



Town Council Meeting
May 15, 2025

A quorum being duly present, President Craig Tamash called the May 15, 2025, Town Council meeting to order at 6:02 P.M.

An announcement was made by President Tamash 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, Paula Schnepf, Craig Tamash, Kristin Terkelsen

ZOOM: Paul Neary, Felicia Penn **ABSENT:** Gordon Starr

Councilor Ludtke introduced and welcomed veteran Airman second class Jan Kraemer to lead the pledge of allegiance followed by President Tamash with a moment of silence in honor of National Police Memorial Day which is held annually on May 15th. Please keep in your thoughts the Barnstable Police Department's Michael K. Aselton and Edward T.R. Landers who died in the line of duty. Sean Gannon and Brad Erickson who were Yarmouth Police Officers who died in the line of duty in the Town of Barnstable. Keep those officers in your thoughts and all who are near and dear to you.

PUBLIC COMMENT:

Tim Tudor is organizing the Memorial Day parade in Centerville, starts at 10 AM, will be led by Police Officers followed by a ceremony at Memorial Square, laying of the wreaths.

Steve Luciani at the Centerville Memorial Day parade will have a veteran riding in a jeep, two small mules, a bagpiper, speakers, and young children will be reading their poems.

Jane Ward spoke about the Green Communities program, working on making the stretch code more flexible, concerned about the frozen federal funds.

Joanne O'Connor spoke in support of Ed Riley running for Fire Commissioner of the Centerville Osterville Marstons Mills Fire District (COMM).

Larry Morin spoke about the Town Council Rules on tonight's agenda. He said he gave the content of his comments to the Town Council Administrator to share with the Town Council. He stated the Ad Hoc Committee has not scheduled or convened or held any public meetings since February.

Seth Etienne, a member of the Zoning Ad Hoc committee, spoke to support the work of the Ad Hoc committee. He was the lone dissenting voice; the purview was to improve the quality of life of the citizens in Barnstable. However, the recommendations about the positives raising of parking minimums, reducing the heights of buildings, these changes only occur in one part of Barnstable, in the most vulnerable part of the Town of Barnstable, Hyannis cannot bear the burden of all these changes. To support the workers that we need, such as the police and teachers, these recommendations will harm those people. Did not support the changes.

Eric Schwaab spoke about the Ad Hoc Zoning committee; the reason Seth was the sole dissenting voice is due to people who did not show up to the meeting. The committee tried to soften the edges so that the changes from four story to single family were smoother and desirable.

Seth Etienne wants the Council to keep in mind who is in the room, and who is not in the room.

ZOOM:

Sandy Fitzgerald asked the Council not to allow dispensaries; her mother was able to obtain a medical marijuana card and lived three years pain free. The companies that sell marijuana are selling junk. I do not want to see the dispensary in Barnstable

Asia Graves, victim advocate, spoke about the marijuana overlay. Barnstable is completely behind the times allowing a dispensary of medical marijuana. Drug dealers are profiting, we should be reaping the benefits. We need every dollar of tax revenue. She hopes you vote in favor.

President Tamash announced several emails and letters sent to the Town Council mailbox and shared with the Councilors. Written comments are always welcome.

Close Public Comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Schnepp) If possible, could you share when we are going forward with Green Communities. The function of public comment is to address the Council on issues, not for political candidates. That is not appropriate in public comments. (Tamash) the article regarding flow neutral is going to have a first reading on June 5th, once that is passed, we will go forward with Green Communities (Schnepp) In the Green Communities it is the stretch code ordinance that needs to be done, first. (Ludtke) we already have a medical marijuana district and is firmly established. for the Green Communities, stretch code is required to enter the Green Community (Terkelsen) Regarding Mr. Morin's comments, she agreed on the emails not being read completely on the record, can they be posted in the minutes. Although the issue of each of us speaking on the public comments, she believes would extend the meetings even longer. (Levesque) thanked everyone for coming, your points were well made and taken. (Neary) Shout out to the Centerville Civic Associations and all the work they do. Wonderful to hear the essays from the seniors, well spoken congratulations to those that won the scholarships.

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. **(Exhibit A)**

- First reading of the proposed FY2026 Operating Budget
- Sean O'Brien, Barnstable Town Treasurer/Collector announced competitive bids
- Recreation Division has processed over 13,000 Resident Parking Permits
- Council on Aging will now be managing the Senior/Veteran's Tax Work Off Program
- In February 2024, the Town Council appropriated funds to cover the costs of the creation of internal Police Department working groups
- The Cape Cod Commission is updating the Regional Policy Plan (RPP).
- Kelly Collopy, Department of Public Works Communication Manager, provided an update on Water Resources.
- Kate Maldonado, Senior Planner, provided an update on Greening the Gateway Cities Program.

Jim Kupfer Director of Planning and Development explained the Greening of the Gateway, with trees, if you are in the greater Hyannis zone we have plenty of trees available to plant. There is a maintenance agreement that you will water the plant.

(Ludtke) is there any chance of extending the boundary, (Kupfer) it extends into Independence Park and a little bit of Centerville. (Quirk) announced the nomination papers will be available Friday morning in the Town Clerk's Office and the positions open. (Tamash) any letters received for public comment, are they included in the public record. (Quirk) when they are read into the record they are included. (Clark) spoke about a constituent who asked for more awareness of

Amyotrophic Lateral Sclerosis (ALS) also known as Lou Gehrig's disease. May 20, 2025, is ALS awareness month.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded, it was voted to accept the minutes of April 3, 2025, as presented.

VOTE: PASSES 12 YES

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

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

Presentations from Ad Hoc Committees:

Committee to Assess and Recommend Strategies for Housing Creation Within the Town: Rick Presbrey, Chair, with Laura Shufelt and Councilor Bloom

Recommendations:

Submit a home rule petition for transfer of high-end real estate fee to be dedicated to affordable housing

Use town assets including surplus land and/or buildings

Prioritize hiring housing staff and categorize inventory assets

Create a regulatory structure for short-term rentals to become year-round rentals

Council Discussion:

(Tamash) the transfer tax fee is it all over the place? (Shufelt) Not a tax it is a real estate fee based on the sale (Ludtke) What are we paying per unit (Shufelt) recently increased the maximum for units that are 80% it is \$150,000 per unit (Ludtke) When you are using the funds what are we getting? (Shufelt) The tax relief between 15 and 20 percent, we have given more than that, for other projects. (Terkelsen) did anyone reach out to Director Milne about the transfer fee? (Shufelt) we did not get into the percentage that was a Town Council decision. (Crow) There are a lot of different opinions, we worded on things that can be done to help provide housing. (Ludtke) how do we not lose the momentum, what is the next step (Tamash) we have the recommendations, the next steps are laid out. (Ludtke) do we as a council vote on these or do we need something more structured. (Terkelsen) like leadership have some next steps we can vote on at the next meeting.

