have seen the transformers, always must maintain the wind turbines, we will be lucky to get 20 years out of these turbines, full time job. If you proceed, they are going to need employees. Hope we proceed in the appropriate manor.

Roberta Mauch spoke about the historical nature of Hyannis, be more appreciative of those who have been lost at sea. Would like to see a more cohesive respect for our village.

Close Public Comment

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

(Schnepp) making our villages accessible to all who want to enjoy it. Will encourage staff to make it more accessible. Regarding the quality of our Attorneys, stand behind their action thus far and will going forward. (Ludtke) A lot more discussion, asked for all of us to give our positions that has to happen tonight. About the Great Streets we cannot do it on the cheap. (Terkelsen) recently drove to the Panara Bread, no curb cuts, recognize how hard it is to go up a curb with no handholds, your point is well taken. (Crow) everyone should have a chance to go anywhere they please. The Governor said we all have to do our part. Well Barnstable has already done its part. (Bloom) Wind power, its impossible to ignore the expert testimony, I voted

yes at the executive session, I did not feel tricked to do that. We have paid our dues and I will not support anything coming ashore in Osterville.

**TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded) (Exhibit A)** The Town Manager's report has been pre-recorded and is available to the Town Council and the public. The report will be prepared in written form and posted on the Town Manager's website (Exhibit B)

**ACT ON PUBLIC SESSION MINUTES:**

Upon a motion duly made and seconded, it was voted to accept the minutes of August 15, 2024, as presented.

**VOTE: PASSES 11 YES, 2 ABSTAIN (Bloom, Burdick)**

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

**Update on changes in Human Services support for the Brazilian Community:** Carlos Barbosa introduced Michael Mecenes who spoke about the Brazilian Resource Center, formerly known as the Health Ministry. Citi: zen workshop free for the community, free legal services, great opportunity for those that want to become a citizen of this great country. After school program and classes free for the community.

**Town Council Strategic Plan Update process discussion:** Felicia R. Penn, President, this deserves its own discussion. My idea was to have at least two workshops in October, if you have ideas on how that would work best.

**Workshop Discussion on the New England Wind 2 (formerly, Commonwealth Wind) offshore renewable wind project** proposed to land at Dowses Beach: Karen Nober, Town Attorney; Thomas LaRosa, First Assistant Town Attorney

(Penn) Ground Rules We are not discussing anything that has past, that is not productive in any form. This Town Council has never discussed Commonwealth Wind. We have had a lot of input from our very educated public. If we can't do it all in one night we may have to extend it to another meeting.

Background on New England Wind 2, we are providing information so the council can consider the position of the Town.

**Article 97 Discussion:**

(Tamash) is it necessary for the town to file for a waiver of article 97 or can Avangrid do that (LaRosa) home rule petition by the town, the Governor can provide a bill, or another legislator can file a bill Avangrid could not do that. (Tamash) is Avangrid considered a utility (LaRosa) Energy Facilities Siting Board (EFSB) considers it a utility. (Tamash) can we strengthen the deed Article 97 (Nober) Dowses beach is protected by Article 97. (Terkelsen) can you explain the eminent domain principle on Article 97 property (LaRosa) Article 97 spells out what it involves, to secure the authorization, upon a petition from Commonwealth Wind to take an easement. (Nober) you can dispose of the land or take the permission who would have the ability to take eminent domain but then someone has to stand in the shoes of the town. (Starr) are there any examples of the state overstepping the town and doing this (LaRosa) no (Terkelsen) if another legislator decided to do this, but could not get a two thirds vote. (Nober) eminent domain cannot override Article 97. (Crow) what about the federal government wants to get involved (LaRosa) cannot happen

**Permitting Process Discussion:**

(Schnepp) was there any filing for the alternative site in Bristol County at the State level (LaRosa) they did discuss alternative sites, but nothing specific. (Schnepp) if Avangrid wanted to pursue a landing on a private site in Barnstable could they do that (LaRosa) They do not have a permit at this time (Ludtke) when does the Cape Cod Commission get involved (LaRosa) not sure where they are at this time (Ludtke) is there a definitive time (LaRosa) it was finalized before the EFSB (Ludtke) are the permits granted by the Cape Cod Commission (Penn) if the town was in process with something then the town would refer it to the Commission (LaRosa) We will look at that closer to give you an answer (Terkelsen) where is our conservation commission involved in the process (LaRosa) coming up (Terkelsen) where is the permitting with the West Barnstable land proposed substation in this process (LaRosa) the Massachusetts Environmental Policy Act (MEPA) and EFSB would have to approve that and the review and approval hasn't started yet.

