



Town Council Meeting
November 21, 2024

A quorum being duly present, Vice-President Craig Tamash called the November 21, 2024, Town Council meeting to order at 6:00 PM.

An announcement was made by Councilor Starr 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, Paul Neary, Paula Schnepf, Craig Tamash, Kristin Terkelsen **ABSENT:** Jeffrey Mendes
ZOOM: Felicia Penn and Gordon Starr (6:07 PM)

Councilor Clark invited veteran Sean O'Neil to the podium, to lead the Pledge of Allegiance, which was followed by a moment of silence. Vice-President Tamash urged residents to remember all who are near and dear to us.

Vice-President Tamash mentioned the second Town Council meeting on December 19th has been moved to December 12th. He noted there will be no third week meeting of the Town Councilors in December 2024.

PUBLIC COMMENT:

In-Person:

William H. Smith believes everyone has a voice in this community. He felt the 2023 zoning laws were a mistake. He stressed there were flaws in it but felt there was time still to make changes before finalizing it. He said confidence was lost, and everyone can make mistakes, but it would be a crime to let it continue.

Rick Brigham felt the turbines were taller than some of the buildings in Boston Massachusetts. He noted the turbines contributed to the damage of the ecosystem and the fisheries would suffer as well. He added there were 410 whale death since 2016 which coincides with the turbine companies working in the same area.

Susan McLean felt the artist community, which was a part of the tourist industry, would be affected by Avangrid threatening our beaches. Please rescind the June 13th vote.

Maryanne Noddin felt the closed meetings appeared suspicious. If the big wind is so good, why hide the meetings. She said the big wind companies would be protected by their Limited Liability Company if anything went wrong. The Town would not be protected and is open to all liability.

Catherine Bean urged the Council to rescind the June 13th vote. She hoped there would not be any more wind projects. She noted Councilors Jeffrey Mendes and Matthew Levesque did not use their town email address.

Kathleen Vail was very upset with the vote taken at the June 13th meeting which was not taken in public. The secret vote is wrong and against the Open Meeting Law. She urged the Council to rescind the vote and adhere to the Open Meeting Act.

Liam Moynahan urged the Council to rescind the vote and repeal the act. He voiced his concerns about turbines off Nauset. He noted we have the opportunity to revisit this vote.

Shelley Sterling hoped the Council would take the opportunity to rescind the vote from the June 13th meeting. Avangrid never answered any questions and is owned by an Iranian company.

Elaine Brigham felt the wind turbines would not generate as much electricity as it took to construct them.

Roberta Mauch spoke about the expensive energy, its unreliability and going forward our electrical bills will be double. Please rescind this vote.

Zoom: none

Close Public Comment.

COUNCIL RESPONSE TO PUBLIC COMMENT: (Levesque) spoke about the extensive outreach, public hearings, robust discussions, the 10 Councilors voted for it and an amendment regarding the form-based code. We were trying to redevelop blighted property that was the reason for passing the form-based code. (Neary) These decisions happen overtime, and we try to balance all information. We make decisions for the Town with the information we had at the time. If we rescind the vote the agreement is still enforceable. We voted on the agreement to protect the Town. (Ludtke) said she voted for form-based zoning and regretted it. Looking forward to changes and the role of the residents. The June 13th meeting left out the citizens. (Schnepf) felt the legal concerns outweighed any open meeting concerns. (Bloom) felt the Citizens' petition has merit. He voted for the agreement, his responsibility but it needs to be out in the open. (Crow) Felt the vote was rushed. He said he made a mistake. We need to read the information carefully and come back to another meeting for the vote. (Terkelsen) We need to ask better questions and slow down the process. Then come back into public and take the vote.

TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded) 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. The Town Manager and staff will be available to answer any questions regarding the report as presented. The Town Managers communication for the period of October 23 through November 5, 2024, included an update on:

1. Fiscal Year (FY) 2026 Capital and Operating Budget – update
2. Finance Department presented the FY 2025 tax levy shifting options – update
3. Public Hearing on changes to various Town of Barnstable permit and program fees for the Community Services Department's Golf and Hyannis Youth and Community Center Programs
4. Opioid Abatement Funds – update
5. Side Agreement with Park City Wind (PCW) as well as Escrow Agreement voted on at the June 25th Town Council executive session – update

6. The Barnstable Youth Commission hosted its 11th Annual Community Substance Abuse Prevention Forum on Tuesday, December 3rd at the Barnstable Adult Community Center from 5:30 pm – 7:30 pm.
7. Chris Gadd, Communication Assistant for the Department of Public Works, will provide an update on Water Resources Management Planning including the Comprehensive Waster Water Management Plan.

Discussion: (Ludtke) The opioid settlement great settlements and grants please keep this item front and center. Is it going to be here (Ells) Spoke with Leadership and it will be brought forward and presented and will come back with an answer. (Poyant) reporting as task force another round on December 31st. (Schnepp) getting grants with matching funds – great job! How about an update on sewer connections since May. (Ells) asked Dan Santos, Public Works Director, to report on this item. (Santos) Said 45 people had connections with 25 active permits and we were actively working on waivers.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded, it was voted to accept the minutes of November 7, 2024, as presented.

VOTE: PASSES 12 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

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

- Update from Bob Schulte, Chair, Committee to Review and Assess Zoning and Review the Town's Use of Regulatory Agreements (Schulte) said there were meaningful meetings to address the concerns with robust efforts and they would be making meaningful recommendations. He said they discussed regulatory agreements and zoning amendments. (Crow) heard the group was the best and really appreciated all of the work. (Ludtke) Meetings were fantastic please bring your information to the Town Staff.
- Update from Rick Presbrey, Chair, Committee to Assess and Recommend Strategies for Housing Creation Within the Town (Presbrey) discussed housing problems, the 1969 passage of 40 B and the 1971 Cape Canal blockage to raise awareness of housing concerns. He mentioned housing costs have increased; we need to find solutions for housing a broader part of the population. (Crow) Nothing gets done unless we get public buy-in.
- Update from Councilor Kris Clark, Chair, Committee to Review Town Council Rules and Town Code (Clark) Reviewed how Town Council conducts its business, Town Council rules, meeting schedules, voting, investigating draft of new rules which we will submit to Council for adoption (Ludtke) This is invaluable thank you.

2025-038 APPROPRIATION ORDER IN THE AMOUNT OF \$65,381 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2025 OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH THE HIRING OF 5 PATROL OFFICERS INTRO: 11/07/2024, 11/21/2024

Police Chief Challis gave the rationale.

Open Public Comment

VOTE: PASSES 12 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

Seeing no one and no one on zoom, close public comment

VOTE: PASSES 12 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

Discussion: (Ludtke) Do we give bonuses to police officers to help with recruitment. (Challis) If it is a lateral transfer yes \$7500 but not for new recruits. (Terkelsen) We have five (5) new recruits for how many open positions. (Challis) We have thirteen (13) vacancies, we could easily have at least ten (10) more people.

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$65,381** be appropriated and added to the Fiscal Year 2025 Police Department Operating Expense Budget for the purpose of funding the initial expenses related to hiring five new police officers including training, uniforms, assessments, ammunition and equipment purchases, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: PASSES 12 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

2025-046 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 11/07/2024, 11/21/2024

Council Crow off dais.

