



Town Council Meeting
July 1, 2021



A quorum being duly present, President Matthew Levesque called the July 1, 2021, 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 18.

PRESENT: (On Zoom) Nikolas Atsalis, David Bogan, Kristine Clark, Jennifer Cullum, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **Absent:** Debra Dagwan

President Levesque reminded everyone today's meeting is remote due to the extension allowed by the legislation and our Governor.

The Pledge of Allegiance was led by President Levesque.

Vice-President Schnepf presented Dennis Houle with a Certificate of Appreciation. She spoke about Dennis Houle and his many accomplishments. She noted he was retiring after serving 16 years on the Town's Conservation Commission.

Dennis Houle said it has been his honor to serve on the Conservation Commission. He thanked Town Staff, the Commissioners, Darcy Karle and Nina Coleman.

PUBLIC COMMENT:

Meaghan Mort thanked the Council for going back to the Council meetings on Zoom. She mentioned she was looking forward the July 15th meeting and the Accessory Dwelling Unit (ADU) use discussion.

Bo Chu sang to the Council. He explained he had serenaded the Council before regarding housing and is happily residing in housing. He hoped his new song about a car might garner a similar result.

Tina Carey spoke about collecting more signatures for upcoming petitions to remove the remaining street barriers on Downtown Main Street Hyannis. She mentioned her confusion regarding who would be paying for the sewers. She voiced her concerns regarding the authority of the Town Manager.

Response to Public Comment:

(Ells) He explained the residents who will be assessed will be receiving sewer. He suggested going to the website for the Assessing Department to read about sewerage at your location. He discussed the authority of the Town Manager which has not changed

and suggested reviewing the Town Charter. He noted with Barnstable's form of Council, he and the Council worked together. He explained he has two jobs Town Manager and Adjunct Professor, which he has held since 2002.

(Cullum) She explained the change from an elected to an appointed Town Collector was due to issues with time management and work productivity.

(Starr) Asked to evaluate the beach and trash sticker process. He felt the online system may not work for some constituents.

(Ells) He explained the remote sales for trash and beach stickers were up from the previous year. He spoke about the desire to transition to an online system. He added if we need to modify our trash and beach sticker systems we will.

Close public comment

TOWN MANGER COMMUNICATION: Town Manager update for period June18, 2021 thru July1, 2021 (EXHIBIT A)

- Elizabeth Jenkins, Director of Planning and Development gave an update on Downtown Hyannis Zoning. She explained the review process for zoning review and the Downtown Hyannis Zoning which would support housing and bring jobs to the area. She spoke about 2005 Growth Incentive Zone and how to utilize community outreach to update but keep our community running smoothly. Monday the draft ordinance and an introductory explanation will be posted to our website. Please note documents are available for all public to view with an online forum, direct mail and Staff is always available. She mentioned the July 22nd Public Meeting which Staff and the consultant would discuss the details to the public. She said the meeting would be recorded and made available to all.

Councilor Comments and Questions:

(Atsalis) He inquired as to what was available online. (Jenkins) The Code language and maps are available today with additional supplementary documents on Monday.

(Rapp Grassetti) Will there be a review of traffic patterns specifically on South Street and Old Colony Road? (Jenkins) Yes looking at the infrastructure demands, and the traffic network circulation which was more affective due to modifications during COVID. She noted multi-modal and density also need to be explored in relationship to traffic and infrastructure.

(Clark) Is the growth incentive zone enhanced for 35 Scudder project? (Jenkins) The Local Review Study is the Downtown Incentive Zone. It is local zoning only there is no impact of boundaries which do not include the 35 Scudder project.

(Starr) What is a community activity centers? (Jenkins) It is a Cape Cod Commission label which uses a framework to direct new growth and investment that has density and infrastructure.

(Cullum) What is missing in Downtown Hyannis is a farmer's market.

