



**TOWN COUNCIL MEETING
TOWN HALL HEARING ROOM
September 12, 2013**

A quorum being duly present, Council President Debra Dagwan called the September 12, 2013, Town Council meeting to order at 7:04 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

PRESENT: Janice Barton, Ann Canedy, James Cote, Jennifer Cullum, Frederick Chirigotis, Debra Dagwan, June Daley, Jessica Rapp Grasseti, Michael Hersey, Janet Joakim, Thomas Rugo, James Tinsley, Jr **ABSENT:** John Norman

The Pledge of Allegiance was led by President Dagwan, followed by a Moment of Silence.

County Assembly Delegate Patrick Princi – an update

- Addressed regional water quality
- Public's concern county government getting to big
- Did not support county budget
- DCPC – Proposed ordinances, (Exhibit A) regarding fertilizer and impact on water supply
- Audit on Cape Light Compact
- Charter Review Commission – Voters should have their say
- Monthly breakfast 1ST Friday of the month 6:30-7:30AM at the Daily Paper

Councilor Discussion

- Elaborate on issue on fertilizer and DCPC
 - Way to address nitrogen in our water
 - Commission putting together an ordinance that could be uniform for all towns
- District means all 15 towns, does not liked being lumped into “A district”
- Supports his viewpoint

County Charter Review Chair Ron Bergstrom – an update

- DCPC
- Cape Cod Commission to create their own regulations
- Vote of the Assembly as early as next Wednesday
- MMA Study-efficiency, cost effective, strong administration
- 3 options presented

- no change – all towns have their own delegate
- change the commissioners to 5
- divide the cape and create 11 districts of equal population

Councilor Discussion

- By option 3 Barnstable would have 2.5 districts/votes
- Similar to our State Rep.
- Councilor Canedy will provide dates of upcoming meetings after they compile the pro's and con's to will bring it the council members for their input.

County Commissioner Mary Pat Flynn – Discussion on funding a study of the Cape Cod Mosquito Control Project

County Commissioner Sheila Lyons introduced Charlie Sumner and Gabby Sakolsky the overview included:

- Instead of using harmful chemicals, using “green” and more friendly to environment products
- Water management
- Larvicide's products
- Using bacteria directed at mosquitoes
- Should it be under county or independent control
- State approves budget and controls who we purchase products from
- State control - dictated by law need legislation to change the law

Councilor Discussion

- Councilors agree we should have local control
- Does the Commission also do Tick control - No Cape Cod Extension, different treatments
- The cost of the study - \$16,000 have money in their budget, asking for support

Motion made and seconded to support the study to create an independent mosquito control board
VOTE: Unanimous

Presentations by Chief Paul MacDonald - Submission of report under Section 160-2G of the Barnstable Code (Chronic Problem Properties Ordinance) and an update on Chapter 115 of the Barnstable Code (Hours of Operation of Businesses)

Chief MacDonald read Exhibit B to the Council. Twelve residences have been identified as problem properties. The owners of said properties have been extremely cooperative with the police department to resolve the issues.

Detective Jean Challies has been charged with the responsibility of overseeing the compliance of the problem property ordinances. She gave a slide show presentation, the enforcement of the ordinance has had a positive effect. At this time, there have been no cost to owners of the properties. Changes need to made regarding domestic violence and intoxicated person calls they are evaluated on a case by case bases.

Councilor Discussion:

- Loud parties people are reluctant to call the police
- People are afraid if they call they will be identified
- Happy to hear homeowners are working with the police department
- Much quieter this summer

Motion made and seconded to seek advice from town attorney and draft a resolution to the ordinance.

VOTE: 11 Yes 1 No (Chirigotis)

Chief Paul MacDonald - Hours of operation of Businesses closed 1am-3am

- Brief video on why this ordinance was adopted
- Section 115-2 owner's can request a hearing from the Town Manager to open between 1am-3am.

Councilor Discussion:

- Thank you makes police available to residents
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Public Comment:

Roberta Miller - Looking for support of the Barnstable Village Cultural District

Peter Eastman- supports the cultural district historic seat of the town

Rich French - Looking for village to have cultural designation.