**Energy Facilities Siting Board (EFSB) Discussion:**

(Ludtke) when you give up Article 97 don't you have to make up for it somewhere else (Nober) when you are changing the use of public land you must replace it with greater resource value, that is state law, if the legislature, want it to go forward they can get around it. It is not in the constitution (Ludtke) why don't we create more Article 97 land (Nober) once you protect it, its protected (Ludtke) why can't we do that and protect more land with Article 97 (Nober) there is a process for dedicating land it is now protected. (Schnepp) the town would have to own the land to do this? (Nober) Yes (Crow) we can make financial accommodations if the land is not replaced? (Nober) yes, the law states you are not supposed to lose park land (Starr) if you are putting cable under the land, you are not losing the beach (Nober) Correct. (Starr) if they want to protect the land (Nober) as a political matter it is a hard push to go against the wishes of the town.

**Procurement process discussion:**

(Starr) why hasn't the EFSB moved forward (LaRosa) no idea (Starr) Chance that tomorrow we might find out that Dowses Beach is not in the process. (Tamash) Public questions many have been addressed. The area up around Oak Street and the Fire Tower how much land there is protected by Article 97 (LaRosa) the town land that abuts Oak Street is protected, they would need an easement, we are not (Tamash) would Article 97 have to be by each parcel or by parcel (LaRosa) no sense to do it for just one property (Crow) good idea to have a process map that shows a step by step which comes first, what is next that would be helpful. (Nober) we can do that (Tamash) Requirements to be made on Avangrid should they come into town, the town objected who can give the protection EFSB and we would be at their mercy (Nober) we would be at the mercy of the EFSB and it would have to be under their jurisdiction (Crow) One of the alternatives to coming on the beach would be coming onto Wianno Ave. can that be protected. (LaRosa) that area is part at the end of Wianno Avenue road layout, we have not found that it is protected by Article 97 (Terkelsen) if it is not protected why can't we do that right now (LaRosa) we can (Clark) If it is a landing it will have traffic, Article 97 trade lands, if the Town does not have an HCA and gets overridden by the EFSB, who choose where these compensation lands come from (LaRosa) they could waive it in the legislation (Ludtke) The town does not support the MEPA process, we did not have a vote on that. Each one of the Councilors has a voice in this, in my opinion there is no price. Encourage my Councilors to say so. (Tamash) I would not support this project, if this does come up for a vote at the next meeting, I will not be here. (Nober) if you want to wait until you are all available. (Levesque) I would not support the landing at Dowses Beach, in 2022 when they pulled out of the power purchase agreement, we stopped all negotiation; (Terkelsen) Point of Order we are not supposed to rehash the previous history, you are bringing up the past (Levesque) talking about Dowses beach (Terkelsen) I would like

you to apologize to me (Levesque) sorry about the uncomfortableness, we decided not to move forward. It has been discussed at the Town Council level. At the last presentation Mark Milne did put the 16 million dollars in the presentation.

### **COUNCILOR COMMUNICATIONS**

(Schnepp) Millbilly breakfast at Liberty Hall on Sunday morning, fellow Councilor Levesque will be with us. (Levesque) congratulated Councilor Schnepp for her performance at the Cotuit Center of the Arts.

Break back at 8:45

### **Private Roads Workshop**

5 options to consider Road Takings

(Penn) Do you want to come up with a policy at a future meeting. (Starr) the roads separated into five categories ask the Town Manager to work on the first two and come back with a policy (Tamash) the policy should address all five categories, an integrated policy. (Penn) any one of the five categories generic enough to get started. (Mendes) comprehensive but concentrated on the older private roads, especially in Hyannis where part of the road is private and part is public, a concentrated effort on the older roads. (Levesque) Lets go by the priority list, the connector roads where do we find the funding? (Terkelsen) Looking forward to us moving forward, time well spent. (Starr) can we ask Mr. Ells what is involved in moving forward in each one. (Ells) Do you want to consider taking the private roads. Formal direction, for staff to bring to you how we recommend you consider these private roads. In a new subdivision when a new road is being built, a resolve that would allow the Director of Planning and Development to say yes, we can do that. (Starr) considerable resources (Ells) give us clear direction, it is a significant amount of resources of the Legal, Department of Public Works (DPW), Town Managers office, Planning and Finance. (Starr) labor intensive, to research, this is what we are looking at. (Starr) a new subdivision needs to be built to these specifications (Ells) we are going to need a broad policy, then go back to the administration to how are we going to do this? (Starr) We have someone working on this now? (Ells) Yes, Roger Parsons (Starr) can we work on this tonight (Nober) we are just looking for a feel from all of you. (Penn) as generic as possible.

