



Town Council Meeting  
September 21, 2023



A quorum being duly present, President Matthew Levesque called the September 21, 2023, Town Council meeting to order at 7:01 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 8 or High-Definition Channel 1072.

**PRESENT:** Kristine Clark, Jennifer Cullum, Paul Cusack, Jessica Rapp Grassetti, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr Eric Steinhilber. **ABSENT:** Nikolas Atsalis

The Pledge of Allegiance was led by President Levesque followed by a moment of silence. President Levesque noted that Mrs. Linda Morin had passed away. She was the mother of Cynthia Lovell, the Town Council's Administrative Assistant. He asked that we keep the Lovell family in our thoughts and prayers.

**PUBLIC COMMENT:**  
**(In-person)**

Chuck Tuttle from Centerville stated we are all advocates of clean energy. He did not understand why the management of the Town of Barnstable, including the Town Council, has allowed the industrialization of our villages to satisfy state and national quotas for clean energy. He applauded the Town, including the Town Councilors, for their interest in clean energy. However, the wind power projects proposed to come ashore at Craigville Beach, Covel Beach, and Dowses Beach would service expensive energy for much of which there are no buyers. There are many concerns with the Avangrid company.

Sandy Jones from Centerville brought the petition to the Town Clerk's Office. We need a public meeting to discuss Park City Wind and the Commonwealth Wind projects. She felt there was a breakdown between the Barnstable residents and the Town Council. She urged Council to let the petition process work and have the public meeting.

Felicia Penn from Hyannis questioned why the unified design guidelines and regulations which were to go hand in hand with the new zoning for downtown Hyannis, were still in draft form. She mentioned she was present at the last two Hyannis Main Street Waterfront Historic District Commission meetings. The new zoning had commercial uses on the first floor with residential above so there could be shared parking. The very first project to come before the commission there is no commercial use. It has only residential. This is not representative of Main Street functions. Main Street is the commercial heart of Downtown Hyannis. She questioned the parking availability for the project. Please do it right.

Asia Graves spoke about the housing issues. She talked about the lack of home affordability. She noted the project at 307 Main Street is at the least busy part of the street. She felt there were enough businesses that needed support year-round on Main Street. She felt residents living on Main Street would shop locally and stay on Main Street. We need housing desperately and as long as we have a homelessness crisis, we are not the best county in the world.

### **ZOOM:**

Joanne O'Connor from Centerville stated the fact that over 500 voter signatures were gathered over eight days should make it apparent to the Council that citizens do not believe the town and or the project's developer Avangrid have adequately listened to and or addressed their specific issues and concerns. The petition is asking for a public meeting to discuss the wind projects and to get information.

### **COUNCIL RESPONSE TO PUBLIC COMMENT:**

(Levesque) said the town was in receipt of the petition. We are looking to get an update from Avangrid in October. I understand your concerns and I have concerns of my own, especially about the Power Purchase Agreements (PPA). He said when the PPAs were broken the talks with Commonwealth Wind talks stopped immediately. We will find a way. He invited Bob Schulte to comment.

Bob Schulte from Centerville said the petition is not calling for a presentation from Avangrid, just wanted to be clear on that. He mentioned for the last six months he has asked Avangrid at different meetings what is the status of the PPAs, and he has been told we are working on it, talking to stakeholders. He said Avangrid in essence has no real contracts and cannot honor those and cannot build a project.

(Ludtke) applauded citizens who come forward to speak and the efforts taken to get information. We need to take more time to discuss the wind projects and it is not too late to bring forward residents' concerns. We are addressing the housing issue, and we need to maintain the character of the villages. She felt we all want housing, but we want to maintain some character and environmental integrity. Joanne, thank you, I signed the petition as well and we need to work together on this matter. She inquired if we could have a subcommittee look at the zoning and possible amendments to tweak it. It is not fair to the developers because now they are being asked back for a third time, but it is not fair to us to not ask the developers to come back a third time. See if we could take that on, the subcommittee, and look at the zoning to see if we could better help the developers when they come in, so we have a better match.

Cusack had asked to expedite the petition. He supports the open conversation about wind farm issues. He felt the citizens deserved to have an opportunity to weigh some bits of information about all the folks who might one day compose this body.

Schnepf your passion is evident thank you for speaking up. She hoped we would be able to deliver on the meeting. Directed a question to Elizabeth Jenkins, Director of Planning and Development, to get clarification on form-based zoning, what the design requirements are within the zoning and the status of the design guidelines.

(Jenkins) In the newly adopted form-based zoning regulations for Downtown Hyannis they take

the typical dimensional requirements that are in zoning and regulate the form of the building, placement on the lot, and height of stories. She added they look at how the building relates to the street. The role of the Hyannis Main Street Waterfront Historic District Commission and the role of our design and infrastructure plan is to take those requirements and what materials and designs are appropriate for Hyannis Main Street Waterfront. She noted the final adoption of the design guidelines still needs a final vote from Hyannis Historic and a final vote from the Planning Board. She commented on mix-use, the zoning regulations do include requirements for active store front, and we carried forward the requirements that were in the 2005 zoning that were put forward by the Planning Board to require active use, between Barnstable Road, Ocean Street and Sea Street. This one block and the subsequent blocks on the east end do not have that requirement.

Close Public Comment

**TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded)** (Levesque) The Town Manager's report has been prerecorded and the written form will be available to all on the Town Manager's page on the website. (Exhibit A)

Update on:

1. Budget Fiscal Year 2025 – update.
2. The National Resources Division is pleased to report that they have secured permits for raking at Craigville and Covel's Beaches.
3. Local Comprehensive Planning Committee (LCPC) – update.
4. Massachusetts Department of Environmental Protection (MassDEP) approved revisions to Title 5 and Watershed permits on July 7, 2023.
5. The Department of Public Works completed a New Source Evaluation Report in 2019 – update.
6. Household Hazardous Waste Collection on Saturday, September 23, 2023, from 9 AM to noon.
7. Second Annual 55+ Community Safety Day on Thursday, September 28<sup>th</sup> from 10 AM – 4 PM.
8. Per-and polyfluoroalkyl substances (PFAS) the forever chemical will remain in the forefront of our discussions.