TOWN MANGER COMMUNICATION: Town Manager update for period June18, 2021 thru July1, 2021

- Beach Season
- Summer leisure program
- Old Barnstable and Hyannis Golf courses
- July 4th celebration
- Town athletic fields – new field at Barnstable High School
- Conservation Law Foundation
- Local Comprehensive Plan

- May 20th, 2021 – Public Hearing Sewer Assessment Ordinance

President Levesque mentioned he had the opportunity to meet and speak with this year's lifeguards and beach staff.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of June 17, 2021 as presented.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Clark, Cullum, Rapp Grassetti, Hebert, Levesque, Neary, Schnepp, Shaughnessy, Starr, Steinhilber

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

(Rapp Grassetti) Very concerned with Lovell's Pond closure and she noted the Cotuit parade on July 4th starting at 11:30 am in the village.

(Neary) Thanked Jack Meade for his serve on the Waterways Committee and Bob Hazelton for his years of service.

(Starr) Discussed the plastic water bottle ban – 14 towns do not use them or sell them. What about water refill stations?

(Clark) Barnstable/ West Barnstable parade 9:00 am on July 4th.

(Cullum) Do we have water refilling stations? Where would they be located? (Starr) Use water from restaurants – there could be a sticker on the window signifying the water refilling stations.

(Ells) The plastic water bottle ban is not a new issue will get back to it – offtrack due to COVID. Encourage to not use plastic water bottles except for emergencies. Refilling stations at comfort stations were suspended due to COVID.

(Atsalis) July 4th parade starts at the Centerville Elementary School.

(Levesque) Thank you, Alec Rodolakis member of the Zoning Board of Appeals for your 14 years of service.

(Schnepp) explained the machine gun range item which would be on the July 15th Town Council meeting.

Break (8:25 PM)

(Schnepp) Public Hearing on ADU will be at next meeting July 15th - it has been readvertised for July 15th on zoom

2021-139 ORDER AMENDING CHAPTER 184 SEWERS AND WATER OF THE GENERAL ORDINANCES INTRO: 04/15/2021, 05/20/2021, 07/01/2021

Mark Ells gave background on the ordinance. He explained that he and Mark Milne, Finance Director had fiscal policy conversations regarding a 2-step approach – policy and use of general funds. The ordinance has amended language. All the amended language has been posted and incorporated into the ordinance.

President Levesque mentioned there would be no public comment as public comment was closed.

Councilor Comments and Questions:

(Clark) had concerns regarding the economic driver which was to develop property which is undeveloped. She wanted to make sure to preserve Open Space.

(Ells) Infrastructure always needs to be interpreted and planned, Over the next 30 years we will look at development, zoning and adjust if need be. Regarding land use we need to look at the Comprehensive Local Plan.

(Hebert) Change to the ordinance language resulted in a reduction of the \$17,000 dollar sewer fee to \$10,000 dollar sewer fee. Will the costs of the sewer project be shared by all residents?

(Ells) Complicated question – what remains after the existing cost? Remaining cost will have to be carried by the General Fund or a debt exclusion vote.

(Hebert) Use more of the General Fund for sewer areas.

(Ells) Comprehensive Wastewater Management Plan is the primary focus which is to prepare for regulations to reduce nutrient loads.

(Levesque) Sewer ordinance as we move forward, we do not know everything or what will happen that is why we have steps in this process.

(Bogan) The reduction from \$17,000 to \$10,000 dollars will there be a subsidy provided to sewer people? How will we make up the difference for the rest of the community? What is going to happen to the others which might need sewer?

(Clark) Bare the expense of sewer through the General Fund.

(Rapp Grassetti) My abstentions during the sewer ordinance public hearing were due to my feeling that the entire Town should be involved in paying for the sewer plan for the Town. The quality of life is the issue if this plan does not happen. All residents are not all getting sewer. On the record, please get rid of the assessment keep connection fee and sewer costs. All residents should share fairly.

Upon a motion duly made and seconded it was

ORDERED: That Chapter 184 General Ordinances of the Code of the Town of Barnstable be amended by inserting the following new Article II, Sewer Assessments, as presented to the Town Council on April 15, 2021, and as amended by the Town Council at its meeting of May 20, 2021, and renumbering the current Articles II and III as Articles III and IV:

“ARTICLE II SEWER ASSESSMENTS

Section 1: Purpose and Authorization

The purpose of this Article II is to assess all properties receiving benefit or advantage from public sewerage construction within a limited and determinable area, including, but not limited to, as set forth in the Comprehensive Wastewater Management Plan approved by vote of the Town Council on November 7, 2019, and in accordance with Section 1 of Chapter 83 of the General Laws, any other applicable section of said Chapter 83 and any other applicable general or special law.