### **Opioid Presentation Discussion:**

(Bloom) Concerned about the timeline, what more do you want to do and when do you think you will be ready (Deputy Chief Ellis) funding application for special interest groups, accept grant funds towards this program, by the beginning of 2025. (Poyant) we were supposed to get a lot of guidance from the state, which we did not get. They are using what we did for other communities to do. (Terkelsen) what other communities have already done, what is working somewhere else (Ellis) we have met with all levels of people, now that we have a core group, we are now ready to look at what other communities are doing (Terkelsen) are there other communities near us we want to look at, is there any collaboration cape wide. (Ellis) Yes, regionalization came up, we are always on the hook as the town to do the work. We had people attend meetings from other communities (Poyant) some of the organizations we are working with are multi-jurisdictional, the state has said there are four categories that we should be focusing on (Schnepp) do you anticipate the Town of Barnstable will be retaining some money (Ellis) we are looking to spend some money on someone to steer us in this process to be impactful. (Mendes) we have all the services, everyone flocks to Barnstable, we need to be more selfish (Ellis) I agree (Clark) Is this group going to be empowered to write grants, to invest in the Town of Barnstable, and make the dollars stretch (Ellis) hire someone else to help us with this project, looking of accept grants and funds from other agencies.

(Ludtke) when will we have another presentation to see why we would have to hire someone (Ellis) Yes. (Ludtke) the outreach that was done, does the state define the parameters? Keep a closer eye on this, would like more frequent updates. (Poyant) one of the things we put the information into one of the four categories, our focus groups were specifically y working on the four categories.

**Great Streets Discussion:**

(Penn) glad to see timetable stretched into spring of 2026 (Kupfer) hopefully before the spring of 2026. We would like to get it done sooner. Process is ongoing. One note regarding ADA compliant, we are working with the DPW for ADA compliance on Main Street, as it is an obvious need. (Ludtke) the 5 points or 6 points into the rotary coming from points south how is that going to work with the traffic (Kupfer) Old Colony will still be there, opportunity to have multipoint of entry on the rotary, which will reduce redundant trips and help efficiency (Penn) looking for a redesign of 6 points, many people have had input (Kupfer) this is a main access for the harbor, with large trucks, loading and unloading of boats (Terkelsen) it would be nice to see the estimation on the size of the vehicles in a 3-D version. (Kupfer) it is 2-D but you can see where those wheels would be. (Ludtke) would like to see a cost estimate of burying the utilities in the 6 points (Kupfer) will provide that for you.

**2025-009 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:  
08/15/2024, 05/25/2024**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Comprehensive Financial Advisory Committee:** Hector Guenther, as a regular member to a term expiring 06/30/2027; **Council On Aging:** John Jope, as a regular member to a term expiring 06/30/2027; Kathleen Strudwick, as a regular member to a term expiring 06/30/2027; **Disability Commission:** Sheila Mulcahy, as a regular member to a term expiring 06/30/2027; Lori Gillen, as a regular member to a term expiring 06/30/2027; **Housing Committee:** Emily Cornett, as a regular member to a term expiring 06/30/2027; Evan Gaudette, as a regular member to a term expiring 06/30/2027; Donald Lynde, as a regular member to a term expiring 06/30/2027; **Hyannis Main Street Waterfront Historic District Commission:** Tom Doherty, as a Hyannis Business District Representative member, to a term expiring 06/30/2027; **John F. Kennedy Memorial Trust Fund Committee:** Robert Jones, as a regular member, to a term expiring 06/30/2027; Lynne Poyant, as a regular member, to a term expiring 06/30/2027; **Mid Cape Cultural Council:** Margeaux Weber, as a regular member to a term expiring 06/30/2025; **Recreation Commission:** Brendan Burke, as a regular member to a term expiring 06/30/2027; Tim Lus, as a regular member to a term expiring 06/30/2027; **Sandy Neck Board:** Richards French, as a regular member to a term expiring 06/30/2027; Thomas O'Neill, as a member-at large to a term expiring 06/30/2027; Maureen Piccione, a member-at-large to a term expiring 06/30/2027; **Waterways Committee:** Gregory Egan, as a regular member to a term expiring 06/30/2027; **Scholarship Committee:** John Marsden, as a regular member to a term expiring 06/30/2027; **Zoning Board of Appeals:** Emmanuel Alves, as an associate member to a term expiring 06/30/2027; Jake Dewey, as a regular member to a term expiring 06/30/2025

**VOTE: PASSES UNANIMOUS**

**2025-010 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:  
08/15/2024, 09/05/2024**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member

Board/Committee/Commission: **Historical Commission:** John Richmond, as an alternate member to a term expiring 06/30/2026; **Hyannis Main Street Waterfront District Appeals Committee:** Stephen Peckham, as a Hyannis resident, to a term expiring 06/30/2025  
**VOTE: PASSES UNANIMOUS**