Upon a motion it was duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: Appointments to a Board/Committee/Commission:

Comprehensive Financial Advisory Committee: Chris King, as a regular member to a term expiring 06/30/2026; **Housing Committee:** Chris Beach, as a regular member to a term expiring 06/30/2025; **Mid Cape Cultural Council:** Rachel Jones, as a regular member to a term expiring 12/31/2026; **Shellfish Committee:** Timothy Hamel, as a commercial permitted member to a term expiring 06/30/2026; **Zoning Board of Appeals:** Natalie Pittinger, as an associate member to a term expiring 06/30/2026

VOTE: PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

2025- 047 VOTE ON THE MERITS OF A CITIZENS' PETITION REQUESTING THAT THE TOWN COUNCIL VOTE TO REVOKE AND RESCIND THE ACTION TAKEN IN EXECUTIVE SESSION ON JUNE 13, 2024, APPROVING THE TERMS AND EXECUTION OF A CERTAIN "SIDE AGREEMENT" INTRO: 11/07/2024, 11/21/2024

Open Public Comment

VOTE: PASSES 12 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

(Kirk) spoke about the Citizen's Petition. He was concerned about the process and felt the Citizen's petition was ignored. He noted the last three (3) years of the Council have deprived the citizens of their rights. This petition gives you that opportunity to be open. Please deliver public access, vote should have been done in public, some councilors did not even know what they were voting on, we were deprived of our referendum rights as well. We are not asking for merit, just asking to rescind the vote taken at the June 13th meeting. (Nober) Language of the petition is verbatim. The Council needs to vote on whether the petition has merit. This petition has no merit. If Council voted yes, then what steps are to be taken. The vote taken on June 13th in the Executive Session was a valid vote. Town entered into an agreement due to this vote. The signed agreement cannot be cancelled. Even if you change the vote the agreements still stand. The easements per the agreement were released earlier this week. You should vote no the petition does not have merit. (Carroll) The agreements should not have been signed and the easements should not have been released. Our rights have been violated; the citizens of Barnstable have been robbed. Look at Centerville-Osterville-Marstons Mills Fire District, all their meetings with Avangrid have been held in public. (Brigham) The contract with Avangrid was signed under false pretenses. Town Council did not have the information. Do the right thing. (Bean) suggested the Town should say no to Avangrid, let them sue us as contracts are made to be broken. There is nothing to win and everything to lose let Avangrid go somewhere else. (Vail) The private vote taken in the Executive Session was not valid according to our Open Meeting Law, thus the contract should not be valid. (OConnor) Felt Article 97 was given away by the Council, we are asking to redress this decision. This is an Open Meeting law violation. (McLean) Where are the Article 97 protections renegotiate the offshore wind turbines. (Conley) The June 13th Executive Session had discrepancies in the documentation and the language. Please talk with each other. The release of those easements is disputable. (Morin) felt the Town's use of Executive Session was abused and it needs to stop. The reason for the Executive Session was a litigation strategy which is invalid from the outset as it was not stated correctly.

no one on zoom

(Kirk) Town Attorney has distorted the petition language. Decide the issue on the merits. If there is a referendum and if the Town overturns the vote, then the whole process is undone.

(Moynahan) How did we get to this point so fast – thanked all who are advocating for the citizens. Please protect our sole source water, please listen to all the people tonight and make a good decision on behalf of your constituents. (Sterling) There are health problems with the wind turbines. This needs to be fixed.

close public comment

VOTE: PASSES 12 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

Discussion: (Crow) This petition has merit. He felt the outreach to Avangrid was ill advised, Energy Facilities Siting Board (EFSB) process was negligent when we did not participate, the Host Community Agreement (HCA) denied our citizens their rights. He supports voting for the merit and leave enough time to discuss. (Schnepp) There are ten (10) reason to go into

Executive Session according to Massachusetts state regulations. We followed the Open Meeting Law and had several meetings where we deliberated and discussed the matter. This agenda item does not have merit to go forward, (Ludtke) She felt the Citizen’s petition had merit. (Terkelsen) felt there was precedence for voting for the merit. (Neary) Tough time swallowing this, our Legal Department says not to go back, cannot unwind the past. (Crow) supports merit vote, we did not perform well for our citizens. (Penn) There was absolutely no intention of our Legal Department to steer this Town Council in a wrong direction/decision. Leadership supports the Legal Department’s decision. (Clark) Respects Town Attorney Nober’s advice, when speaking with a judge about hiring Nober the judge said you hired a good one.