Committee to Review and Assess Zoning and Review the Town's Use of Regulatory

Agreements: Bob Schulte, Chair, Catherine Ledec and Seth Etienne; Planning & Development Director Jim Kupfer

Immediate priority:

Downtown Hyannis zoning, additional parking

Inclusionary Affordable Housing Ordinance

Zoning enforcement issues and problems

Preserve areas in Independence Park for contractor bays, low-cost start up space

High Priority Actions-Zoning Ordinance

Short-term Rentals Regulations

Commercial Vehicle Ordinance

By-right Zoning

Rental Properties – Parking Restrictions

Council Discussion:

(Mendes) impactful, civil and diverse, a third of the people are not going to like the decisions. What is best for the town. Want quality of life for the people who live here. (Ludtke) We must be dynamic, a lot of input and discussion. Let's keep the momentum going. (Etienne) By right

zoning, which residents are we listening to; not just about affordable housing we have to think about how do we house people that provide healthcare. Create a situation where you could reduce traffic. (Ledec) not the most exciting topic, learned a lot, links to other activities and committees. (Penn) three cheers for recognizing the committee, Ad Hoc committees work, have a mission, and solutions are a great tool. (Etienne) land value tax where we would tax 2nd and 3rd homes that remain empty most of the time (Mendes) must remember, not only the service workers, also the people who vacation here. We must keep that in mind, and we live on top of our water. (Levesque) are we still subscribing to the software for short term rentals (STR) (Clyburn) we do get an annual report. (Levesque) the assessed value of an STR was over 800 thousand dollars, (Clyburn) yes at the time that was the number, but that can fluctuate. (Levesque) form based code was to help move the blighted properties, when there is traffic in the summer, we sleep better. (Schulte) we are facing the lack of affordable housing. (Levesque) scope of rentals, how many have registered for STR's, some sort of range, it is something we paid for, a further study to figure out there was a benefit to rent year long. (Schnepp) a very thorough presentation, a lot for the Council to discuss. Impressed with the forward thinking part of this plan, we need to reduce the traffic footprint. We have gone past the need for regulatory agreements. It was valuable at the time, creating our growth incentive zone. Wonder if we want to spend time on regulatory agreements. (Penn) purpose of the regulatory agreement was to allow the builder to bypass the zoning, basically to make it happen the way the town negotiated the agreement. (Crow) What I observed we spent 60 percent of the time on zoning in downtown Hyannis. (Levesque) No zoning is changing right now. (Tamash) that is a valid point.

10 minute break

Jump to 2025-187

2025-187 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION AUTHORIZING THE TOWN TO USE RED LIGHTS ON CERTAIN EMERGENCY RESPONSE VEHICLES INTRO: 05/15/2025
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Andy Clyburn Assistant Town Manager gave the rationale, and introduced Derek Lawson, Director of Marine and Environmental and Brian Taylor, Harbormaster

Discussion:

(Terkelsen) do other towns use flashing red lights (Clyburn) various towns use blue lights. (Bloom) a great idea to change to red lights.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby directs the Town Manager to submit a petition to the General Court of the Commonwealth for a special act authorizing the use of red lights on certain Town emergency response vehicles, as follows:

“AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF BARNSTABLE TO USE RED LIGHTS ON CERTAIN EMERGENCY RESPONSE VEHICLES

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, including section 7E of chapter 90 of the General Laws, the town manager of the city known as the town of Barnstable may designate in writing specific town-owned vehicles authorized to mount, display and operate a flashing, rotating or oscillating red light in any direction, provided the red lights are operated solely by the town's director of marine and environmental affairs, harbormaster and harbormaster staff while proceeding to an emergency or in response to an alarm in the performance of their official duties, and at no other time. No such red light shall be mounted or displayed until an application has been made to the registrar of motor vehicles and a written permit has been issued and delivered to the town manager. The town manager shall maintain an

inventory of the specific vehicles, including by registration number, which are authorized to mount and display the red lights.

SECTION 2. This act shall take effect upon its passage.”

VOTE: PASSES 12 YES

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

CONSENT AGENDAS:

Upon a motion duly made and seconded it was to refer Items 2025-157 through 2025-179, as written, to individual public hearings to be held on each item at the Town Council meeting on June 05, 2025.

VOTE: Open and continue to individual public hearings - PASSES 12 YES

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

Upon a motion duly made and seconded it was to refer Items 2025-184 and 2025-185 to individual public hearings to be held on each item at the Town Council meeting on June 05, 2025.

VOTE: Open and continue to individual public hearings - PASSES 12 YES

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

Upon a motion duly made and seconded it was to refer Items 2025-180 and 2025-186 to a second reading on each item at the Town Council meeting on June 05, 2025.

VOTE: Refer to 2nd reading - PASSES 12 YES

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

Presentation from Mark Milne, Director of Finance, Fiscal Year 2026 Operating Budget

Discussion:

(Schnepp) can you cite some revenue contraction (Milne) beach stickers, discretionary spending, new motor vehicle excise tax, if inflation takes off, may reduce interest rates.

(Schnepp) do we have a risk of losing Title one funds (Milne) to date we do not anticipate a reduction, some smaller grants yes. (Schnepp) no concern about compliance rules (Milne) we have not yet seen them, but we will inform the Council as soon as we hear. (Clark) reference for allowance for abatements shows a minus percentage, was that money we didn't have to pay out (Milne) we do have a balance in our abatements, but we feel we can reduce the amount going forward.

2025-060 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING TO REVISE THE DEFINITION OF ACCESSORY DWELLING UNIT (ADU) AND TO REVISE USE AND DIMENSIONAL REQUIREMENTS, FLOOR AREA DEFINITION, AND CLARIFY PARKING RESTRICTIONS AND NO OWNER-OCCUPANCY REQUIREMENT FOR ADUS INTRO: 12/05/2024, 02/06/2025, 03/06/2025, 03/20/2025, 05/15/2025

Open public hearing:

Jake Dewey found a few clerical issues, the requirement of the 12 month occupancy or lease, there is an opportunity to have a STR when the owner is on the property, some were conflicting, but Jim Kupfer is aware, Give us some guidance on the special permits.

