



Town Council Meeting
June 18, 2015



A quorum being duly present, Council President Jessica Rapp Grassetti called the June 18, 2015, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Rapp Grassetti regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: Ann Canedy, Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Sara Cushing, Debra Dagwan Jessica Rapp Grassetti, Paul Hebert, John Norman, Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

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

PUBLIC COMMENT:

Patrick Page stated he is angry because of the water issue on his property. Page told the Council he is stuck in the past and has a lot to say.

Jane and Robert Miceli asked for the Council's consideration of Item 2015-185 the regarding a conservation restriction on the property to help preserve the current wetlands.

Pete Sampou read a letter in favor of Scott Blazis for an appointment on the Conservation Commission (Exhibit A)

Larry Morin member of the Conservation Commission spoke in support of Scott Blazis' appointment.

Casey Dannhauser spoke in support of Item #2015-185.

Kris Clark spoke on behalf of the Land Acquisition and Preservation Committee to support the three conservation restrictions coming before the Council tonight.

Hilary Sandler encouraged the Town Council to purchase the barrier beach at Sandy Neck using CPC funds, with a conservation restriction.

Scott Blazis told the Council he has enjoyed working with the Conservation Commission; he is looking for another chance to make a difference.

Ramona Peters of the Native Land Conservancy is working with the land trusts to preserve and protect our lands; please postpone the vote on the Hayes property as we have not had time to go over this with all the interested parties.

Vanessa Tobey Mendes asked for a postponement to allow all tribal community members to be aware of this purchase (Exhibit B)

TOWN MANAGER COMMUNICATIONS:

Quality of water
Building security issues
Fun events-ribbon cutting
Village Meetings
Retirement gatherings
Housing Committee Initiatives
Community Compact Cabinet Meeting
Airplane Technician Program
Coming Events
Grand Marshall's

COUNCILOR QUESTIONS AND COMMENTS: Lt. Gov. Polito will be at the Sandwich Town Hall, bring specific issues in writing; supports habitat funding; keep us in the loop regarding the fire academy; accomplishments in Osterville regarding the bridge; Bay school is an on going issue

Act on Minutes:

Upon a motion duly made and seconded it was voted to accept as written the minutes of the June 4, 2015,

VOTE: PASSES UNANIMOUS

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

- Fathers Day Car Show
- Opening of Bath House at Millway Beach by the 27th
- Meeting regarding construction of overlay on Mary Dunn Road
- HYCC ice skating competitions over the weekend

- **Town of Barnstable –Martin J Flynn Scholarship Awards-** Three of the Committee members John Marsden, Dr. Nancy Vecchione and Joyce Persuitte gave out the checks to the winners of the scholarship awards. This years winners are:
 - Olivia Brodt
 - Dylan Campbell
 - Ashlie Curtis
 - Nicole Derosier
 - Sarah Giannetti
 - Jacqueline Hansen
 - Sarah Iacovelli'
 - Emeline Janowicz
 - Michael McDonough
 - Hayley Milligan

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| 2015-150 APPROPRIATION AND LOAN ORDER OF \$785,000 FOR THE PURPOSE OF FUNDING THE RECONSTRUCTION OF TAXIWAY CHARLIE AND A PORTION OF TAXIWAY DELTA INTRO: 06/04/15, 06/18/15 |
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Bud Breault, Airport Manager used a power point presentation to explain the purpose of the reconstruction necessary for the taxiways.

Open public hearing seeing no one close public hearing

COUNCILOR QUESTIONS AND COMMENTS:

Graph does not show approval; so we are voting subject to the approval [yes]

Upon a motion duly made and seconded it was

ORDERED: That the sum of Seven Hundred Eighty-Five Thousand Dollars and No Cents (\$785,000.00) be appropriated for the purpose of reconstructing Taxiway Charlie and a portion of Taxiway Delta at the airport; to be added to the amount appropriated under **Council Order 2015-122**, and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$785,000, and furthermore that the Barnstable Municipal Airport Commission is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2015-158 APPROPRIATION ORDER OF \$2,857,738 FOR FY 2016 COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET INTRO: 05/21/15, 06/04/15, 06/18/15

Mark Eells, Assistant Town Manager gave the rationale using a power point slides (Exhibit C) along with the Department Heads from the Community Services Department
Open public hearing seeing no one close public hearing

COUNCILOR QUESTIONS AND COMMENTS:

What about the Senior Day Program to give primary care family member time off? [because of the changes needed, we are looking at appropriate fees, if subsidies will be needed, or a revolving fund; to reinstate the program we need to look at all of these first] we need this Senior Day program whether there is one person or seven people; we need to make a commitment to this program; define the level of care and commit to that; [exact discussion we are having; and plan to speak to the previous group, coming back to you in the near future] Try to continue the Senior Day Program, pay whether or not you attend; pay as you go versus paying for the month; [need to look at it carefully, to make sure it is appropriate] check with people that have used it; Marine and Environmental Eel Grass Restoration how do you measure the success of these initiatives [Doug Kalweit said we have an experienced Natural Resource Officer that is checking on the eel grass; scallops are a pilot project at least 50% are growing and thriving] committed to this program for the seniors; not going to let go of this; important program, reach out to more people; we have staff that earned American Red Cross Hero Awards; working at Covell and Craigville Beached and the facilities at those beaches are atrocious.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,857,738** be appropriated for the purpose of funding the Town's FY 2016 Community Services Department General Fund budget, and to meet such appropriation, that **\$2,569,738** be raised from current year revenue and that **\$288,000** be transferred from the Mooring Fee Special Revenue Fund as presented to the Town Council by the Town Manager.

VOTE: PASSES 13 YES

2015-159 APPROPRIATION ORDER FOR \$3,117,308 FOR FY 2016 GOLF COURSE ENTERPRISE FUND BUDGET INTRO: 05/21/15, 06/04/15, 05/18/15

Mark Eells, Assistant Town Manager gave the rationale using a power point slides (Exhibit C) along with the Department Heads from the Community Services Department
Open Public Hearing seeing no one close public hearing

COUNCILOR QUESTIONS AND COMMENTS:

First Tee is that paying off; [Bruce McIntyre pay off takes a long time, 160 students this spring; once they reach the age of 12, they are hooked] the ratio of boys and girls [almost equally divided boys and girls] Barnstable is a place for really great golfers; program response of Barnstable youth [80 to 90% are from Barnstable]

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$3,117,308 to be appropriated for the purpose of funding the Town's FY 2016 Golf Course Enterprise Fund budget; and to meet such appropriation that \$3,117,308 be raised from current year revenues by the golf course facilities as presented to the Town Council by the Town Manager
VOTE: PASSES 13 YES

2015-160 APPROPRIATION ORDER OF \$2,902,598 FOR FY 2016 HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND BUDGET INTRO: 05/21/15, 06/04/15, 06/18/15

Mark Ells, Assistant Town Manager gave the rationale using a power point slides (Exhibit C) along with the Department Heads from the Community Services Department
Open Public Hearing seeing no one close public hearing

COUNCILOR QUESTIONS AND COMMENTS:

Are there nutrition classes for children and adults {Joe Izzo, General Manager at HYCC, yes we have different programs-want to service the entire community} cross partnerships available [walking track featured recently, partner program with the Senior Center; pickle ball program] Contractual relationship with the Casual Gourmet where are we with the three year contract;[current contract ends in August of this year] we may have to expand some parking eventually; over "40" basketball leagues [we offered adult men's basketball; always looking for more opportunities] difficult to engage children in nutritional information [repetition is key] rough beginning, starting to come into it's own, happy about the hard work done by the staff; Youth center is always going to be in the red; how do you view the ice time [based on demand, this year is the first time we have kept two ice rinks open] comparing the FY13, do you expect that to increase this year [yes about 52%] marketing of the youth center has improved; lapses of membership are you working on that [mailer sent out and staff phone calls as a follow up]

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$2,902,598 be appropriated for the purpose of funding the Town's FY 2016 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that \$1,175,450 be raised from current year revenues by the Hyannis Youth and Community Center operations, and that \$310,148 be raised from the general fund, and that \$1,292,000 be transferred from the Capital Trust Fund, and that \$125,000 be transferred from the Hyannis Youth and Community Center Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: PASSES 13 YES

2015-161 APPROPRIATION ORDER OF \$873,731 FOR FY 2016 MARINA ENTERPRISE FUND BUDGET INTRO: 05/21/15, 06/04/15, 06/18/15

Mark Ells, Assistant Town Manager gave the rationale using a power point slides (Exhibit C) along with the Department Heads from the Community Services Department
Open Public Hearing seeing no one close public hearing

COUNCILOR QUESTIONS AND COMMENTS:

Thank you for all the work in Barnstable Harbor; are you responsible for dredging? [Dan Santos, RFP went out for that reviewing bids] is the Barnstable Harbor dredging going to be done in 2016 [not yet determined] in the accounts receivable portion is that significant [Mark Milne small portion]

