



TOWN COUNCIL MEETING May 2, 2013

A quorum being duly present, Council President Debra Dagwan called the May 2, 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, Frederick Chirigotis, James Cote, Jennifer Cullum, 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. During a moment of silence, Councilor Tinsley asked everyone to remember his Grandmother, Nana Grace, a very civic minded lady; she will be loved and missed.

Sarah Colvin from Channel 18, Barnstable This Morning and Barnstable Today spoke about the programs offered to Barnstable residents through the hard working staff. Sarah pointed out that the programs every weekday morning are live and Channel 18 is on twenty-four hours (24) a day. Sarah brought with her one of three awards that Channel 18 has recently won from a competition across several states. Sarah with the assistance of her staff showed a video montage on the winning entries. If you have any ideas for other programming you would like to see, please come to Sarah with your ideas.

Chief Paul MacDonald introduced one of the first responders who assisted in Boston. Cape Cod Law Enforcement Council Swat Team, Team Leader, Sergeant Damery, gave a detailed summary of the scope of the Swat Team's involvement in Boston after the bombing at the Marathon. The Team immediately responded with the "Bearcat" to provide security to the Hospitals where the injured were taken. Damery had a list of officers from all over the Cape who took various shifts to assist in the security for the hospitals and hotel area. At the shoot out in Watertown, the Bearcat was the first on the scene. Damery said the police department is ready for just about anything that can occur.

Tom Perry accepted a Proclamation for Building Safety Month read by Jessica Rapp-Grasseti, who thanked him for keeping our buildings safe. Perry said his staff people are "First Preventers" making sure the buildings are safe.

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.

PUBLIC COMMENT:

Dorothy Hughes received two letters from lawyers outside the Town of Barnstable, we have our own team of attorneys, why these lawyers? Hughes went to the Registry of Deeds to verify the former McManus property does not have a conservation restriction on it and it should.

John Julius asked the Council to stop the destruction of Lake Wequaquet. Land Bank acquired property must retain its natural state, and must have a conservation restriction on it. The former McManus property has no conservation restriction on it.

Council Response to Public Comment:

None

ACT ON MINUTES: (Includes Executive Session)

Upon motion duly made and seconded it was voted to approve the minutes of the April 25, 2013

VOTED: 11 YES, 1 abstention (Joakim)

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS:

Councilors announced upcoming events in Marstons Mills and West Barnstable

B. NEW BUSINESS

2013-123 APPROPRIATION – \$40,000 FOR ADDITIONAL FY13 ELECTIONS EXPENSES INTRO: 04/25/13, 05/02/13

Opened to a public hearing. Rationale given by Thomas Lynch, Town Manager.

Upon a motion duly made and seconded it was

ORDERED: That the Barnstable Town Council hereby appropriates \$40,000 for the FY 2013 Administrative Services Department budget and that this amount be used to cover the costs associated with conducting two additional elections in FY 2013.

VOTE: Roll Call-12 yes

2013-127 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 04/25/13, 05/02/13

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council reappoint the following individuals to a multiple-member board/committee/commission:

BOARD OF ASSESSORS

Andrew Machado, Lane 30 Rosemary Lane, Centerville, as a member to a term expiring 6/30/2016

COMMUNITY PRESERVATION COMMITTEE

Marilyn Ffield, 49 Colonial Way, Barnstable, as a historical commission representative member to a term expiring 6/30/2016

Laura Shufelt, 1696 West Barnstable Road, West Barnstable, as a member to a term expiring 6/30/2016

Richard Sawyer, 75 Cap'n Crosby Road, Centerville, as a recreation commission representative member to a term expiring 6/30/2016

Paul Curley, 27 Lancaster Way, West Barnstable, as a planning board representative member to a term expiring 6/30/2016

CONSERVATION COMMISSION

Peter Sampou, 111 Cedar St., West Barnstable, as a member to a term expiring 6/30/2016