Close public hearing

Jim Kupfer, Director of Planning and Development, gave the rationale with a power point presentation. Town Attorney, Karen Nober spoke to the red line amendments. (Exhibit B)

Discussion:

(Tamash) if we did allow a second ADU could we establish a minimum size lot (Nober) yes ,if you want a second ADU it is with a special permit, you don't have to allow it (Tamash) if we did allow it does it need a proviso that they need a certain size lot (Bloom) to establish a baseline, go back to purpose and intent, was to make more ADU's available (Nober) you have the ability to prevent the ADU being an STR. In the current case with East Bridgewater, the Attorney General (AG) has said there is not a legitimate interest and is not satisfied with prohibiting the rental of an ADU for less than one year. (Bloom) we need year-round housing, seasonal housing is different, I thought ADU's were for year round housing. We are taking away another avenue for people having year round housing. We are watering down the ADU. (Nober) and we are going to have to take out the term "single family," the changes are to be in conformance of state law (Bloom) so if we leave year-round rental in, is it going to conflict with the state law. (Nober) the requirement we can prohibit STR, (Ludtke) how would a multi-family application work (Kupfer) the property owner owns a three unit triple decker, builds a secondary ADU to the structure. So now has four units, would meet this ordinance.

Councilor Penn has left the meeting

(Crow) We voted for year-round ADU's. We are allowed for a legitimate purpose to have year-round ADU's he believes that it is up to legal to fight this choice. (Nober) we would have to argue that it that it serves a municipal service, to a protected use ADU. (Crow) We need more year-round rentals (Nober) we would have to develop a foundation with the Planning and Development. (Tamash) Is that do able (Kupfer) if the Council directs us to make it a year-round, we will go ahead. (Schepp) wonders if the AG's interpretation is beyond what is the intent. (Nober) for towns they have not allowed the by-laws (Mendes) what is our odds of winning (Nober) I don't think we would win (Tamash) if they don't approve it, the AG does not view ordinances, (Nober) they do not have opinions for city form of government (Crow) the Governors committee on ADU's legitimate municipal purpose, if we say these can do month to month, state guidance says we can argue our legitimate right (Ludtke) Purpose and intent, these are in the residents homes, to help themselves so they can be flexible with it. I'm okay with seasonal employees having a place to stay. We do have a lot of seasonal workers. We should embrace this and give people options. (Kupfer) to move beyond the intent and go over the changes, we have more options, where do you as a council landing on these issues (Nober) the agenda item before you to go through this process (Terkelsen) I thought we were going to go through each piece and accept or reject (Nober) you have choices, so we gave you alternatives, so you could understand the amendments, we thought we would walk through this first. (Crow) you gave us one through seven choices, from your outline. (Nober) those are the motions we are going to come back to that, so you can vote on these. (Bloom) the amendments affect each other (Nober) you will have to be consistent.

Discussion continues:

(Ludtke) don't see anything about an ADU can disappear. (Kupfer) it would depend on the zoning in the area, you certainly could change the use. (Tamash) built as an ADU, but at some point, would they come back to change that (Kupfer) an ADU is a small structure on a property, they could change the structure to a gift shop or a coffee shop if it conforms to zoning. (Tamash) this could not be used as a workaround to get a structure on the property for a different use. (Kupfer) still would have to follow all the underlying zoning (Burdick) can we please move on with this, we are just going around in circles (Terkelsen) what is the difference between habitable and gross (Kupfer) building commissioner decides this it includes only the space you are habituating, gross is the measurement around the building (Terkelsen) someone has a garage with a second floor that never was built out they could change that to an ADU even if more than 900 square feet (Kupfer) yes (Clark) if an ADU could be changed to a coffee shop, that is completely off the intent of the ADU (Kupfer) maybe thirty years from now they may want to change the ADU into another use (Tamash) if it is an ADU or another building in a residential area, they can't change it to a

coffee shop because it does not meet the zoning.

SECTION 1 to change the ADU definition:

A motion was made and seconded to amend SECTION 1 of Item 2025-060 by deleting the words "single family" each time they appear in the definition of ADU.

VOTE: PASSES 11 YES

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

SECTION 2 (Amendment #1A – see attached)

A motion was made and seconded to strike SECTION 2 of Item 2025-060 in its entirety; to revert back to the existing language which prohibits more than one ADU on a lot.

(By deleting this Section, we would revert back to our existing language which prohibits more than one ADU on a lot. No change would be made to the existing Subsection (C)(1) of Section 240-47.2, which reads as follows: "No more than one ADU may be created per lot. This provision is not subject to variance.")

VOTE: PASSES 11 YES

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

SECTION 4 (Amendment #2A - See attached)

Move we strike the bedrooms and more than two bedrooms 2A

Withdrawn and second has been withdrawn

Jake Dewey leaves an open door, maybe give us a cap or a lot size.

(Nober) Another option would be to delete the first sentence in its entirety and the third sentence in its entirety and the words "more than two bedrooms and /or" only in the third sentence and to add a new sentence at the end that says "Only existing structures with a gross floor area greater than 900 square feet but not more than 1200 square feet shall be considered for a special permit."

Discussion:

(Crow) How many people are going to be in that unit, where are people going to park? I move that we adopt amendment 2B which would amend SECTION 4 of Item 2025-060 by further amending subsection (C)(4) by deleting the first sentence in its entirety, by deleting the words "more than two bedrooms and /or" from the third sentence in its entirety.

No second.

Upon a motion duly made and seconded it was to amend SECTION 4 of Item 2025-060 by further amending subsection (C)(4) move 2A by deleting the first sentence in its entirety, deleting the words more than 2 bedrooms and/or from the third sentence, and by adding the following new sentence at the end of said subsection:

"Only existing structures with a gross floor area greater than 900 square feet shall be considered for a special permit."