**2025-012 RESOLVE APPROVING A LETTER OF SUPPORT FOR ESTABLISHMENT OF A PAINT STEWARDSHIP PROGRAM INTRO: 08/15/2024, 09/05/2024**

**Discussion:**

(Clark) one hundred and three communities have already signed onto this, it would be wise to lend our support to this program

Upon a motion duly made and seconded it was

**ORDERED:** That, pursuant to M.G.L Chapter 40Q (District Improvement Financing), the Town Council hereby designates the Hyannis District Improvement Financing Development District (the "Development District"), to be located in Downtown Hyannis with an area of 973.64 acres, as further identified in Appendix C of the "Hyannis District Improvement Financing District: District Improvement Financing Master Plan" (the "Master Plan"), prepared by Camoin Associates and dated July 1, 2024, which is attached hereto and incorporated herein, and that the Town Council hereby approves and adopts the Development Program, as set forth in the Master Plan, such that the area where revenue is being generated through new growth is the same area in which the funds can be spent. The Town Council hereby finds that the designation of the Development District is consistent with the requirements of Section 2 of said Chapter 40Q and will further the public purpose of encouraging increased residential, industrial and commercial activity in the Commonwealth.

**VOTE: PASSES UNANIMOUS**

**2025-017 DESIGNATION OF THE HYANNIS DISTRICT IMPROVEMENT FINANCING DEVELOPMENT DISTRICT TO BE LOCATED IN DOWNTOWN HYANNIS AND APPROVAL AND ADOPTION OF THE DEVELOPMENT PROGRAM INTRO: 09/15/2024**

Jim Kupfer, Director of Planning and Development gave the rationale. Councilor Neary recused. There is a Scribner error on the date, I will make that correction and give it to the Clerk.

Kyle Pedicini used a Power Point presentation to explain the process.

**Discussion:**

(Tamash) do you have any estimate how these new growth dollars, how will that effect of budgeting process for the town. (Pedicini) that is the drawback of the program, the fiscal impact would have to defer to Mark Milne, Finance Director. The percentage is totally up to the town. (Ludtke) this is a terrible idea, understand this is based on new construction, represent a Hyannis precinct, there is a lot of angst that we are losing the village atmosphere. I am very opposed to this; I don't like the GIZ map. This should be abandoned, could not be more opposed to this, this will be the nail in the coffin. (Pedicini) this doesn't impact zoning; it is in the event that parcels are developed it puts the money back into the village. (Schnepp) I have not had the chance to digest this to make a decision, there is a lot going on here, I feel it should be continued to the next meeting. (Levesque) someone is going to take the investment and then the reward is that the money will come back to the area, facades, beautification. Investment in downtown Hyannis. I see this as an opportunity. (Bloom) suggest we put this off, because I am really confused now. (Mendes) it looks very positive so I need to spend some time on this (Terkelsen) Maybe if you could find out where new growth dollars are going to come from, like

the time to reconsider (Tamash) don't think any growth is going to happen because we are going to get money back, the new growth dollars can't be put to any other use. (Mendes) I like the money going back to be reinvested in Hyannis, we do deserve a little bit more. (Starr) agree Hyannis would have a little bit of control over this money, I would support that. (Milne) most of the towns new growth dollars has been generated by homes, most has been outside that area. (Schnepp) Upon a motion duly made and seconded it was to continue to the first meeting in October

**VOTE: PASSES 12 YES (Neary recused)**

Upon a motion duly made and seconded it was

**ORDERED:** That, pursuant to M.G.L Chapter 40Q (District Improvement Financing), the Town Council hereby designates the Hyannis District Improvement Financing Development District (the "Development District"), to be located in Downtown Hyannis with an area of 973.64 acres, as further identified in Appendix C of the "Hyannis District Improvement Financing District: District Improvement Financing Master Plan" (the "Master Plan"), prepared by Camoin Associates and dated July 1, 2024, which is attached hereto and incorporated herein, and that the Town Council hereby approves and adopts the Development Program, as set forth in the Master Plan, such that the area where revenue is being generated through new growth is the same area in which the funds can be spent. The Town Council hereby finds that the designation of the Development District is consistent with the requirements of Section 2 of said Chapter 40Q and will further the public purpose of encouraging increased residential, industrial and commercial activity in the Commonwealth.