F.P. Tom Lee, 1081 Old Putnam Avenue, Osterville, as a member to a term expiring 6/30/2016

Louise Foster, 204 Clamshell Cove Road, Cotuit, as a member to a term expiring 6/30/2016

DISABILITY COMMISSION

Anne Mazzola 16 Linden Street, Hyannis, as a member to a term expiring 6/30/2016
Raffaele Kaddy, 25 Craigville Road, Hyannisport, as a member to a term expiring 6/30/2016
Jean Boyle, 24 West Hyannisport Circle, W. Hyannisport, as a member to a term expiring 6/30/2016

ECONOMIC DEVELOPMENT COMMISSION

Hartley Johnson, 782 Mystic Drive, Marstons Mills, as a member to a term expiring 6/30/2015
Jeffrey Craddock, 17 Captain Baker Road, Marstons Mills, as a member to a term expiring 6/30/2016

Alan Eric Feltham, 535 Ocean Street, Hyannis, as a member to a term expiring 6/30/2016

GOLF COMMITTEE

Nancy Beauchamp, 7 Christina's Path, Hyannis, as a member to a term expiring 6/30/2016
Geoffrey Converse, 558 Lumbert Mill Road, Centerville, as a member to a term expiring 6/30/2016
Richard Aliberti, 126 Trout Brook Lane, Cotuit, as a member to a term expiring 6/30/2016

HISTORICAL COMMISSION

George Jessop, 863 Bumps River Road, Centerville, as an architect representative member to a term expiring 6/30/2016

HOUSING COMMITTEE

Janet Daly, 68 Center Street, Unit 12, Hyannis, as a member to a term expiring 6/30/2016
Merrill Blum, 94 Water View Circle, Centerville, as a member to a term expiring 6/30/2016
Paul Hebert, 142 Strawberry Hill Road, Centerville, as member to a term expiring 6/30/2016

HUMAN SERVICES COMMITTEE

Coreen Brinckerhoff, Cape Organization for the Rights of the Disabled, 106 Bassett Lane, Hyannis, as a representative member to a term expiring 6/30/2016

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION

George Jessop, 863 Bumps River Road, Centerville, as a Historical Commission representative member to a term expiring 6/30/2016

JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE

Jaci Barton, 87 School Street, Cotuit, as a member to a term expiring 6/30/2016

JFK MEMORIAL TRUST FUND COMMITTEE

Lynne Poyant, 18 Leonard Road, West Hyannisport, as a member to a term expiring 6/30/2015

LICENSING AUTHORITY

Paul Sullivan, 209 Longview Drive, Centerville, as a member to a term expiring 6/30/2016
David Nunheimer, 221 Saddler Lane, West Barnstable, as an associate member to a term expiring 6/30/2016

PERSONNEL BOARD

Stephen Whitmore, 1391 Hyannis Road, Barnstable, as a member to a term expiring 6/30/2016

SHELLFISH COMMITTEE

Stuart Rapp, 601 Lumbert Mill Rd., Centerville, as a member holding a family to a term expiring 6/30/2016

Gerard Ganey, 65 Tracey Road, Cotuit, as a member-at-large to a term expiring 6/30/2016

WATERWAYS COMMITTEE

Frederick Komenda, 65 Elliot Road, Centerville, as a member to a term expiring 6/30/2016

YOUTH COMMISSION

Colleen Morin, c/o Youth Commission, Hyannis, as a student member to a term expiring 6/30/2014
Christopher Bartley, c/o Youth Commission, Hyannis, as a student member to a term expiring 6/30/2014

Samuel Spillane, c/o Youth Commission, Hyannis, as a student member to a term expiring

6/30/2014

Elizabeth Ells, c/o Youth Commission, Hyannis, as a student member to a term expiring 6/30/2014

VOTE: 11 Yes, 1 Abstention (Rapp-Grassetti)

2013-128 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 04/25/13, 05/02/13
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Upon a motion duly made and seconded it was