VOTE: PASSES 10 YES, 1 NO (CROW)

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

SECTION 5 (Amendment #3 – see attached)

A motion was made and duly seconded to amend SECTION 5 of Item 2025-060 to further

amend Subsection (C) (7) of Section 240-47.2 by inserting after the words “bus station” the following:

“as those terms are defined in 760 CMR 71.02”

VOTE: PASSES 11 YES

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

(Nober) she will ask for the Council to delegate to her the renumbering. (Tamash) Yes

NEW SECTION 7 (Amendment #4B - see attached)

A motion was duly made and seconded to amend Item 2025-060 to add the following new SECTION 7:

By further amending said Section 240-47.2 by deleting the last two sentences of Section (C)(11) and inserting the following new sentences in their place:

“Any use of an ADU as a short-term rental, as defined by G.L. c. 64G, § 1, is prohibited. The principal dwelling or ADU, or both, may be rented at any given time; provided that, if the owner of the principal dwelling chooses to reside in the ADU, the principal dwelling shall not be used as a short-term rental during the period in which the property owner resides in the ADU.”

Discussion:

(Crow) we voted as a council for year-round rentals of ADU’s, we need more year-round rentals. (Nober) the amendment Councilor Crow is looking to make would only delete the last sentence of C11.

(Burdick) Move the question!

VOTE ON MOVING THE QUESTION: FAILS 6 NO (BLOOM, CLARK, CROW, NEARY, TAMASH, TERKELSEN)

ROLL CALL: 5 YES (BURDICK, LEVESQUE, LUDTKE, MENDES, SCHNEPP)

AMENDMENT 4B

A motion was made to amend the above amendment as follows:

To only delete the last sentence of (C) (11) and to insert the following new sentences in its place:

“Any use of an ADU as a short-term rental, as defined by G.L. c. 64G, § 1, is prohibited. The principal dwelling or ADU, or both, may be rented at any given time; provided that, if the owner of the principal dwelling chooses to reside in the ADU, the principal dwelling shall not be used as a short-term rental during the period in which the property owner resides in the ADU.”

Discussion:

(Ludtke) just muddled the waters, this is unenforceable.

Voting on the amendment to the amendment

VOTE: FAILS 5 YES, (BLOOM, CLARK, CROW, TAMASH, TERKELSEN)

ROLL CALL: 6 NO (BURDICK, LEVESQUE, LUDTKE, MENDES, NEARY, SCHNEPP)

A vote was then taken on the original motion, which was to amend Item 2025-060 to add the following new SECTION 7:

By further amending said Section 240-47.2 by deleting the last two sentences of Section (C)(11) and inserting the following new sentences in their place:

“Any use of an ADU as a short-term rental, as defined by G.L. c. 64G, § 1, is prohibited. The principal dwelling or ADU, or both, may be rented at any given time; provided that, if the owner of the principal dwelling chooses to reside in the ADU, the principal dwelling shall not be used as a short-term rental during the period in which the property owner resides in the ADU.”

VOTE: PASSES 8 YES, 2 NO (CROW, TERKELSEN), 1 ABSTENTION (NEARY)

ROLL CALL: BLOOM, BURDICK, CLARK, LEVESQUE, LUDTKE, MENDES, SCHNEPP, TAMASH

NEW SECTION 8 (Amendment #5 – see attached)

A motion was made and duly seconded as follows:

To further amend Item 2025-060 by adding the following new SECTION 8:

SECTION 8

By further amending said Section 240-47.2 by deleting in subsection (B)(1) the following words:
“, except that no ADU shall be permitted on a lot at the same time either an affordable accessory apartment exists on that lot pursuant to Chapter 9, Article II, §§ 9-12 through 9-16, of the General Ordinances of the Code of the Town of Barnstable or as a family apartment exists on that lot pursuant to § 240-47.1”

This motion and second were withdrawn

A new motion was made and seconded to further amend Item 2025-060 by adding the following new SECTION 8:

By further amending said Section 240-47.2 by deleting in subsection (B)(1) the words “single family” and by deleting the following words:

“, except that no ADU shall be permitted on a lot at the same time either an affordable accessory apartment exists on that lot pursuant to Chapter 9, Article II, §§ 9-12 through 9 -16, of the General Ordinances of the Code of the Town of Barnstable or as a family apartment exists on that lot pursuant to § 240-47.1”

As amended, section 240-47.2 (B)(1) would read as follows:

An ADU that conforms to the requirements contained herein shall be permitted as an accessory use to a lawful dwelling use.

VOTE: PASSES 11 YES

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

SECTION 9 (Amendment 6 – see attached)

By further amending said Section 240-47.2 by deleting Subsection (C)(5) in its entirety and renumbering Subsections (C)(6) through (C)(12) as new Subsections (C)(5) through (C)(11).”

As amended, the following subsection of Section 240-47.2 would be deleted:

“(C)(5) Occupancy of the ADU shall not exceed two persons; occupancy limitations shall not apply to children ages 18 and under. Occupancy of an ADU by more than two persons over the age of 18 may be permitted by special permit from the Zoning Board of Appeals.”

VOTE: PASSES 11 YES

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

NEW SECTION 10 (Amendment #7 – see attached)

Upon a motion duly made and seconded it was

To amend Item No. 2025-060 by adding the following new SECTION 10:

By further amending said Section 240-47.2 be deleting “year-round” from Subsection (A)(1) and by deleting the words “single-family” from Subsection (A)(2)”

As amended, Subsection (A)(1) and (A)(2) would read as follows:

“(1) Increase the number of dwelling units available for rental in Town while remaining within our current wastewater capacity limitations.”

(2) “Adapt residential properties so they are supportive of residents at a variety of stages in their life cycle.”

VOTE: PASSES 7 YES, 4 NO (BLOOM, CLARK, CROW, TERKELSEN)

ROLL CALL: BURDICK, LEVESQUE, LUDTKE, MENDES, NEARY, SCHNEPP, TAMASH,

A motion was made and seconded to delegate to the town attorney to clean up the formatting and numbering.

VOTE: PASSES 11 YES

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

Upon a motion duly made and seconded it was

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

By amending Article XIV, Section 240-128 by deleting the definition of "Accessory Dwelling Unit (ADU)" in its entirety and inserting the following new definition in its place:

ACCESSORY DWELLING UNIT (ADU)

An accessory dwelling unit (ADU) is a self-contained dwelling unit that provides complete independent living facilities for one or more persons, as outlined herein, including permanent provisions for living, sleeping, eating, cooking and sanitization, incorporated within a lawful principal dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum gross floor area that is not larger than 1/2 of the gross floor area of the principal single-family dwelling unit (exclusive of floor area that was converted to the ADU), or 900 square feet, whichever is smaller, unless special permit relief is granted with respect to the requirements of § 240-47.2C (4) with regard to square footage.