**VOTE: CONTINUE TO OCTOBER 10, 2024**

<p><b>2025-018 AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FROM BARNSTABLE LAND TRUST, INC. UPON A PORTION OF THE PROPERTY KNOWN AS FULLER FARM</b> <b>INTRO: 08/15/2024, 09/05/2024</b></p>
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Councilor Levesque recused himself from this item. Councilor Neary returned Lindsey Counsel gave the rationale with Janet Milkman of Barnstable Land Trust.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council hereby authorizes the Town Manager, on behalf of the Town, to acquire by gift from Barnstable Land Trust, Inc. a perpetual public access easement for passive recreation purposes upon the property known as Fuller Farm, located in the village of Marstons Mills, as described in a deed recorded at the Barnstable County Registry of Deeds in Book 31739, Page 229. The easement area is shown as "8' Wide Easement Over Existing Path" on a plan captioned "Easement Plot Plan in Marstons Mills, MA 995 Route 149 prepared for Town of Barnstable", prepared by Down Cape Civil Engineering and dated May 17, 2024. The Town Manager is authorized to negotiate, accept, sign, deliver and record documents, and make minor modifications to the plan, if needed, for the purposes necessary to effectuate this Resolve and complete this transaction.

**VOTE: PASSES 12 YES (Levesque recused)**

**Proposed Vote:** a motion was made and duly seconded to refer Items **2025-022, 2025-025, 2025-026, 2025-027**, as written, individual public hearings to be held on each item at the Town Council meeting on September 19, 2024. Levesque returned to the dais.

**VOTE: PASSES UNANIMOUS**



**2025-022 ORDER AMENDING THE GENERAL ORDINANCES OF THE CODE OF THE TOWN OF BARNSTABLE, CHAPTER 220 TOWN COUNCIL, ARTICLE I, SECTION 220-4  
INTRO: 09/05/2024**

Upon a motion duly made and seconded it was

**ORDERED:** That the General Ordinances of the Code of the Town of Barnstable, Chapter 220 Town Council, Article I, Section 220-4 be amended by deleting "7:00" and inserting "6:00" in its place.

**VOTE: CONTINUE TO OCTOBER 10, 2024**

**2025-023 RESOLVE ESTABLISHING A COMPREHENSIVE WASTEWATER  
MANAGEMENT PLAN (CWMP) AD HOC ADVISORY COMMITTEE INTRO: 09/5/2024**

Dan Santos, Director of Public Works gave the rationale

**Discussion:**

(Ludtke) the Town Council Administrator handles all the minutes of the Ad Hoc Committee meetings. (Santos) be happy to have one of my staff handle the meetings and minutes. (Schnepp) Are the Liaisons coming to the meetings but not having a vote (Nober) they would attend but not vote, (Schnepp) is there a reason for that (Santos) that was how it was originally set up. (Schnepp) a motion was made and seconded to amend that this resolve to add a member of the Comprehensive Financial Advisory Committee (CFAC) be a liaison to this committee.

(Clark) we put a lot of pressure on our committee members already as they attend other meetings already, a liaison would work well as they have more than one meeting. (Terkelsen) in the previous group, did they attend often because they are liaisons, how did that work? (Santos) it was a mix, and when they were there, it was more of a consensus of which way we were going to go (Tamash) not sure that the liaisons should be required to be at every meeting, to make them a voting member puts pressure on them to be at each meeting.

The motion on the floor, a motion was made and seconded to amend that this resolve to add a member of the CFAC be a liaison to this committee

**VOTE: PASSES UNANIMOUS**

Upon a motion duly made and seconded it was

**RESOLVED:** That, in accordance with Section 241-8 of Chapter 241 of the Town Administrative Code, the Town Council does hereby establish a Comprehensive Wastewater Management Plan (CWMP) Ad Hoc advisory committee to assist the Town Council in carrying out the Council's responsibilities, as further described below. The non-Councilor members of said committee shall be special municipal employees for purposes of G.L. c. 268A, the state conflict of interest law. The committee shall be subject to and shall comply with the Open Meeting Law. All committee meetings shall include a period for public comment. The committee chair shall provide regular reports to the Town Council at Town Council meetings. The Town Council President shall serve as an ex officio, non-voting member of the committee. At the request of the chair of the committee, liaisons to the committee shall be appointed by the chairs of the Board of Health, Conservation Commission and Planning Board from each of their respective boards.

**Purpose of committee:** The committee shall work with the Director of Public Works and/or his/her designee(s) to advise the Barnstable Town Council on the 5-year review of and recommended updates to the Town's Comprehensive Wastewater Management

Plan, with the goal of protecting and restoring the Town's fresh and salt water bodies and its drinking water supplies, in compliance with the Federal Clean Water Act and the Cape Cod Commission's Cape Cod Area Wide Water Quality Management Plan Update of 2015 (the 208 Plan), and the Town's Watershed Management Plan/Permit.