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$873,731 be appropriated for the purpose of funding the Town's FY 2016 Marina Enterprise Fund budget; and to meet such appropriation that \$618,500 be raised from current year revenues by the marina facilities, and that \$61,231 be transferred from the Capital Trust Fund, and that \$24,000 be transferred from the Bismore Park Special Revenue Fund, and that \$170,000 be transferred from the Marina Enterprise Fund reserves as presented to the Town Council by the
Town Manager

VOTE: PASSES 13 YES

2015 -162 APPROPRIATION ORDER OF \$865,717 FOR FY 2016 SANDY NECK PARK ENTERPRISE FUND BUDGET INTRO: 05/21/15, 06/04/15, 06/18/15

Mark Ells, Assistant Town Manager gave the rationale using a power point slides (Exhibit C) along with the Department Heads from the Community Services Department
Open Public Hearing seeing no one close public hearing

COUNCILOR QUESTIONS AND COMMENTS:

Sand stabilization, what are we going to do differently; future plans [Nina Coleman, Sandy Neck Park Manager, actively looking for funding for alternative ideas, on going problem] do we have a time line [grant has been submitted hoping to hear by August] what is the log in system [digitize our system and process our vehicles quicker] we retreated from the core bag system, due to expense; is there an indication we will need less money this year [our last nourishment project occurred in late February 2015, we are in better shape this year] Add to your accomplishments your involvement in Regional Beach Coalition with state and federal officials re: Habitat Conservation for all Cape beaches; has Biomimicry been considered [cheap way of doing some sand collection; plan to do them again] That was successful on Long Beach; Are we focusing on this issue to get things approved? [Town Manager, Thomas Lynch-we pulled the appropriations back, as there were indications that longer term solutions may be on the table.]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$865,717** be appropriated for the purpose of funding the Town's FY 2016 Sandy Neck Park Enterprise Fund budget; and to meet such appropriation that **\$815,717** be raised from current year revenues by the Sandy Neck Park operations, and that **\$50,000** be transferred from the Sandy Neck reserves, as presented to the Town Council by the Town Manager.

VOTE: PASSES 13 YES

2015-164 APPROPRIATION ORDER OF \$8,782,377 FOR FY 2016 DEPARTMENT OF PUBLIC WORKS GENERAL FUND BUDGET INTRO: 05/21/15, 06/04/15, 06/18/15

Dan Santos, Director of the DPW gave the rationale using a power point slides.
Open Public Hearing seeing no one close public hearing

COUNCILOR QUESTIONS AND COMMENTS:

Regarding snow removal are you going to come back to us and talk about the winter storms? [Yes, we are planning to do that; leaving no stone unturned, purchasing used equipment dedicated to snow and ice]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$8,782,377** be appropriated for the purpose of funding the Town's FY 2016 Department of Public Works General Fund budget, and to meet such appropriation, that **\$8,718,877** be raised from current year revenue, **\$43,500** be transferred from the Embarkation Fee Special Revenue Fund and **\$20,000** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

VOTE: PASSES 13 YES

2015-165 APPROPRIATION ORDER OF \$3,362,811 FOR FY 2016 DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET INTRO: 05/21/15, 06/04/15, 06/18/15

Open Public Hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,362,811** be appropriated for the purpose of funding the Town's FY 2016 Department of Public Works Solid Waste Enterprise Fund budget, and to meet such appropriation that **\$2,751,900** be raised from current year revenues by the solid waste facility, and that **\$610,911** be

transferred from the solid waste enterprise fund reserves, as presented to the Town Council by the Town Manager

VOTE: PASSES 13 YES

2015-166 APPROPRIATION ORDER OF \$4,463,158 FY 2016 DEPARTMENT OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND BUDGET INTRO: 05/21/15, 06/04/15, 06/18/15

Open Public Hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$4,463,158** to be appropriated for the purpose of funding the Town's FY 2016 Department of Public Works Water Pollution Control Enterprise Fund budget, and to meet such appropriation that **\$4,463,158** be raised from current year revenues by the water pollution control facility, as presented to the Town Council by the Town Manager.

VOTE: PASSES 13 YES

2015-167 APPROPRIATION ORDER OF \$4,389,768 FOR FY 2016 DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET INTRO: 05/21/15, 06/04/15, 06/18/15

Open Public Hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$4,389,768** be appropriated for the purpose of funding the Town's FY 2016 Department of Public Works Water Supply Enterprise Fund budget, and to meet such appropriation that **\$4,389,768** be raised from current year revenues by the water supply operations, as presented to the Town Council by the Town Manager.