SECTION 2

By further amending said Section 240-47.2 Accessory Dwelling Units (ADUs), by inserting the following sentence after the second sentence in subsection (C)(3):

"The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress."

SECTION 3

By further amending said Section 240-47.2 by deleting the word "habitable" wherever it appears in Subsection (C)(4) and replacing it with the word "gross" in each instance, and by further amending Subsection (C)(4) by deleting the first sentence in its entirety, by deleting the words "more than 2 bedrooms and/or" from the third sentence and by adding the following new sentence at the end of said subsection:

"Only existing structures with a gross floor area greater than 900 square feet shall be considered for a special permit."

SECTION 4

By further amending said Section 240-47.2 by adding the following sentence at the end of Subsection (C)(7):

“No more than one additional parking space per ADU shall be required, provided that no additional parking shall be required when an ADU is located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, as those terms are defined in 760 CMR 71.02.”

SECTION 5

By further amending said Section 240-47.2 by inserting the following new Subsection (C)(12) and by renumbering the existing Subsection (C)(12) as Subsection (C)(13):

“(12) The use of land or structures for an accessory dwelling unit shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling.”

SECTION 6

By further amending said Section 240-47.2 by deleting the last two sentences of Section (C)(11) and inserting the following new sentences in their place:

“Any use of an ADU as a short-term rental, as defined by G.L. c. 64G, § 1, is prohibited. The principal dwelling or ADU, or both, may be rented at any given time; provided that, if the owner of the principal dwelling chooses to reside in the ADU, the principal dwelling shall not be used as a short-term rental during the period in which the property owner resides in the ADU.”

SECTION 7

By further amending said Section 240-47.2 by deleting in subsection (B)(1) the words “single family” and by deleting the following words:

“, except that no ADU shall be permitted on a lot at the same time either an affordable accessory apartment exists on that lot pursuant to Chapter 9, Article II, §§ 9-12 through 9-16, of the General Ordinances of the Code of the Town of Barnstable or as a family apartment exists on that lot pursuant to § 240-47.1”

SECTION 8

By further amending said Section 240-47.2 by deleting Subsection (C)(5) on its entirety and renumbering Subsections (C)(6) through (C)(12) as new Subsections (C)(5) through (C)(11).

SECTION 9

By further amending said Section 240-47.2 by deleting “year-round” from Subsection (A)(1) and by deleting the words “single-family” from Subsection (A)(2).

VOTE: AS AMENDED PASSES 10 YES, 1 NO (BLOOM)

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

PROPOSED AMENDMENTS TO TOWN COUNCIL ITEM NO. 2025-060:

AMENDMENT #1:

To amend SECTION 2 of Item No. 2025-060 by further amending subsection (C)(1) to insert the words “on a lot” after “ADU”.

As amended, the section would read as follows:

- (1) A Special Permit is required if an applicant is seeking more than one ADU **on a lot** in a single-family residential zoning district.

ALTERNATIVE AMENDMENT #1A:

To amend Item No. 2025-060 by striking SECTION 2 in its entirety.

By deleting this Section, we would revert back to our existing language which prohibits more than one ADU on a lot. No change would be made to the existing Subsection (C)(1), which reads as follows: “No more than one ADU may be created per lot. This provision is not subject to variance.”

AMENDMENT #2:

To amend SECTION 4 of Item No. 2025-060 by further amending subsection (C)(4) by deleting the first sentence in its entirety and by deleting the words “more than 2 bedrooms and/or” from the third sentence.

As further amended, section 240-47.2 (C)(4) would read as follows:

- (4) ~~The ADU shall contain no more than two bedrooms.~~ ADUs, in accordance with the definition, shall have a maximum gross floor area that is not larger than 1/2 of the gross floor area of the principal single-family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller. ADUs with ~~more than two bedrooms and/or~~ a maximum gross floor area greater than 900 square feet may be permitted by special permit from the Zoning Board of Appeals. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.

ALTERNATIVE AMENDMENT #2(A):

To amend SECTION 4 of Item No. 2025-060 by further amending subsection (C)(4) by deleting the first sentence in its entirety, by deleting the words “more than 2 bedrooms and/or” from the third sentence, and by adding the following new sentence at the end of said subsection:

“Only existing structures with a gross floor area greater than 900 square feet shall be considered for a special permit.”

ALTERNATIVE AMENDMENT #2(B):

To amend SECTION 4 of Item No. 2025-060 by further amending subsection (C)(4) by deleting the first and third sentences in their entirety.

AMENDMENT #3:

To amend SECTION 5 of Item 2025-060 to further amend Subsection (C)(7) of Section 240-47.2 by inserting after the words “bus station” the following:

“, as those terms are defined in 760 CMR 71.02”

AMENDMENT #4:

To amend Item No. 2025-060 by adding the following new SECTION 7:

“SECTION 7

By further amending said Section 240-47.2 by deleting the last sentence of Section (C)(11) and inserting the following new sentence in its place:

The principal dwelling or ADU, or both, may be rented at any given time.”

This would delete the sentence that says: “Either the principal dwelling or ADU, but not both, may be rented at any given time.”

ALTERNATIVE AMENDMENT #4(A):

To amend Item No. 2025-060 by adding the following new SECTION 7:

“SECTION 7

By further amending said Section 240-47.2 by deleting the last two sentences of Section (C)(11) and inserting the following new sentences in their place:

Any use of an ADU as a short-term rental, as defined by G.L. c. 64G, § 1, is prohibited.

The principal dwelling or ADU, or both, may be rented at any given time.”

In addition to the change in Amendment #4, this would also delete the sentence that says: “The rental period for an ADU and for a principal dwelling shall not be shorter than 12 consecutive months.”

ALTERNATIVE AMENDMENT #4(B):

To amend Item No. 2025-060 by adding the following new SECTION 7:

“SECTION 7

By further amending said Section 240-47.2 by deleting the last two sentences of Section (C)(11) and inserting the following new sentences in their place:

Any use of an ADU as a short-term rental, as defined by G.L. c. 64G, § 1, is prohibited.
The principal dwelling or ADU, or both, may be rented at any given time; provided that, if the owner of the principal dwelling chooses to reside in the ADU, the principal dwelling shall not be used as a short-term rental during the period in which the property owner resides in the ADU.”