**2014-019 RESOLVE TO CREATE HISTORIC BARNSTABLE VILLAGE CULTURAL DISTRICT –
INTRO: 9/12/13**

Open public hearing

COUNCIL RESPONSE

Thank you for coming and showing your support

Upon motion duly made and seconded it was voted that:

A resolution by the Town of Barnstable, to create through the Massachusetts Cultural Council, a cultural district pursuant to a 2010 Act of the Massachusetts State Legislature.

This designation, which is a five-year (5) designation, would create the Historic Barnstable Cultural District

WHEREAS, the town wishes to pursue a state-authorized cultural district through the enabling legislation (M.G.L. c. 10, § 58A); and

WHEREAS, the town has a mixed-use geographical area that has a concentration of cultural facilities and assets; and

WHEREAS, the town has held a public hearing and adopted a resolution proclaiming its interest in establishing a state-designated cultural district; and

WHEREAS, the town has created a broad and diverse partnership of stakeholders committed to cultural, community, and economic development to provide oversight of the district; and

WHEREAS, the Massachusetts Cultural Council will be petitioned in accordance with its guidelines and criteria to designate said cultural district.

NOW THEREFORE BE IT RESOLVED by the Town Council, that the Town of Barnstable:

Article 1. Endorses the submission of this application and agrees to foster the development of a cultural district.

Article 2. Endorses the state-sponsored cultural district goals of attracting artists and cultural enterprises; encouraging business and job development; establishing tourist destinations; preserving and reusing historic buildings; enhancing property values; and fostering local cultural development.

Article 3. Has appointed a town official to represent the city within the district partnership of said cultural district. This official is the Growth Management Economic Development Program Arts & Culture Coordinator.

Article 4. Encourages all who own property or businesses within said cultural district to involve them and participate in the full development of the cultural district.

Article 5. Directs town agencies to identify programs and services that could support and enhance the development of the cultural district and ensure that those programs and services are accessible to the cultural district.

Adopted on this 12th day of September 2013

Dr. Debra Dagwan, President
Barnstable Town Council

Councilor Canedy requested a roll call vote

Roll call: VOTE: 12 yes, 1 absent

ACT ON MINUTES (Includes Executive Session)

Upon motion duly made and seconded it was voted to approve the minutes of July 11, 2013 as written.

VOTE: Unanimous

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

Councilors announced - W. Barnstable Fire Dept. lobster festival. Town preliminary elections in precincts 6 & 12. If you wish to withdraw it must be done by Sept. 17, 2013

An announcement was made by President Dagwan 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.
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2014-008 APPROPRIATION OF \$25,000 COMMUNITY PRESERVATION FUNDS TO SUPPORT THE CREATION OF COMMUNITY HOUSING – INTRO: 8/1/13, 9/12/13

Open public hearing

- Lindsey Councill and Jo Anne Miller Buntich “Exhibit C” and reviewed with a brief power point presentation. Funds are to implement Chapter 40R and the other three initiatives, which require a plan to be done. Much needed market rate 80% and affordable rental 20% units in downtown Hyannis. Will be parcel specific.

Councilors Discussion:

The total cost of study; will you be coming back for more funds; let’s fund the study, get the information they need and get the study done; need workshop on housing; full support

Upon motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Twenty Five Thousand and NO/100 (\$25,000.00) Dollars be appropriated and transferred from the Housing portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the for the creation of a housing study, a component of an overall downtown housing plan.

VOTE: Roll Call – 12 Yes

2014-011 ACCEPTANCE OF A \$15,000 GRANT FROM DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT PRIORITY DEVELOPMENT PROGRAM INTRO: 9/12/13

Rationale given by Jo Anne Miller Buntich grant from DHCD technical assistance grant to hire qualified firm to perform duties, research and data analyst to develop 40R district, compact neighborhood, housing develop program.

Upon motion duly made and seconded it was

RESOLVED: That the Town Council does hereby accept the grant award in the amount of \$15,000 from the Department of Housing and Community Development Priority Development for the purpose procuring planning services to contribute to the planning for a 40R and 40S District in Downtown Hyannis. Further resolved that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: Unanimous

2014-009 APPROPRIATION OF \$41,000 COMMUNITY PRESERVATION FUNDS TO ACQUIRE 2.2 ACRES OF LAND OFF LUMBERT MILL ROAD, CENTERVILLE FOR OPEN SPACE PURPOSES – INTRO: 8/1/13, 9/12/13

Rationale given by Lindsey Counsell the property at 483 Lumbert Mill Rd meets criteria established for open space, presented slide show.