Move the Question

VOTE: PASSES 8 YES 4 NO (CROW, LEVESQUE, TAMASH, TERKELSEN)

ROLL CALL: BLOOM, BURDICK, CLARK, LUDTKE, NEARY, PENN, SCHNEPP, STARR,

(Neary) Point of Order - What are we deciding

Revote on Move the Question

VOTE: FAILS 4 YES (BLOOM, BURDICK, CLARK, STARR) 8 NO

ROLL CALL: CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

Break 5 Minutes

(Tamash) Motion to move the question has failed – continue with the discussion.

(Nober) there were two (2) reads for the HCA agreement. (Tamash) I appreciate everyone’s feelings on how this was handled. If we revote what will happen. Yes, vote the petition has merit, then decide on what to do or No vote the petition has no merit

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby vote to find that the citizens’ petition submitted to it on August 22, 2024, requesting that the Town Council vote to “revoke and rescind the action taken in Executive Session on June 13, 2024 wherein the council, by a vote of 7-5, approved the terms and execution of a certain “Side Agreement”, and to place that proposal on the council’s agenda for consideration in open, public meetings of the Town Council”, has merit.

VOTE: FAILS 6 YES (BLOOM, CROW, LUDTKE, PENN, TAMASH, TERKELSEN) 6 NO

ROLL CALL: BURDICK, CLARK, LEVESQUE, NEARY, SCHNEPP, STARR

Councilor Starr left the meeting

2025-048	APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
11/21/2024	

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Registrar of Voters:** Thomas Chartrand, 320 Stevens St, Hyannis, MA 02601

VOTE: REFER TO SECOND READING ON 12/05/2024 - PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

2025-049	FISCAL YEAR 2025 SPENDING LIMITATION FOR ASSET MANAGEMENT
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REVOLVING FUND INTRO: 11/21/2024

Mark Milne, Director of Finance, gave the rationale. He mentioned David Anthony, Director of Asset Management, was available for questions.

Discussion: (Schnepp) Please elaborate on the expenses already spent. (Anthony) the \$400,000 has funded the property manager position to help with the backlog of our town owned properties. As well as title certificates, appraisals, wetland delineation and the board walk. (Schnepp) Not comfortable with an open-ended fund. Will offer an amendment restrict to \$50,000. (Anthony) This restriction will limit the ability to do the work. If it is amended, can we come back to Council for more money

Upon a motion, it was duly made and seconded it was to amend the spending limitation for Fiscal Year 2025 to \$50,000 for the Asset Management Revolving Fund.

Discussion: (Crow) Can you explain (Schnepp) Once this fund is spent there is no more money. We owe public scrutiny of how this money is spent. (Ells) concurs with transparency, concern with unknown amount of evaluation of site, etc. We could keep the \$500,000 cap transfer \$265,000 but vote for spending and it would be open to the public to understand. (Milne) Yes, we can treat it as a appropriations with a first and second reading (Ells) How about first reading then come back to vote; one vote not two votes. (Milne) We can do this like revolving funds then come back with one vote. (Schnepp) Property Assessment Management – broad territory (Ells) If we keep \$50,000 the \$210,000 goes back to the General Fund and it can be spent elsewhere (Ells) We can bring it back for two reads (Nober) We can postpone it (Schnepp) withdrew the amendment. (Nober) You can postpone the agenda item to the Second Meeting on December 12th. (Crow) What amount would give up flexibility, come back with the amount. (Terkelsen) December 5th we will get more information.

Upon a motion, it was duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes a spending limitation for Fiscal Year 2025 of **\$500,000** for the Asset Management Revolving Fund.

VOTE: POSTPONE AGENDA ITEM 2025-049 TO THE 12/12/2024 TOWN COUNCIL MEETING

VOTE: PASSES 10 YES 1 NO (BURDICK)

ROLL CALL: BLOOM, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

2025-050 ALLOCATION OF TAX LEVY FISCAL YEAR 2025 – TAX FACTOR INTRO: 11/21/2024

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby votes to classify the Town of Barnstable under M.G.L. c. 40, § 56 at a Residential Factor of 1 (one) for the Fiscal Year 2025.