AMENDMENT #5:

To further amend Item No. 2025-060 by adding the following new SECTION 8:

“SECTION 8

By further amending said Section 240-47.2 by deleting in subsection (B)(1) the following words:

, except that no ADU shall be permitted on a lot at the same time either an affordable accessory apartment exists on that lot pursuant to Chapter 9, Article II, §§ 9-12 through 9-16, of the General Ordinances of the Code of the Town of Barnstable or as a family apartment exists on that lot pursuant to § 240-47.1”

As amended, section 240-47.2 (B)(1) would read as follows:

An ADU that conforms to the requirements contained herein shall be permitted as an accessory use to a lawful single-family dwelling use.

AMENDMENT #6:

To amend Item No. 2025-060 by adding the following new SECTION 9:

“SECTION 9

By further amending said Section 240-47.2 by deleting Subsection (C)(5) in its entirety and renumbering Subsections (C)(6) through (C)(12) as new Subsections (C)(5) through (C)(11).”

As amended, the following subsection of Section 240-47.2 would be deleted :

“(C)(5) Occupancy of the ADU shall not exceed two persons; occupancy limitations shall not apply to children ages 18 and under. Occupancy of an ADU by more than two persons over the age of 18 may be permitted by special permit from the Zoning Board of Appeals.”

AMENDMENT #7:

To amend Item No. 2025-060 by adding the following new SECTION

10: “SECTION 10

By further amending said Section 240-47.2 be deleting “year-round” from Subsection

(A)(1).” As amended, Subsection (A)(1) would read as follows:

“(1) Increase the number of dwelling units available for rental in Town while remaining within our current wastewater capacity

A motion was made and seconded to go beyond 11 PM

VOTE: PASSES 8 YES, 3 NO (BURDICK, LUDTKE, MENDES)

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

Councilors Burdick and Mendes left the dais

2025-062 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY REPEALING THE ZONING OVERLAY DISTRICT KNOWN AS THE “REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES, AND TESTING LABORATORIES ZONING OVERLAY DISTRICT” AND CREATING A NEW OVERLAY DISTRICT KNOWN AS THE “CANNABIS OVERLAY DISTRICT” AND EXPANDING THE EXISTING MEDICAL MARIJUANA OVERLAY DISTRICT, IN THE FORM AS SUBMITTED BY PETITION OF TEN REGISTERED VOTERS INTRO: 12/12/2024, 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the Town Council does hereby approve the amendments to the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, as set forth in Attachment 1 of the petition submitted to the Town Council on December 2, 2024, by ten registered voters in accordance with MG.L. c. 40A, § 5 and attached hereto.

VOTE: Open and continue the public hearing to July 17- PASSES 9 YES

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

2025-143 ORDER APPROVING AMENDMENTS TO THE TOWN COUNCIL RULES INTRO: 03/06/2025, 03/20/2025, 04/03/2025, 05/15/2025
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Upon a motion duly made and seconded it was

ORDERED: That the Town Council does hereby amend the Town Council Rules, as most recently amended on October 3, 2019, by striking the Rules in their entirety and inserting the Town Council Rules of Procedure, dated February 10, 2025, attached hereto, in place thereof.

VOTE: to be continued to July 17th PASSES 9 YES

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

**2025-148 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM
TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE
AND NILE MORIN, INC FOR 9 NEW MARKET RATE RESIDENTIAL RENTAL UNITS
LOCATED AT 50 MAIN STREET, HYANNIS, MA INTRO: 04/03/2025, 05/15/2025**

Jim Kupfer, Director of Planning and Development, gave the rationale

Discussion:

(Clark) read a statement from Laura Shufelt our town is too generous, do not to approve this item (Ludtke) to bring in the tax dollars, but then we counteract the tax dollars, what are you going to do with the tax savings (Morin) give ample space for the units to make them more live able (Bloom) think we should go ahead and vote (Levesque) Tax Increment Exemption (TIE) committee has done a good job, I am in favor of this item, it does look nice. (Terkelsen) impressed with the work the committee did, I still think the committee needs to go over policies and procedures, I will support it (Tamash) we have a Town Council committee that come back to us with a recommendation, (Crow) we should have a meeting and tighten up things, we came to an agreement, we should go with it.

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 Nile Morin, Inc. pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for nine (9) market rate residential units located at 50 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: PASSES 8 YES, 1 NO (CLARK)

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

**2025-149 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM
TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE
AND 94 STEVENS STREET, LLC FOR 36 NEW MARKET RATE RESIDENTIAL RENTAL
UNITS LOCATED AT 94 STEVENS STREET, HYANNIS, MA INTRO: 04/03/2025, 05/15/2025**

Jim Kupfer, Director of Planning and Development, gave the rationale

Discussion:

(Ludtke) tearing down an historic church, I don't think I can support this one (Levesque) one piece of the puzzle, the church is not historic, built in 1952, then a piece of that church was historic, went through the historic committee to move the piece that was historic. (Neary) encourage everyone to watch the TIF/TIE meetings, the proponent has worked with us. There was some serious changes to the offerings, we did due diligence. I will support this. (Schnepp) understand the Councilor's position, that the rent proposed for this development is less than Mr. Morin's. (Crow) we had a robust discussion about this, I think this developer has worked with us

I am in favor

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 94 Stevens Street, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for thirty-six (36) market rate residential units located at 94 Stevens 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: PASSES 7 YES, 2 NO (CLARK, LUDTKE)

ROLL CALL: BLOOM, CROW, LEVESQUE, NEARY, SCHNEPP, TAMASH, TERKELSEN

2025-157 APPROPRIATION ORDER IN THE AMOUNT OF \$93,622,700 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 BARNSTABLE PUBLIC SCHOOL DEPARTMENT BUDGET INTRO 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$93,622,700** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Barnstable Public School Department Budget, and to meet this appropriation that **\$89,896,868** be raised from current year revenues and **\$3,725,832** be provided from the General Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 PASSES 9 YES

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

2025-158 APPROPRIATION ORDER IN THE AMOUNT OF \$12,508,718 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 AIRPORT ENTERPRISE FUND BUDGET INTRO: 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$12,508,718** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Airport Enterprise Fund Budget, and to meet such appropriation that **\$12,508,718** be raised from current year revenues by the Airport Enterprise Fund, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