Open public hearing seeing no one close public hearing

Councilors Discussion:

- Densely populated area

- Land Acquisition and Conservation Preservation have written a letter to support

Upon motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Forty One Thousand and NO/100 (\$41,000.00) Dollars be appropriated and transferred from the Open Space portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the acquisition of 2.2 acres located at 483 Lumbert Mill Road, Centerville, map and parcel 146-021 for the creation of open space and to grant conservation restrictions to government entities or nonprofit organizations.

VOTE: Roll Call -12 Yes

2014-010 APPROPRIATION OF \$50,000 COMMUNITY PRESERVATION FUNDS TO SUPPORT THE HYANNIS WATER SUPPLY DIVISION, ZONE 1 LAND ACQUISITION PROGRAM – INTRO: 8/1/13, 9/12/13

Rationale given by Lindsey Counsell introduced Hans Kaiser and Steve O'Neill and showed a slide presentation.

Open public meeting seeing no one close public meeting

Councilors Discussion:

- Cost to rate payer
- Enterprise funds to purchase property, CPC helping with other costs
- Basis of life is clean water
- This should have been in the budget

Upon motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Fifty Thousand and NO/100 (\$50,000.00) Dollars be appropriated and transferred from the Open Space portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, to acquire fee simple, easement, restriction and other interests in land within Zone I surrounding Hyannis Water Division wells, and to grant conservation restrictions to government entities and nonprofit organizations if and when required.

VOTE: Roll Call - 11 Yes, 1 No (Daley)

2014-012 ACCEPTANCE OF A \$14,000 AWARD FROM THE PORT SECURITY GRANT AWARD PROGRAM. INTRO: 9/12/13

Lynne Poyant, Director of Community Services gave the rationale regarding (7th time awarded) Port Security Grant through the efforts of Joe Gibbs. The money will be used to purchase replacement for current system, and maintenance and warranty of side scan sonar equipment.

Councilors Discussion:

- Thanked Joe Gibbs for grant

Upon motion duly made and seconded it was

RESOLVED: The Barnstable Town Council does hereby accept a Port Security Grant from the Department of Homeland Security, FEMA in the amount of \$14,000, and further, that the Town Manager is authorized to expend these funds in accordance with the grant

VOTE: Passed 11 yes, (Canedy out of room)

2014-013 AMENDING ZONING ORDINANCES, CHAPTER 240, EXTENDING THE TEMPORARY MORATORIUM ON ESTABLISHING AND PERMITTING MEDICAL MARIJUANA TREATMENT CENTERS AND ASSOCIATED ACTIVITIES – INTRO 9/12/13

Upon motion duly made and seconded it was voted to refer this item to a joint public hearing with the planning board September 19, 2013

VOTE: 10 yes, moved to public hearing on 9/19/2013, (Canedy and Cullum out of room)

2014-014 ACCEPTANCE OF A \$102,760 GRANT TO THE BARNSTABLE SENIOR SERVICES DIVISION FROM THE EXECUTIVE OFFICE OF ELDER AFFAIRS TO SUPPORT STAFF SALARIES AND PROGRAMS OF THE BARNSTABLE SENIOR CENTER – INTRO 9/12/13

Madeline Noonan Director of Senior Services - Formula grant is based on number of senior's in each municipality throughout the state based on 2010 Census 12,845 seniors. Grant pays for support staff, maintaining vehicles, sending out newsletters.

Upon motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a grant of \$102,760 from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Senior Center.

VOTE: Unanimous

2014-015 ACCEPTANCE OF A \$20,235 GIFT FROM THE FRIENDS OF THE BARNSTABLE COUNCIL ON AGING TO SUPPORT STAFF SALARIES AND PROGRAMS OF THE BARNSTABLE SENIOR SERVICES DIVISION – INTRO 9/12/13

Madeline Noonan, Director of Senior Services – help pay additional needs after municipal allocation and grants.

Upon motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accept a gift in the amount of \$20,235 from the Friends of the Barnstable Council on Aging to support staff salaries and programs of the Senior Services Division.

VOTE: Unanimous

2014-016 ACCEPTANCE OF A \$5,000 AWARD FROM THE BEVERLY FOUNDATION TO THE TOWN IN RECOGNITION OF TRANSPORTATION SERVICES TO THE ELDERLY – INTRO: 9/12/13

Madeline Noonan Director of Senior Services – Received national recognition through the Beverly Foundation. Part of the grant will used to help sustain the part-time van driver position.