RESOLVED, that the Town Council appoint the following individuals to a multiple-member board/committee/commission:

CABLE TV ADVISORY COMMITTEE

Thomas Terry Jr., 168 Barnstable Road, Hyannis as a member to a term 6/30/2014

COUNCIL ON AGING

Charlotte Saunders 148 Arrowhead Drive, Hyannis from a regular member to an associate member to a term 6/30/2015

HUMAN SERVICES COMMITTEE

Scott Fitzgerald, 453 Main Street, Hyannis as a member to a term 6/30/2016

Mark Thomas, 350 Pheasant Hill Circle, Cotuit as a member to a term 6/30/2015

Paul Thompson Jr., 22 Arrowhead Drive, Hyannis as a member to a term 6/30/2016

LAND ACQUISITION & PRESERVATION COMMITTEE

Steven Gould, 24 Old Shore Road, Cotuit as a member to a term 6/30/2016

LIBRARY COMMITTEE

Genevieve Hill, 49 Indian Hill Road, Barnstable as a member to a term 12/31/2013

RENEWABLE ENERGY COMMISSION

Katie Lamoureux, 161 Sea Street, Hyannis as a member to a term 6/30/2015

VOTE: Unanimous

2013-130 APPROPRIATION --\$200,000 COMMUNITY PRESERVATION FUNDS FOR THE PRESERVATION OF THE CAHOON MUSEUM OF AMERICAN ART INTRO: 04/25/13, 05/02/13
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Jessica Rapp-Grassetti recused herself from this item and left the dais.

Opened to a public hearing.

Laura Shufelt gave the rationale for the preservation of the Cahoon Museum of American Art. Jason Eldredge, and Carol Wilgus representatives of the Cahoon Museum, went through the slide presentation.

William Babcock urged the Council to support this action it deserves to be preserved.

Summary of Councilor Discussion: regarded the source of funds, use of public funds for privately owned property, and assurances this property is owned by a non-profit.

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Two Hundred Thousand and NO/100 (\$200,000.00) Dollars be appropriated and transferred from the Undesignated 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 preservation of the Cahoon Museum of American Art, listed on the National Register of Historic Places, to include; foundation support, walls and roof, masonry and chimneys located at 4676 Falmouth Road, Cotuit, MA, Map-Parcel 010-008-001, to be secured by a historic restriction on behalf of the Town of Barnstable.

VOTE: Roll Call - 10 YES - 1 NO (Chirigotis)

2013-131	APPROPRIATION -\$100,000 COMMUNITY PRESERVATION COMMITTEE FOR CREATION OF COMMUNITY HOUSING ON SESAME STREET, MARSTONS MILLS INTRO: 04/25/13, 05/02/13
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Opened to a public hearing.

Laura Shufelt gave the rationale. Lee Darasola from Habitat for Humanity, and John Terry, Pastor of the Federated Church in Hyannis presented a slide show.

Councilor discussion summary: regarded the deed rider; when house sells, it remains an affordable house for the next person; how the application process works, background checks, to get involved with habitat, go to our website, or call us 508-362-3559.

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Thousand and NO/100 (\$100,000.00) 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 acquisition of Affordable Housing Restrictions to be held by the Town of Barnstable on approximately one (1) acre of land located at 28 Sesame Street, Marstons Mills, MA with map and parcel 173-007-002 and on approximately one (1) acre of land located 29 Sesame Street, Marstons Mills, MA with map and parcel 173-007-001 for the creation of community housing contingent upon all permits being issued.

VOTE: Roll Call - 12 YES

2013-134	TRANSFER ORDER OF \$55,218 FOR THE BARNSTABLE POLICE DEPARTMENT FY13 OPERATING BUDGET INTRO: 05/02/13
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Rationale covered by Chief MacDonald.

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$38,218 be added to the FY13 Police Department general fund operating expense budget and that \$17,000 be added to the FY13 Police Department general fund personnel expense budget and that \$55,218 be transferred from the FY13 Public Works Department general fund personnel budget for the purpose of funding FY13 unanticipated expenses in the Police Department budget.