**Members:** In accordance with Town Council Rule 11A, the President of the Council shall designate the eleven (11) members of this committee as follows: Three (3) members shall be Town Councilors; five (5) members shall be registered voters of the Town who, based on their place of residence within the Town, shall provide to the extent feasible geographically diverse representation with respect to the salt water embayments, fresh water lakes and ponds and watersheds within the Town; and three (3) members shall be registered voters of the Town who have expertise in matters related to water quality and wastewater issues.

**Time Period:** Complete work and make recommendations to the Town Council by December 31, 2025.

**VOTE: AS AMENDED PASSES UNANIMOUS**

Councilor Mendes left the dais left at 10:23 PM

**2025-024 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2024 FISCAL YEAR 2026 STATE 911 DEPARTMENT TELECOMMUNICATOR EMERGENCY RESPONSE TASKFORCE (TERT) GRANT IN THE AMOUNT OF \$10,891 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 09/05/2024**

Deputy Chief, Jennifer Ellis gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2024 - 2026 State 911 Department TERT (Telecommunicator Emergency Response Taskforce) grant in the amount of **\$10,891** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security for the purpose of funding overtime and related costs related to monthly training and emergency telecommunications call-out for the Police Department's TERT team member.

**VOTE: PASSES 12 YES**

**2025-025 APPROPRIATION ORDER IN THE AMOUNT OF \$75,000 FOR THE PURPOSE OF ALUM TREATMENT FOR MYSTIC LAKE INTRO: 09/05/2024**

Upon a motion duly made and seconded it was

**ORDERED:** That the amount of **\$75,000** be appropriated and added to the amount appropriated under Town Council Order 2023-104 for the purpose of funding the Mystic Lake Alum Treatment Project as outlined in the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$75,000 be provided from the Capital Trust Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

**VOTE: CONTINUE TO OCTOBER 10, 2024**

**2025-026 ORDER AMENDING ARTICLE II, SEWER ASSESSMENTS, CHAPTER 184 SEWERS AND WATER OF THE GENERAL ORDINANCES OF THE CODE OF THE TOWN OF BARNSTABLE INTRO: 09/05/2024**

Upon a motion duly made and seconded it was

**ORDERED:** That Article II, Sewer Assessments, Chapter 184 Sewers and Water, of the General Ordinances of the Code of the Town of Barnstable shall be amended as follows:

**SECTION 1:** § 184-9.2. Definitions shall be amended as follows:

- A. By amending the definition of “Commercial Use” by deleting “premises” and inserting “property” in its place;
- B. By amending subsection (a) of the definition of “Compensatory Sewer Privilege Fee” by inserting “equal to One (1) Sewer Unit” after “sewer assessment” and by deleting “based on the number of potential Sewer Units” after “undeveloped property”;
- C. By amending the definition of “Dwelling Unit” by deleting “provided that, solely for the purposes of this Article II, such complete living facilities that contain one bedroom or fewer shall be a Half Dwelling Unit” and by inserting in their place “, unless such complete living facilities are a Half Dwelling Unit as defined herein”;
- D. By amending the definition of “General Benefit Facilities” to insert after “Improvements,” the following: “including but not limited to,”;
- E. By inserting after the definition of “General Benefit Facilities” the following new definition:  
“Half Dwelling Unit  
Solely for the purposes of this Article II, one or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including room or rooms for living, sleeping and eating, and which contain one bedroom or fewer.”
- F. By amending the definition of “Lateral Line” to delete it in its entirety and to insert the following in its place: “Sewer conduit from a building to a main.”
- G. By amending the definition of “Residential Sewer Units” by deleting “assessed as” from the last clause so that it reads: “provided further, that a Half Dwelling Unit shall be one half of one Sewer Unit.”;
- H. By amending the definition of “Semi-Public Use” by deleting “premises” and inserting “property” in its place;
- I. By amending the definition of “Sewer Main” by deleting “sewerage” and inserting “sewage” in its place;
- J. By inserting after the definition of “Sewer Main” the following new definition:  
“Sewer Unit  
A Residential Sewer Unit or a Commercial Sewer Unit shall equal one Sewer Unit.”;
- K. By amending the definition of “Special Benefit Facilities” to insert “Improvements, including but not limited to,” at the beginning of the definition; and
- L. By amending the definition of “Trunk Main” by deleting “sewerage” and inserting “sewage” in its place.

**SECTION 2:** § 184-9.4. shall be amended by deleting the heading in its entirety and inserting the following new heading in its place: “Determination of number of sewer units in a pumping district and assessment of properties.”