VOTE: REFER TO PUBLIC HEARING ON 12/05/2024 – PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

2025-051 ALLOCATION OF TAX LEVY FISCAL YEAR 2025 – RESIDENTIAL EXEMPTION INTRO: 11/21/2024

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby votes to adopt a Residential Exemption of twenty-five percent (25%) for Fiscal Year 2025.

VOTE: REFER TO SECOND READING ON 12/05/2024 - PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

2025-052 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$15,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT INVESTMENT GRANT PROGRAM FOR THE HYANNIS HYARTS CULTURAL DISTRICT INTRO: 11/21/2024

Jim Kupfer, Director of Planning and Development, 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 2025 Cultural District Investment Grant in the amount of **\$15,000** from the Massachusetts Cultural Council's Cultural District Investment Grant program for the purpose of providing financial assistance in support of programming and marketing efforts in the Hyannis HyArts Cultural District.

VOTE: PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

2025-053 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025 CULTURAL DISTRICT INVESTMENT GRANT IN THE AMOUNT OF \$15,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT INVESTMENT GRANT PROGRAM FOR THE BARNSTABLE VILLAGE CULTURAL DISTRICT INTRO: 11/21/2024

Jim Kupfer, Director of Planning and Development, 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 Cultural District Investment Grant in the amount of **\$15,000** from the Massachusetts Cultural Council's Cultural District Investment Grant program in support of programming and marketing efforts in the Barnstable Village Cultural District

VOTE: PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

Motion to open and continue Items 2024-054 through 2024-056 as written, to individual public hearings to be held on each item at the Town Council meeting on December 5, 2024.

VOTE: PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

2025-054 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND CROCKER STREET HOLDINGS, LLC FOR 8 NEW MARKET RATE RESIDENTIAL RENTAL UNITS LOCATED AT 24 AND 30 CROCKER STREET, HYANNIS, MA INTRO: 11/21/2024

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Crocker Street Holding, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated

thereunder at 760 CMR 66.00, for eight (8) market rate residential units located at 24 and 30 Crocker Street, Hyannis, substantially in the form presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

VOTE: OPEN AND CONTINUE TO 12/05/2025 - PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

2025-055 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND SPARTAN CLEANERS' REALTY, LLC FOR 41 NEW MARKET RATE RESIDENTIAL RENTAL UNITS LOCATED AT 242 BARNSTABLE ROAD, HYANNIS, MA INTRO: 11/21/2024

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Spartan Cleaners Realty, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for forty one (41) market rate residential units located at 242 Barnstable Road, Hyannis, substantially in the form presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

VOTE: OPEN AND CONTINUE TO 12/05/2025 - PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

2025-056 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND HYANNIS HARBOR, LLC FOR 85 NEW MARKET RATE RESIDENTIAL RENTAL UNITS LOCATED AT 201 MAIN STREET, HYANNIS, MA INTRO: 11/21/2024

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Hyannis Harbor, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for eighty-five (85) market rate residential units located at 201 Main Street, Hyannis, substantially in the form presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Executive Office of Housing and Livable Communities for approval.

VOTE: OPEN AND CONTINUE TO 12/05/2025 - PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

2025-057 RESOLVE THAT THE TOWN PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE TWO SECTIONS OF COUNTY HIGHWAY THAT TOGETHER COMPRISE A PORTION OF OSTERVILLE-WEST BARNSTABLE ROAD IN MARSTONS MILLS AND OSTERVILLE VILLAGE EXTENDING FROM JUST NORTH OF THE FLINT STREET INTERSECTION SOUTHERLY TO SOUTH COUNTY ROAD INTRO: 11/21/2024