2025-159 APPROPRIATION ORDER IN THE AMOUNT OF \$19,774,938 FOR THE PURPOSE OF FUNDING THE TOWN'S FY 2026 BARNSTABLE POLICE DEPARTMENT BUDGET INTRO: 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$19,774,938** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Barnstable Police Department budget; and to meet such appropriation that **\$19,484,169** be raised from current year revenues, that **\$50,000** be provided the Embarkation Fee Special Revenue Fund, and that **\$240,769** be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

**2025-160 APPROPRIATION ORDER IN THE AMOUNT OF \$2,416,092 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 PLANNING AND
DEVELOPMENT DEPARTMENT BUDGET INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,416,092** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Planning and Development Department budget, and to meet this appropriation that **\$2,119,638** be raised from current year revenues, that **\$55,000** be provided from the Wetlands Protection Special Revenue Fund, that **\$183,660** be provided from the Bismore Park Special Revenue Fund, and **\$57,794** be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

:

**2025-161 APPROPRIATION ORDER IN THE AMOUNT OF \$2,933,824 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 COMMUNITY SERVICES
DEPARTMENT GENERAL FUND BUDGET INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,933,824** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Community Services Department General Fund budget; and to meet such appropriation that **\$2,856,131** be raised from current year revenues, and that **\$77,693** be provided from the General Fund reserves, as presented to the Town Council by the Town Manager

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

**2025-162 APPROPRIATION ORDER IN THE AMOUNT OF \$3,903,566 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 GOLF COURSE ENTERPRISE
FUND BUDGET INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,903,566** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Golf Course Enterprise Fund budget; and to meet such appropriation that **\$3,696,848** be raised from Enterprise Fund revenues, and that **\$206,718** be provided from the Golf Course Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025- PASSES 12 YES

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

**2025-163 APPROPRIATION ORDER IN THE AMOUNT OF \$4,045,476 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 HYANNIS YOUTH AND
COMMUNITY CENTER ENTERPRISE FUND BUDGET INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$4,045,476** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that **\$625,718** be raised from Enterprise Fund revenues, that **\$1,493,639** be raised in the General Fund, that **\$1,403,225** be transferred from the Capital Trust Fund, and that

\$522,894 be provided from the Hyannis Youth and Community Center Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

2025-164 APPROPRIATION ORDER IN THE AMOUNT OF 1,697,514 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND BUDGET INTRO: 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,697,514** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Marine & Environmental Affairs Department General Fund budget, and to meet such appropriation, that **\$1,214,478** be raised from current year revenue, that **\$450,000** be provided from the Waterways Special Revenue Fund, and that **\$33,036** be provided from the General Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

2025-165 APPROPRIATION ORDER IN THE AMOUNT OF \$803,433 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 MARINA ENTERPRISE FUND BUDGET INTRO: 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **803,433** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Marina Enterprise Fund budget; and to meet such appropriation that **\$711,902** be raised from Enterprise Fund revenues, that **\$36,350** be provided from the Capital Trust Fund, that **\$30,000** be raised in the General Fund, and that **\$25,181** be provided from the Marina Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

2025-166 APPROPRIATION ORDER IN THE AMOUNT OF \$1,165,364 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 SANDY NECK PARK ENTERPRISE FUND BUDGET INTRO: 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,165,364** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Sandy Neck Park Enterprise Fund budget; and to meet such appropriation that **\$1,039,691** be raised from Enterprise Fund revenues, and that **\$125,673** be provided from the Sandy Neck Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

2025-167 APPROPRIATION ORDER IN THE AMOUNT OF \$2,800,183 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 INSPECTIONAL SERVICES DEPARTMENT BUDGET INTRO: 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,800,183** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Inspectional Services Department Budget, and to meet such appropriation, that **\$2,726,029** be raised from current year revenues, and that **\$74,154** be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

2025-168 APPROPRIATION ORDER IN THE AMOUNT OF \$12,264,116 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 DEPARTMENT OF PUBLIC WORKS GENERAL FUND BUDGET INTRO: 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$12,264,116** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works General Fund Budget, and to meet such appropriation, that **\$11,353,069** be raised from current year revenue, that **\$125,000** be provided from the Embarkation Fee Special Revenue Fund, that **\$66,340** be provided from the Bismore Special Revenue Fund, and that **\$719,707** be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

2025-169 APPROPRIATION ORDER IN THE AMOUNT OF \$4,434,258 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET INTRO: 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$4,434,258** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works Solid Waste Enterprise Fund Budget, and to meet such appropriation that **\$4,007,734** be raised from the Enterprise Fund Revenues, and that **\$426,524** be provided from the Solid Waste Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

2025-170 APPROPRIATION ORDER IN THE AMOUNT OF \$11,476,043 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 DEPARTMENT OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND BUDGET INTRO: 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$11,476,043** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works Water Pollution Control Enterprise Fund Budget, and to meet such appropriation that **\$5,575,940** be raised from the Enterprise Fund Revenues, and that **\$5,900,103** be provided from the Sewer Construction and Private Road Maintenance and Improvement Special Revenue Fund, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

**2025-171 APPROPRIATION ORDER IN THE AMOUNT OF \$9,553,729 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 DEPARTMENT OF PUBLIC
WORKS WATER SUPPLY ENTERPRISE FUND BUDGET INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$9,553,729** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Department of Public Works Water Supply Enterprise Fund Budget, and to meet such appropriation that **\$8,616,229** be raised from the Enterprise Fund Revenues, that **\$900,000** be provided from the Water Stabilization Fund, and that **\$37,500** be provided from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

**2025-172 APPROPRIATION ORDER IN THE AMOUNT OF \$269,870 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 TOWN COUNCIL BUDGET
INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$269,870** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Town Council Budget and to meet such appropriation, that **\$269,870** be raised from current year revenue, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

**2025-173 APPROPRIATION ORDER IN THE AMOUNT OF \$1,400,109 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 TOWN MANAGER BUDGET
INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,400,109** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Town Manager Budget and to meet such appropriation, that **\$1,363,032** be raised from current year revenues, and that **\$37,077** be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 - PASSES 12 YES

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

**2025-174 APPROPRIATION ORDER IN THE AMOUNT OF \$981,237 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 PUBLIC, EDUCATION &
GOVERNMENT (PEG) ACCESS CHANNELS ENTERPRISE FUND BUDGET INTRO:
05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$981,237** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Public, Education & Government (PEG) Access Channels Enterprise Fund budget, and to meet such appropriation, that **\$864,430** be raised from the PEG Enterprise Fund revenues, and that **\$116,807** be provided from the PEG Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 - PASSES 12 YES

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

**2025-175 APPROPRIATION ORDER IN THE AMOUNT OF \$8,727,744 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 ADMINISTRATIVE SERVICES
DEPARTMENT BUDGET INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$8,727,744** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Administrative Services Department Budget, and to meet such appropriation, that **\$8,538,119** be raised from current year revenue, and that **\$189,625** be provided from the General Fund Reserves, as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 - PASSES 12 YES

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

**2025-176 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE
PURPOSE OF FUNDING THE TOWN COUNCIL'S FISCAL YEAR 2026 RESERVE FUND
INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the Town Council's Fiscal Year 2026 Reserve Fund and to meet such appropriation, that **\$250,000** be provided from the General Fund Reserves.