Upon motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accept an award in the amount of \$5,000 in recognition of transportation services provided by the Senior Services Division's "Silver Express" program.

VOTE: Unanimous

**2014-017 ACCEPTANCE OF A \$14,030 EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM THE MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY
INTRO: 9/12/13**

Deputy Chief Craig Tamash gave the rationale the grant to be used to replace the portable radios.

Upon motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept the FFY12 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency in the amount of \$14,030.

VOTE: 11 yes (Joakim out of room)

2014-018 ACCEPTANCE OF A AN EASEMENT CONVEYED AS A GIFT FOR PUBLIC ACCESS TO SHALLOW POND, 1555 IYANOUGH ROAD (ROUTE 132), HYANNIS (MAP 253 LOT 16) – INTRO 9/12/13

Town Manager Tom Lynch gave the rationale - site of the Old Rose Lodge and easement is granted to the Town of Barnstable allowing public access with 2 parking spots. Negotiated by the Legal Dept

Upon motion duly made and seconded it was

RESOLVED: that the Town accept and hold an easement for public access to Shallow Pond for recreation (not including swimming) to be conveyed as a gift by Sixty North Street Realty Trust and Rose Capeway, LLC, over property having a street address of 1555 Iyanough Road (Route 132), Hyannis shown on Assessors Map 253 as Parcel 16 in compliance with condition C-T4 of a hardship exemption, granted by the Cape Cod Commission dated March 20, 2008 for redevelopment of the former Rose Motel, and authorize the Town Manager to accept, execute, deliver and record any and all documents necessary to complete the conveyance to the Town.

VOTE: Unanimous

2014-020 ACCEPTANCE OF A \$177,282 FY14 9-1-1 DEPARTMENT SUPPORT AND INCENTIVE GRANT FROM MA EXECUTIVE OFFICE OF PUBLIC SAFETY INTRO: 9/12/13

Rational given by Deputy Chief Craig Tamash – State grant supports personnel in the 911 dispatch center.

Upon motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept fiscal year 2014 911 Department Support and Incentive Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety, State 911 Department in the amount of \$177,282.00.

VOTE: Unanimous

2014-021 ACCEPTANCE OF A \$53,548 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE US DEPARTMENT OF JUSTICE INTRO 9/12/13

Rational given by Deputy Craig Chief Tamash – Unique situation in Barnstable County is set up, the Sheriffs Department is figured into the formula. We are called disparager jurisdiction, because we are the largest department in the jurisdiction it comes to us to distribute the funds according to a formula the Dept. of Justice provides. We receive \$28,864 will be used to purchase air card service purchase. Falmouth receives \$12,174 and Yarmouth receives \$12,510.

RESOLVED: That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local from the U. S. Department of Justice amount of \$53,548.

VOTE: Unanimous

TOWN MANAGER COMMUNICATIONS

- Governor has signed 30 year bonding for Stewarts Creek septic project
- Amory for profit
- Special police legislation
- Fiscal year 2015 budget
- Training session on performance management
- E permitting session with Cape Cod Commission
- \$60,000 grant for distressed properties identified and revitalization
- Nominated and selected as a Healthy by Design community leadership award
- Long Pond no longer has hydrilla
- Suffolk certificate program
- Appointed Richard Scali as Interim Director of Regulatory Services
- 911 memorials emotional
- Dredging of the Hyannis channel and inner harbor

Assistant Town Manager, Mark Ells

- Workshop with Conservation Commission regarding shooting range
- Current and safe plan for operation
- Grading work
- Hearing with Conservation Commission

In the Open Session of the Town Council Meeting on September 12, 2013 a motion was made and seconded to move to Executive session to discuss strategy with respect to litigation. An open meeting may have a detrimental effect on the litigating position of the Town and not to reconvene in Open Session.

VOTE: 11YES, 1 NO(TINSLEY)

ADJOURNED.

AT: 10:08pm

Respectfully submitted,

Susan Greenlaw, Acting Assistant Town Clerk

EXIBITS

- A Barnstable County Assembly of Delegates
- B Town of Barnstable Police Department
- C GMD Planning Fund Request