**SECTION 3:** § 184-9.4 shall be further amended by deleting Subsections A through E in their entirety and inserting the following new Subsections A through E in their place:

“A. Each parcel of land in a Pumping District shall be converted into permanent Residential or Commercial Sewer Units, as defined herein, by the Town Manager or his designee for the purpose of proportionally dividing the construction costs equitably among such parcels of land. Each Sewer Unit shall be equal to a single family residence. Potential Sewer Units shall be calculated on the basis of zoning then in effect. Existing and potential multifamily, commercial, industrial and semipublic uses shall be converted into Sewer Units on the basis of residential equivalents.

B. Developed residential lots. A residential lot that contains one Dwelling Unit shall be one Residential Sewer Unit and assessed as one Sewer Unit. If such residential lot contains more than one Dwelling Unit, the number of Residential Sewer Units shall equal the number of Dwelling Units, and the property shall be assessed based on said number of Residential Sewer Units. Single family dwellings shall comprise one Residential Sewer Unit; single family dwellings which have an Accessory Dwelling Unit, affordable accessory apartment or family apartment as defined by the Zoning Ordinance within the single family residence or in a detached building on the same lot shall comprise two Residential Sewer Units; duplex dwellings shall comprise two Residential Sewer Units; three-family dwellings shall comprise three Residential Sewer Units; four-family dwellings shall comprise four Residential Sewer Units; and multiple family dwellings (in excess of four dwelling units) shall comprise one Residential Sewer Unit for each apartment in a rental property and one Residential Sewer Unit for each dwelling unit in a condominium complex; provided that the number of Residential Sewer Units in the foregoing list shall be adjusted accordingly for Half Dwelling Units. A Dwelling Unit that occupies two residential lots in such a way that only one Dwelling Unit is allowed shall be one Residential Sewer Unit and shall be assessed as one Sewer Unit.

C. Lots capable of division or subdivision.

(1) Residential lots capable of division or subdivision. The number of Residential Sewer Units for residentially zoned land which is capable of being divided or subdivided according to the Zoning Ordinance shall be determined based on the current use plus one additional Residential Sewer Unit for each lot which could be created in accordance with the Zoning Ordinance. The assessment shall be based on the current use of the property. For example, property which contains one Dwelling Unit, but which could be divided or subdivided to include three additional Dwelling Units, shall be determined to be one (1) Residential Sewer Unit and three (3) potential Residential Sewer Units for a total of four (4) Sewer Units for the purposes of calculating the amount of the sewer assessment, but the property shall be assessed as one Sewer Unit. In accordance with G.L. c. 83, § 19, if the property is undeveloped, it shall be assessed as one Sewer Unit, but, at the property owner’s request, the time for payment of such assessment may

be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon. If the property is subsequently developed to contain more than one Dwelling Unit, a Compensatory Sewer Fee shall be assessed for each additional Sewer Unit in accordance with § 184-9.4 (F) below.

(2) Commercial, industrial, business and semi-public lots capable of division or subdivision. The number of Commercial Sewer Units for commercial, industrial, business, and semi-public lots which could be divided or subdivided according to the Zoning Ordinance shall be determined based on the current use, as set forth in Section § 184-9.4 (D) below, plus one additional Commercial Sewer Unit for each additional 330 gallons of reasonably anticipated daily sewage volume which could be generated from the use in accordance with the Zoning Ordinance. The assessment shall be based on the current use of the property. In accordance with G.L. c. 83, § 19, if the property is undeveloped, it shall be assessed as one (1) Commercial Sewer Unit, but, at the property owner's request, the time for payment of such assessment may be extended until such time as the land is built upon, provided that interest at the annual rate of 4% shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid in full within three months after such land is built upon. If the property is subsequently developed to contain more than one Commercial Sewer Unit, a Compensatory Sewer Fee shall be assessed for each additional Commercial Sewer Unit in accordance with § 184-9.4 (F) below.

D. Improved commercial, industrial, business, and semi-public lots and uses.

Improved commercial, industrial, business, and semi-public lots and uses shall be assessed based on the current sewage volume generated from the use of the property, and shall be assessed as one Commercial Sewer Unit for each 330 gallons of actual daily sewage volume.

E. Unbuildable lots. An Unbuildable Lot shall not be determined to contain any Sewer Units and shall not be assessed any Sewer Units, provided that upon the issuance of a building permit, said lot shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section § 184-9.4 (F) below.”

**SECTION 4:** § 184-9.10 shall be amended by deleting in Subsection A the words “Department of Public Works” and inserting “Treasurer/Collector Office” in their place.