Section 2: Definitions

For the purpose of this Article II, the following words shall be considered to have the following meanings:

(1) Commercial Use: Occupancy of premises for financial gain including profit such as business and industrial uses.

(2) Commercial Sewer Unit: Shall be equivalent to 330 gallons of actual or reasonably anticipated daily sewage volume, as determined by the Director of the Department of Public Works based on Title 5 of the State Environmental Code, 310 CMR 15.203, System Sewage Flow Design Criteria. For purposes of determining the number of Commercial Sewer Units to be assessed, volume in an amount up to and including 330 gallons shall be deemed one Commercial Sewer Unit. An additional Commercial Sewer Unit shall be assessed for each additional 330 gallons of volume.

(3) Compensatory Sewer Privilege Fee: A fee that is assessed in lieu of a sewer assessment to reflect the increased use of a property in situations where: (a) a sewer assessment has been assessed to an undeveloped property based on the number of potential Sewer Units and said property is ultimately developed to accommodate a greater number of Sewer Units than that originally assessed; or (b) a sewer assessment has been assessed to a developed parcel and subsequently the use of that parcel has changed or intensified to accommodate a greater number of Sewer Units than that originally assessed; or (c) no sewer assessment was assessed to an Unbuildable Lot and that lot subsequently is issued a building permit.

(4) Dwelling Unit: 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; 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.

(5) Force Main: A line without access from individual properties providing access from pumping station to pumping station or to trunk and sewer main.

(6) General Benefit Facilities: Improvements, such as pumping stations, trunk and force mains, acquisition of land or interests in land, which will provide benefit or advantage to an area exceeding that served by the Special Benefit Facilities. Ordinarily, General Benefit Facilities will serve a major part of a Pumping District.

(7) Lateral Line: Sewer conduit from a house to a street.

(8) Pumping District: An area, as identified by the Department of Public Works, which consists of a collection of sewer mains that connect to generally used infrastructure, such as pump stations, trunk mains and force mains that moves sewage from said collection of sewer mains to a treatment facility.

(9) Residential Sewer Units: Shall be equivalent to the number of existing Dwelling Units, including, but not limited to, Accessory Dwelling Units, affordable accessory apartments and family apartments as defined by the Zoning Ordinance, and the number of potential Dwelling Units on the property as permitted under the Zoning Ordinance for the district in which the property is located; provided that any Accessory Dwelling Unit, affordable accessory apartment or family apartment that did not exist at the time of assessment shall be assessed a Compensatory Sewer Privilege Fee in accordance with Section 4F hereof; provided further, that a Half Dwelling Unit shall be assessed as one half of one Sewer Unit.

(10) Semi-public Use: Occupancy of premises by private non-profit organizations, including without limitation private schools, hospitals, and religious institutions.

(11) Sewer Main: The line serving as a conduit for sanitary sewerage from the lateral lines from each individual property.

(12) Special Benefit Facilities: The sewer main to which a lateral line from an individual abutting property can be connected, acquisition of land or interests in land, pumping stations that are required to service a specific project area and any other costs of improvements required to service a specific project area.

(13) Trunk Main: The line serving as a conduit for sanitary sewerage from a number of sewer mains and lateral lines. Trunk mains shall be considered as those lines ten (10) inches and over in diameter.

(14) Unbuildable Lot: At the time at which a sewer assessment would have been imposed, a lot, as determined by the assessors of the Town, on which there is no apparent legal way to build a legal residence or commercial building because the lot does not conform to the Town's building regulations or Zoning Ordinance.

(15) Uniform Unit Method: A means by which sewerage construction costs shall be equally divided between the total number of existing and potential Sewer Units to be served after having proportioned the costs resulting from the construction of Special and General Benefit Facilities.