VOTE: Open & continue to 6-5-2025 - PASSES 12 YES

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

**2025-177 APPROPRIATION ORDER IN THE AMOUNT OF \$59,717,232 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2026 OTHER REQUIREMENTS
BUDGET INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$59,717,232** be appropriated for the purpose of funding the Town's Fiscal Year 2026 Other Requirements Budget, and to meet such appropriation, that **\$56,537,232** be raised from current year revenue, that **\$180,000** be provided from the Pension Reserve Trust Fund, and that **\$3,000,000** be provided from the General Fund Reserves, all for the purpose of funding the Town's Fiscal Year 2026 General Fund Other Requirements Budget as presented to the Town Council by the Town Manager.

VOTE: Open & continue to 6-5-2025 - PASSES 12 YES

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

**2025-178 APPROPRIATION ORDER IN THE AMOUNT OF \$5,299,662 COMMUNITY
PRESERVATION FUND PROGRAM SET-ASIDES AND ADMINISTRATIVE EXPENSES
INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of General Law Chapter 44B Section 6, for the fiscal year beginning July 1, 2025, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$532,335** for Open Space and Recreation; **\$532,335** for Historic Resources; **\$532,335** for Community Housing; **\$3,452,657** for a Budget Reserve, and that the sum of **\$250,000** be appropriated from the annual revenues of the Community Preservation Fund for the administrative expenses of the Community Preservation Committee, to be expended under

the direction of the Town Manager or the Community Preservation Committee with the prior approval of the Town Manager.

VOTE: Open & continue to 6-5-2025 - PASSES 12 YES

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

2025-179 APPROPRIATION ORDER IN THE AMOUNT OF \$91,340 FOR THE PURPOSE OF PAYING THE FISCAL YEAR 2026 COMMUNITY PRESERVATION FUND DEBT SERVICE REQUIREMENTS INTRO: 05/15/2025

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$91,340** be appropriated for the purpose of paying the Fiscal Year 2026 Community Preservation Fund Debt Service Requirements, and to meet such appropriation, that **\$23,690** be provided from current year revenues of the Community Preservation Fund and that **\$67,650** be provided from the reserves for the Historic Preservation Program within the Community Preservation Fund.

VOTE: Open & continue to 6-5-2025 -PASSES 12 YES

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

2025-180 FISCAL YEAR 2026 SPENDING LIMITATIONS INTRO: 05/15/2025

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes the following spending limitations for fiscal year 2026 revolving funds:

Senior Services Classroom Education Fund - **\$100,000**

Recreation Program Fund - **\$325,000**

Shellfish Propagation Fund - **\$200,000**

Consumer Protection Fund - **\$600,000**

Geographical Information Technology Fund - **\$10,000**

Arts and Culture Program Fund - **\$50,000**

Asset Management Fund - **\$500,000**

VOTE: TO A 2ND READ ON 6-5-2025-PASSES 12 YES

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

2025-184 APPROPRIATION ORDER IN THE AMOUNT OF \$2,900,000 FOR PRESERVATION AND RESTORATION WORK AT THE HYANNIS ARMORY LOCATED AT 225 SOUTH STREET IN HYANNIS INTRO: 05/15/2025

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 **\$2,900,000** shall be appropriated first from the Historic Preservation Fund within the Community Preservation Fund and second from the Community Preservation Undesignated Fund for preservation and restoration work at the Hyannis Armory building located at 225 South Street in Hyannis; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

VOTE: TO A PUBLIC HEARING ON 6-5-2025 -PASSES 12 YES

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

2025-185 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,404,000 FOR

**THE PURPOSE OF FUNDING THE DESIGN AND CONSTRUCTION OF AIRCRAFT
HARDSTANDS ON THE TERMINAL APRON AT THE CAPE COD GATEWAY AIRPORT
INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$1,404,000** be appropriated for the purpose of funding the design and construction of aircraft hardstands on the terminal apron, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$42,120** be provided from the Airport Enterprise Fund surplus that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,361,880** 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 Cape Cod Gateway Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

VOTE: TO A PUBLIC HEARING ON 6-5-2025 -PASSES 12 YES

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

**2025-186 ORDER REVOKING THE TOWN'S ACCEPTANCE OF THE PROVISIONS OF
CHAPTER 31 OF THE GENERAL LAWS (CIVIL SERVICE LAW) AS TO THE POLICE
DEPARTMENT INTRO: 05/15/2025**

Upon a motion duly made and seconded it was

ORDERED: That the Town Council does hereby revoke the Town's acceptance of Section 48 of Chapter 31 of the Massachusetts General Laws as to its regular police force, as voted at the Town Meeting of March 2, 1937, accepting the same, such that such positions in the Barnstable Police Department shall be exempt from Chapter 31 of the General Laws; provided that this Order shall not impair the civil service status of any person holding a position subject to said Chapter 31 as of the effective date of this Order; and provided further, that the Deputy Chief eligible promotional list, established on January 15, 2025, the Lieutenant eligible promotional list established on February 20, 2024, and the Sergeant eligible promotional list, established on January 15, 2025, pursuant to said Chapter 31, shall remain valid until their respective expiration dates, as determined by Civil Service.

VOTE: TO A 2ND READ ON 6-5-2025 -PASSES 12 YES

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

VOTED TO ADJOURN:

VOTE: PASSES 9 YES

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

Adjourned at 11:37 PM

Respectfully submitted,

Ann M Quirk
Town Clerk

NEXT MEETING: June 5, 2025

Exhibits:

- A. Town Manager Strategic Plan Update
- B. Proposed Amendments to the ADU