Tom LaRosa, First Assistant Town Attorney, gave the rationale. He utilized a PowerPoint presentation.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby approves of filing a petition pursuant to M.G.L. c. 82, § 5, with the County Commissioners of Barnstable County to formally discontinue two sections of County highway that together comprise the portion of Osterville-West Barnstable Road in Marstons Mills and Osterville Village extending from just north of the Flint Street intersection southerly to South County Road, as follows:

The first section is described in a Barnstable County Commissioners' layout and order of taking dated September 5, 1931, and recorded in the Barnstable County Registry of Deeds in **Book 483, Page 449**, and shown on a set of plans of land recorded in said Registry in Plan Book 44, Pages 111 (sheets F-1 and F-2), 113 (sheets F-1 and F-2) and 115 (sheets F-1 and F-2).

The second section is described in a Barnstable County Commissioners' layout and order of taking dated April 18, 1969, and recorded in the Barnstable County Registry District of the Land Court as **Document No. 129,144**, and shown on a plan of land dated August 21, 1967, referenced in this document and filed therewith.

It is the intent thereby to render said sections of the County highway a Town way by operation of M.G.L. c. 82, § 5; and further, that said petition request that the discontinued sections of said County highway remain a public way. The Town Manager is authorized, on behalf of the Town, to file the petition with the County Commissioners and to execute and deliver any documents necessary to effectuate this resolve.

VOTE: PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

<p>2025-058 RESOLVE THAT THE TOWN PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE TWO SECTIONS OF COUNTY HIGHWAY THAT TOGETHER COMPRISE THE ENTIRE LENGTH OF BUMPS RIVER ROAD AND A PORTION OF PARK AVENUE IN THE VILLAGES OF MARSTONS MILLS, OSTERVILLE, AND CENTERVILLE INTRO: 11/21/2024</p>
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Tom LaRosa, First Assistant Town Attorney, gave the rationale. He utilized a PowerPoint presentation.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby approves of filing a petition pursuant to M.G.L. c. 82, § 5, with the County Commissioners of Barnstable County to formally discontinue two sections of County highway that together comprise the entire length of Bumps River Road and a portion of Park Avenue in the villages of Marstons Mills, Osterville and Centerville, as follows:

Both sections constitute the entire area described in a Barnstable County Commissioners' layout and order of taking dated February 2, 1928, and recorded in the Barnstable County Registry of Deeds in **Book 450, Page 364**, and shown on a set of plans of land recorded in said Registry in Plan Book 22, Pages 85 (sheets F-1 and F-2), 87 (sheets F-1 and F-2), 89, (sheets F-1 and F-2), 91 (sheets F-1 and F-2) and 93 (sheets F-1 and F-2). The involved portion of Park Street, including at its intersection with Old Stage Road and Main Street, was the subject of a prior discontinuance made by the County Commissioners as recorded in **Book 36144, Page 247**, which petition was made by the Town pursuant to Item 2024-051, approved on October 19, 2023. However, that resolve contained an incorrect deed reference and an unclear description by referring to an unrecorded plan.

The intent of this resolve is to achieve the discontinuance of Bumps River Road, confirm the prior discontinuance of the portion of Park Avenue, and render said sections of the County highway a Town way by operation of M.G.L. c. 82, § 5; and further, that said petition request that the discontinued sections of said County highway remain a public way. The Town Manager is authorized, on behalf of the Town, to file the petition with the County Commissioners and to execute and deliver any documents necessary to effectuate this resolve.

VOTE: PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

Vice-President Tamash moved to go into executive session pursuant to G.L. c. 30A, sec. 21(a)(6) to consider the purchase, exchange, lease or value of real property since a discussion in open session may have a detrimental effect on the negotiating position of the Town and Town Council. Identifying the property in question would compromise the purpose for which the executive session is being held, and, therefore, that information is being withheld. The Town Council will not return to public session after the executive session.

Councilor Levesque recused himself from the Executive Session and left the meeting.

VOTE: PASSES 11 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN

Adjourned at 10:15 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk

NEXT MEETING: December 5, 2024

Exhibits:

- A. Town Managers update