(16) Zoning Ordinance: The Zoning Ordinance in effect in the Town of Barnstable at the time the sewerage assessment is levied.

Section 3: Basic Requirements

The Town Manager shall assess sewerage construction costs to all properties receiving benefit or advantage on the basis of the Uniform Unit Method. The Town Manager shall separate the costs of the General Benefit Facilities from those of the Special Benefit Facilities. The proportional cost of the Special and General Benefit Facilities shall be assessed in accordance with Section 5 hereof.

Section 4: Determination of Sewer Units

Section 4A: Each parcel of land in a Pumping District shall be converted into permanent Residential or Commercial Sewer Units, as defined herein, by the DPW for the purpose of proportionally dividing the construction costs equitably among such parcels of land.

Section 4B: Developed Residential Lots

A residential lot that contains one Dwelling Unit shall be assessed as one Sewer Unit. If such residential lot contains more than one Dwelling Unit, the number of assessed Residential Sewer Units shall equal the number of Dwelling 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 assessed as one Residential Sewer Unit.

Section 4C: Lots Capable of Division or Sub-Division

1. Residential Lots Capable of Division or Sub-Division

Residentially zoned land which is capable of being divided or sub-divided according to the Zoning Ordinance shall be assessed as currently used plus one additional Sewer Unit for each lot which could be created in accordance with the Zoning Ordinance. At the property owner's request, the time for payment of such additional 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.

2. Commercial, Industrial, Business and Semi-public Lots Capable of Division or Sub-Division

Commercial, industrial, business, and semi-public lots which could be divided or sub-divided according to the Zoning Ordinance shall be assessed as currently used 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. At the property owner's request, the time for payment of such additional 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.

Section 4D: Improved Commercial, Industrial, Business, and Semi-public Lots and Uses

Improved commercial, industrial, business, and semi-public lots and uses shall be assessed according to the reasonably anticipated sewage volume to be generated from the use. 330 gallons of actual or anticipated daily sewage volume shall equal one Commercial Sewer Unit.

Section 4E: Unbuildable Lots

An Unbuildable Lot 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 4F below.

Section 4F: Changes in Use or Intensity of Use

In the event that existing uses on a parcel of land are changed or intensified under any circumstance, including without limitation issuance of a building permit for what had been classified as an Unbuildable Lot at the time a sewer assessment otherwise would have been imposed, changes in zoning, variance from the Zoning Ordinance, new construction and changes in use or reconfiguration, resulting in greater actual or potential sewage output than that established at the time of the original assessment or at the time the decision was made not to assess, the Town Manager or his or her designee shall assess a Compensatory Sewer Privilege Fee to reflect the new or increased use. The Compensatory Sewer Privilege Fee shall be computed based on the number of Sewer

Units attributable to the new or increased use; provided that the amount of the fee for each such Sewer Unit shall be no greater than the initial maximum amount, as adjusted and most recently in effect, in accordance with Section 5A hereof. The Compensatory Sewer Privilege Fee shall be levied either at the time of connection of new or additional flow to the public sewer or upon Town of Barnstable approval of the change in use. Payment of the Compensatory Sewer Privilege Fee shall be made in accordance with the process for payment of assessments set forth in Section 8 hereof; provided that if the property owner chooses to apportion the payments, the Town will apply the same interest rate as that which would have been imposed for a sewer assessment on the property. Compensatory Sewer Privilege Fees collected by the Town shall be placed into a Sewer Privilege Fee Fund to be established by the Town and such monies shall be used to pay costs associated with the operation and maintenance costs of the Town's sewer system and wastewater treatment facility.