VOTE: 12 YES

2013-135 APPROPRIATION AND TRANSFER ORDER - \$14,000 FROM SANDY NECK ENTERPRISE FUND RESERVES TO REIMBURSE SANDY NECK ENTERPRISE ACCOUNT FOR STORM "NEMO" COSTS INTRO: 05/02/13

Opened a public hearing and a motion was made and seconded to continue this item to May 16, 2013.

VOTE: Unanimous to continue to a public hearing on May 16, 2013.

2013-137 APPOINTING THE ASSISTANT TOWN CLERK ANN QUIRK AS THE INTERIM TOWN CLERK INTRO: 05/02/13
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Rationale given by Councilor, Jessica Rapp Grassetti

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoint Assistant Town Clerk Ann Quirk as the Town Clerk during the interim from the retirement of Town Clerk Linda Hutchenrider on June 6 until the November 2013 election.

VOTE: Unanimous

- **WORKSHOP – Discussing proposed amendments to Agenda Item 2013-032 - General Ordinance Chapter 54**

Attorney T. David Houghton gave a brief overview of the proposed amendments to the General Ordinance Chapter 54.

The Council discussed many alternatives to pull out specific items such as an ordinance for abandoned and foreclosed properties. Separate out outdoor furniture as an ordinance, and stagnant water as a separate ordinance. Many of the Councilors were uncomfortable telling people how to take care of their houses. Does stagnant water also mean water on the roadways? The intent is to deal with certain properties. Numerous hours have gone into this ordinance. We need to move forward. Tweak the Sunset Clause to once a year. Abandoned, bank owned and vacant properties need to be addressed first.

Health Director, Tom McKeon explained the State sanitary code is specifically for occupied dwellings.

Regulatory Director, Tom Geiler, explained the ticket process already in place. Education first, warnings, non criminal tickets, finally, take them to court as the last resort.

Building Director, Tom Perry. explained the two cases that require intervention from the building department. (1) Fire has to be secure within 24 hours; and, (2) abandoned properties when windows or doors are missing, we will close up egress.

You can board up for a period of time, storm shutters. Be careful not to include this as an abandoned property.

The Town Attorneys will move forward with bank owned, vacant and abandoned property in an amended draft, and a Chapter 170 amendment as well for the next meeting.

2013-032	AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES BY INSERTING, "CHAPTER 54. BUILDING AND PROPERTY MAINTENANCE" INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13, 05/02/13
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Opened to a public hearing and a motion was made and seconded to continue this item to May 16, 2013.

VOTE: Unanimous to continue to May 16, 2013.

2013-034	AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 170, RENTAL PROPERTIES INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13, 05/02/13
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Opened to a public hearing and a motion was made and seconded to continue this item to May 16, 2013.

VOTE: Unanimous vote to continue to May 16, 2013.

2013-043	AMENDING THE GENERAL ORDINANCES, ARTICLE 1, §1-3, CHAPTER 170, RENTAL REGISTRATION INTRO: 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13, 05/02/13
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Opened to a public hearing and a motion was made and seconded to continue this item to May 16, 2013.

VOTE: Unanimous vote to continue to May 16, 2013.

TOWN MANAGER COMMUNICATIONS:

- Tour of Cotuit, sponsored by the Civic Association
- Construction has started on Sea St, Lincoln Rd and Norris Rd.

- Delivering the budget message at the May 16th meeting
- Financial review will be presented by Finance Director, Mark Milne
- Airport meeting on May 17th
- Osterville Bay School renovation

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED: Unanimously to adjourn.

ADJOURNED: at 10:17 PM.

Respectfully submitted,

Ann M. Quirk, CMC
Assistant Town Clerk – Town of Barnstable

NEXT REGULAR MEETING: May 16, 2016

Exhibits:

A Civil Action No. BACV2013-00090