**VOTE: CONTINUE TO OCTOBER 10, 2024**

<p><b>2025-027      APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,826,327 AND AUTHORIZATION TO CONTRACT FOR AND EXPEND A GRANT IN THE AMOUNT OF \$2,833,849 FROM THE COMMONWEALTH'S EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE SANDY NECK BEACH FACILITY COASTAL RESILIENCY PROJECT INTRO: 09/05/2024</b></p>
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Upon a motion duly made and seconded it was

**ORDERED:** That the amount of **\$3,826,327** be appropriated for the purpose of funding Sandy Neck Beach Facility Coastal Resiliency Project, including the payment of costs incidental or related thereto; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$3,826,327** under and pursuant to M.G.L. c. 44, §7 or 8,

or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and is further authorized to contract for and expend a Fiscal Year 2025 Municipal Vulnerability Preparedness Program Action Grant in the amount of **\$2,833,849** from the Commonwealth's Executive Office of Energy and Environmental Affairs for the Sandy  
**VOTE: CONTINUE TO OCTOBER 10, 2024**

**2025-028 ORDER AUTHORIZING THE TAKING OF ROAD EASEMENTS BY EMINENT DOMAIN FOR SEWER AND WATER PURPOSES OVER CERTAIN PRIVATE ROADS KNOWN AS: BEECHWOOD ROAD, COTTONWOOD LANE, SAIL-A-WAY, MILLSTONE WAY, TELLEGEN TRAIL, AND WHIDAH WAY IN CENTERVILLE; SUNNY-WOOD DRIVE, CENTERBOARD LANE AND NEWSPAPER ROAD IN HYANNIS; GOOSE POINT ROAD IN CENTERVILLE AND HYANNIS; MARQUAND DRIVE IN MARSTONS MILLS; AND OLD EAST OSTERVILLE ROAD IN OSTERVILLE INTRO: 09/05/2024**

Upon a motion duly made and seconded it was

**ORDERED:** That the Town Council hereby authorizes the Town Manager, on behalf of the Town, to purchase, take by eminent domain under Chapter 79 of the Massachusetts General Laws or otherwise acquire for sewer and water purposes a perpetual easement through, under, across, and on the following described roads for the installation, operation, maintenance, repair, relocation, and replacement of sewer and water lines and infrastructure for the same and for all purposes for which such easements are commonly used in the Town of Barnstable:

BEECHWOOD ROAD, lying between Connors Road and Cottonwood Lane and the 20-foot-wide Way running from BEACHWOOD ROAD to LOT 210, as shown on Land Court Plan No. 20239C (sheets 8 and 9); and

COTTONWOOD LANE, as shown on Land Court Plan No. 20239-C (sheets 8 and 9), including the 40-FT WAY, running from Huckins Neck Road to land of Alfred Crocker, as shown on said Land Court Plan;

SUNNY-WOOD DRIVE, as shown on Land Court Plan No. 32849B (sheets 1 and 2);

CENTERBOARD LANE (formerly MARINER LANE), as shown in Plan Book 425, Page 29 and in Plan Book 459, Page 83;

GOOSE POINT ROAD, as shown in Plan Book 249, Page 121;

MILLSTONE WAY, as shown in Plan Book 228, Page 79;

NEWSPAPER ROAD, as shown in Plan Book 231, Page 17;

SAIL-A-WAY, as shown in Plan Book 140, Page 79;

TELLEGEN TRAIL, as shown in Plan Book 254, Page 52;

WHIDAH WAY, as shown in Plan Book 395, Pages 89 and 91;

MARQUAND DRIVE, including the areas labelled "driveway" and "emergency 40' wide access" as shown in Land Court Plans 23111-B, 23111-C, 23111-D; and,

OLD EAST OSTERVILLE ROAD, as shown in Plan Book 290, Page 55, Plan Book 262, Page 58, and Plan Book 262, Page 59, and on Land Court Plans 34608-B and 34625-D.

Any trees, buildings, and other structures located within said roads are not included in this Order and the owners of the same may have a period of up to sixty (60) days after the recording of the Order of Taking to remove the same.

The Town Manager is authorized to negotiate, accept, sign, deliver and record any documents or plans for the purposes necessary to effectuate this Order.

Betterments will be assessed for the associated sewer and water improvements made by the Town of Barnstable.

The parcel numbers, names and addresses of the owners of said interests to be taken or acquired, as far as can be ascertained by the Town, are as set forth on Exhibit A attached hereto, along with awards for damages, if any, sustained by said owners.

**VOTE: REFER TO A 2<sup>ND</sup> READING-PASSES UNANIMOUS**

**VOTED TO ADJOURN:  
VOTE: PASSES UNANIMOUS  
Adjourned at 10:28 PM**

Respectfully submitted,

Ann M. Quirk  
Town Clerk

**NEXT MEETING: September 19, 2024**

Exhibits:

- A. Town Managers update