Section 5: Cost Determination and Apportionment Using the Uniform Unit Method

Section 5A: Sewer Cost Determination and Apportionment for Residential Land and Uses

Sewer assessments shall be based on one hundred percent (100%) of the cost of Special and General Benefit Facilities, as determined in accordance with the formulas set forth below. The actual assessment per Residential or Commercial Sewer Unit shall be the allocated cost or Ten Thousand Dollars (\$10,000.00) (the "initial maximum amount"), whichever is lower. This initial maximum amount will remain in effect until June 30 of the year following the calendar year in which the first sewer assessments are made. Thereafter, the initial maximum amount may be adjusted annually as of July 1 of each year by the percentage change in the construction cost index as calculated by the Gordian Company for the immediately preceding year ending June 30, as determined by the Town Manager, subject to approval by the Town Council. In the event that Gordian ceases to publish such index, the Department of Public Works will select an index which most closely resembles the Gordian index and the substitute index shall then be used for so long as the Director of the Department of Public Works determines that the substitute index accurately reflects market conditions.

Section 5B: Cost and Assessment of General Benefit Facilities

1. The cost of General Benefit Facilities and of Special Benefit Facilities shall be determined separately from each other.
2. The cost of General Benefit Facilities for a Pumping District shall be divided by the number of Sewer Units in such Pumping District. The result of such calculation shall be the General Benefit Facility Unit Cost.
 - a. The General Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets and have the capability to connect to the sewer system so that the property will receive a direct benefit and advantage upon connection to the sewer system.
 - b. The General Benefit Facility Unit Cost shall not be assessed to Sewer Units that do not currently abut existing streets to be sewerd but shall be assessed at such later time as such Sewer Units shall have the capability to connect to the sewer system and directly benefit from the General Benefit Facilities.

Section 5C: Cost and Assessment of Special Benefit Facilities

1. The cost of Special Benefit Facilities for a Pumping District shall be divided by the number of Sewer Units in such Pumping District. The result of such calculation shall be the Special Benefit Facility Unit Cost.
 - a. The Special Benefit Facility Unit Cost shall be assessed to Sewer Units which abut existing streets and have the capability to connect to the sewer system so that the property will receive a direct benefit and advantage upon connection to the sewer system.
 - b. The Special Benefit Facility Unit Cost shall not be assessed to Sewer Units that do not currently abut existing streets to be sewerred but shall be assessed at such later time as such Sewer Units shall have the capability to connect to the sewer system and directly benefit from the Special Benefit Facilities.

Section 6: Estimated Assessments

The Town may assess and collect estimated sewer assessments in connection with the construction of water pollution collection, pumping, treatment and disposal facilities. The total amount of such estimated sewer assessments shall not exceed the lesser of: (i) one-half of the Town's liability under all contracts it has entered into for the construction of such facilities or (ii) the amount of any cap on sewer assessments as determined under Section 5 multiplied by the total number of Residential and Commercial Sewer Units. The total of such estimated assessments shall be determined by the same method to be used for the determination of the actual assessments upon the completion of the work. When the final costs of construction of the facilities have been determined, the Town may assess and collect actual sewer assessments for the balance owed. The interest rate on estimated sewer assessments will be the rate as determined under Section 8.

Section 7: Sewer Connection Costs

The cost of connecting the abutter to the completed section of sewer will be assessed back to the property abutter at one hundred percent (100%) of the cost. Property abutters may elect to pay the entire cost of connection upon completion or may choose to have it added to their sewer assessment. Alternatively, property abutters may elect to privately arrange and pay for the connection to the completed section of sewer.

Section 8: Interest Rate on Apportioned Sewer Assessments

Section 8A. At the time of assessment, the property owner will have the option to pay the full amount of the assessment within thirty (30) days, or to make a partial payment on the assessment and apportion the unpaid balance over future tax bills for a period of their choosing, up to 30 years, or to apportion the full assessment over future tax bills for a period of their choosing, up to 30 years. The Town will apply an interest rate to the sewer assessment at an annual fixed rate of two percent (2.0%) above the borrowing costs the Town incurs on the loan. If multiple loans are issued, a blended rate will be used to calculate the Town's borrowing cost. The property owner may pay the total remaining principal amount due at any time without a prepayment penalty.

Section 8B. The provisions of section 15D of Chapter 83 of the General Laws, with respect to the apportionment of payments of the assessment over a 30 year period, are hereby accepted by reference as a part of the general ordinances of the Town.