**Councilor questions and comments:**

(Ludtke) Regarding the beach raking - why is Fortes Beach not on the list? (Ells) Need to speak with Nina Coleman regarding Fortes Beach.

(Starr) Could you clarify that there is plenty of water in Barnstable – Thank you.

(Levesque) There has been misinformation about water. (Santos) The town has been since 2005 successfully running Hyannis Water. We will never run out of water in normal planning.

(Ludtke) searching for a new well what is the purpose of the new well? (Santos)

The new well is a Department of Environmental Protection for redundancy. Eleven wells in three areas all pump the same amount of water. (Mendes) The real issue is the misinformation. We need honest debate. (Schnepf) What about private wells? There are concerns with PFAS in the drinking water from private wells. We live on top of the water supply. We need to look for emergent containments and be aggressively involved. (Schnepf) what does the pump station on Phinney's lane look like? (Santos) I will send you the pictures.

(Clark) 55 + Community Safety Day from 10 AM – 4 PM maybe extend hours to 6 PM for next year.

(Ells) Wind projects, process, federal, state and local need to be heard here but permitting authority is at the state level.

**ACT ON PUBLIC SESSION MINUTES:**

Upon a motion duly made and seconded it was to accept the minutes of September 7, 2023, as presented.

**VOTE: PASSES UNANIMOUS**

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

(Shaughnessy) Love Local Fest on Sunday, September 24, 2023, at Aselton Park there will be 80 vendors.

(Cusack) Fall Festival on September 30, 2023, in Osterville. The Local Comprehensive Plan Committee needs membership with a range of voices, and it needs participation and diversity.

(Schnepp) agreed and explained further that the committee was seeking applications from all people.

5-minute break: 8:40 PM

- **Private Roads Policy Workshop** by Mark S. Ells, Town Manager  
(Ells) discussed the long-standing effort made on behalf of private roads. There were 250 miles of public road. Needs to look at the investment of road and what the needs are for maintaining the roads, He noted if private roads were not maintained then there may be a need for formal assessment. We will need further directions from the Council if the town will be taking these roadways. We will need public input as the public needs to be involved in this decision. (Steinhilber) Suggested the reinstatement of the Roads Committee. (Rapp Grasseti) New Roads Committee should also look at connective roads as well. (Ells) We have limited resources and will need lots of discussion.
- **Zero Percent Interest Loans Through the Clean Water State Revolving Fund: Flow Neutral Workshop** by Elizabeth Jenkins, Planning & Development Director; Daniel W. Santos, Director of Public Works  
(Jenkins) spoke about the land use planning and the wastewater planning. She utilized a PowerPoint presentation. She discussed the loans and how they would affect the residents of Barnstable. Next step is talking to the Cape Cod Commission. (Rapp Grasseti) applicants should sit down with the Board of Health.

<b>2024-036</b>	<b>ORDER WAIVING INSPECTION FEES FOR PUBLIC LIBRARIES IN THE TOWN OF BARNSTABLE FOR A PERIOD OF ONE YEAR INTRO: 09/07/2023, 09/21/2023</b>
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Karen Nober, Town Attorney gave the rationale.

Open public hearing seeing no one and no one on zoom, close the public hearing.

Upon a motion duly made and seconded it was

**ORDERED:** Notwithstanding the provisions of any ordinance of the Town regarding schedules of fees, public libraries in the Town of Barnstable shall be exempt from the payment of inspection fees for a period of one year, commencing on October 23, 2023.

**VOTE: PASSES 12 YES**

**Roll Call: Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Ludtke, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber**

<b>2024-020 09/21/2023</b>	<b>APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:</b>
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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: Comprehensive Financial Advisory Committee: James Sproul, as a regular member, to a term expiring 06/30/2026; Housing Committee: Asia Graves, as a regular member, to a term expiring 06/30/2026; Hyannis Main Street Waterfront Historic District Appeals Committee: Aaron Webb, as a regular member, to a term expiring 06/30/2024; Open Space Committee: Lev Malakhoff, as a regular member, to a term expiring 06/30/2024

**VOTE: TO A SECOND READING ON 10/05/2023 -PASSES UNANIMOUS**

<b>2024-038</b>	<b>SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$52,993 FOR THE BARNSTABLE SCHOOL DEPARTMENT FISCAL YEAR 2024 OPERATING BUDGET FOR THE PURPOSE OF FUNDING A FULL-TIME ADMINISTRATIVE ASSISTANT POSITION FOR SPECIAL EDUCATION FINANCES AND MEDICAID INTRO: 09/21/2023</b>
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Upon a motion duly made and seconded it was

**ORDERED:** That the amount of \$52,993 be raised from current year revenue and added to the Fiscal Year 2024 Barnstable School Department Operating Budget of \$82,761,867 appropriated under Town Council Order 2023-156, resulting in a revised Fiscal Year 2024 Operating Budget of \$82,814,860.

**VOTE: TO A PUBLIC HEARING ON 10/05/2023 – PASSES UNANIMOUS**

**VOTED TO ADJOURN:**

**VOTE: PASSES UNANIMOUS**

**Adjourned at 10:11 PM**

Respectfully submitted,

Janet e. Murphy  
Assistant Town Clerk

**NEXT MEETING: October 5, 2023**

Exhibits

A Town Manager's update