Section 9: Deferral of Charges

Section 9A. In accordance with and subject to the provisions of Section 16G of Chapter 83 of the General Laws, the Department of Public Works shall, upon application of the owner of real property served by the common sewers, if such owner is receiving an exemption from property taxes under clause Forty-first A of Section 5 of Chapter 59 of the General Laws with respect to such property, defer charges for said use of the common sewers. An application for deferral may be filed with the Department of Public Works within the time limit established for the filing of an application for exemption under said clause Forty-first A.

Section 9B. The provisions of section 16G of Chapter 83 of the General Laws, with respect to the ability of certain eligible property owners to defer payments of sewer assessments, are hereby accepted by reference as a part of the general ordinances of the Town.

Section 10: Abatements

A property owner aggrieved by a sewer assessment imposed under this Article II may apply for abatement thereof by filing a request for abatement with the Town Manager on a form provided by the Department of Public Works within six months of the date of notice of such Assessment. The Town Manager shall make a final ruling on the application within 45 days from the date of filing. The filing of the application does not stay the payment of the sewer assessment, which must be paid as assessed. If the abatement request is allowed, the appropriate refund will be made by the Town. A property owner who is aggrieved by the refusal of the Town Manager to abate an assessment in whole or in part may within thirty days after notice of the decision of the Town Manager appeal therefrom by filing a petition for the abatement of such assessment in the superior court in accordance with Section 7 of Chapter 80 of the General Laws.”

VOTE: PASSES 11 YES Roll Call: Atsalis, Bogan, Clark Cullum, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Steinhilber I NO Starr

2021-186 RESOLVE APPROVING MARK S. ELLS’ OUTSIDE EMPLOYMENT WITH CAPE COD COMMUNITY COLLEGE INTRO: 07/01/2021

President Levesque gave the rationale.

Upon a motion duly made and seconded it was

RESOLVED: That, in accordance with Section 7 of the Employment Agreement between the Town of Barnstable and Mark S. Ells effective July 1, 2021, the Barnstable Town Council does hereby approve Mark S. Ells’ outside employment with Cape Cod Community College (the “College”) to allow him to continue teaching at the College for the period of July 1, 2021 through June 30, 2022.

VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Clark, Cullum, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-187 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$89,950 IN COMMUNITY PRESERVATION FUNDS TO BARNSTABLE HISTORICAL SOCIETY, INC., FOR RESTORATION WORK TO THE BUILDING LOCATED AT 3087 MAIN STREET/RTE 6A, BARNSTABLE INTRO: 07/01/2021

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c. 44B, the amount of Eighty- Nine Thousand Nine Hundred Fifty Dollars (**\$89,950**) be appropriated and transferred from the amount set aside for historic resources in the Community Preservation Fund to be used for restoration work on the Barnstable Historical Society's building at 3087 Main Street/Rte. 6A, Barnstable. The property will have a Preservation Restriction to maintain the property in good condition, with said Restriction to be held by the Town of Barnstable. It is further ordered that the Town Manager is authorized to expend the appropriation subject to oversight by the Community Preservation Committee and to receive, execute, deliver and record any written instruments for the purposes set forth herein.

VOTE: Refer to Public Hearing 07/15/2021 VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Clark, Cullum, Rapp Grassetto, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

President Levesque read aloud: The Town Council will enter Executive Session pursuant to G.L. c. 30A, sec. 21(a)(3) to discuss strategy with respect to litigation since a discussion in open session may have a detrimental effect on the litigating position of the Town and Town Council. Specifically, the Council will discuss two lawsuits filed against the Town by the Conservation Law Foundation, one regarding claims under the Federal Clean Water Act and the other regarding claims relating to the Massachusetts Title 5 septic regulations.

He stated the Council will not return to Public Sector.

Upon a motion duly made and seconded it was go into Executive Session with no return to Public Sector. **VOTE: PASSES 12 YES, Roll Call: Atsalis, Bogan, Clark, Cullum, Rapp Grassetto, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber**

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 9:10 PM

Respectfully submitted,

Janet Murphy
Assistant Town Clerk/Town of Barnstable

NEXT MEETING: July 15, 2021

Exhibits:

A. Town Manager update for period June 18, 2021 thru July 1, 2021