VOTE: PASSES 13 YES

2015-173 APPROPRIATION ORDER OF \$1,838,250 FOR FY 2016 LIBRARY AND TOURISM GRANT BUDGETS INTRO: 05/21/15, 06/04/15, 06/18/15

Rationale given by Town Manager, Thomas K Lynch; Stan Goldstein represented the Libraries using power point slides. (Exhibit D)

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,838,250** be raised and appropriated for the purpose of funding the Town's FY 2016 Library and Tourism Grant budgets as presented to the Town Council by the Town Manager

VOTE: PASSES 13 YES

2015-149 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/04/15, 06/18/15

Upon a motion duly made and seconded it was

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

AIRPORT COMMISSION: Bob O'Brien, to a term expiring 6/30/18; Mary Smith, to a term expiring 6/30/18, John Griffin, to a term expiring 6/30/18;

BOARD OF ASSESSORS: William Garreffo, to a term expiring 6/30/18

BOARD OF HEALTH: Junichi Sawayanagi, to a term expiring 6/30/18

COMMUNITY PRESERVATION COMMITTEE: F.P.Tom Lee, to a term expiring 6/30/18; Deborah Converse, to a term expiring 6/30/18 Susan Rohrbach, to a term expiring 6/30/18
COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE: Laura Cronin, to a term expiring 6/30/18, John Schoenherr, to a term expiring 6/30/18
CONSERVATION COMMISSION: Dennis Houle, to a term expiring 6/30/18
HOUSING COMMITTEE: Robert Woolhouse, to a term expiring 6/30/18, Donald Lynde, to a term expiring 6/30/18; Richard Plaskas, to a term expiring 6/30/18
HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION: Taryn Thoman, to a term expiring 6/30/17
GOLF COMMITTEE: Mary Creighton, to a term expiring 6/30/18; David Miller, to a term expiring 6/30/18
LAND ACQUISITION AND PRESERVATION COMMITTEE: Anne Rowland to a term expiring 6/30/18, F.P.Tom Lee, to a term expiring 6/30/18, Phyllis Miller to a term expiring 6/30/18
LICENSING AUTHORITY: Eugene Burman, to a term expiring 6/30/18;
PLANNING BOARD: Stephen Helman, to a term expiring 6/30/18
REGISTRAR OF VOTERS: Lucien Poyant, to a term expiring 6/30/18
SANDY NECK BOARD: George Muhlebach, to a term expiring 6/30/18; Richards French, to a term expiring 6/30/18; Thomas O'Neill, to a term expiring 6/30/18
ZONING BOARD OF APPEALS: Herbert Bodensiek, to a term expiring 6/30/18
VOTE: PASSES UNANIMOUS

2015-149A REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/04/15, 06/18/15

COUNCILOR QUESTIONS AND COMMENTS:

Received a phone call regarding discord among the members of the Conservation Commission and a lack of respect and decorum between some members; which is what prompted the bifurcation; one of the members of the Appointments Committee also brought up the conflict of the committee; gave the Council as a whole, time to research the issue. We need to be forward thinking, a lot of this is based on one or two people's perceptions; we need to work together; appreciate service given to the town; problem would be if the person cannot fulfill the full term; we need that commitment; fifteen years of experience on the Commission, knows the laws and the science behind it; issues can become heated; job is to promote and protect the property and citizens of the town; issues between board and committee members need to be worked out; board and committee members need to be cohesive; members of that commission want to work things out, support his nomination; no one knows when a health problem will bring them down; problems have happened with other committees, we have to bring the group in to help them work together; don't throw out this kind of experience; we as a Council have a responsibility to help them work through problems; our responsibility is to stay on top of this; support Mr. Blazis and his commitment to the town; differing of opinions come with the committees; this is going to be difficult; look at the process before us; keep the board fresh, can't be afraid of change; this is a three year appointment; he just wants to serve out part of his term; option to serve until we replace him; how do we vote on a three year term; at the Appointments Committee meeting we did discuss issues on the Conservation Commission; complaints have come to the Council of several names; idea was to call in the Commissioners three at a time to ask them how they think they appear to the public; how can we help you; there has been a change in the staff; we want passion on our committees will support his reappointment.

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

CONSERVATION COMMISSION: Scott Blazis, as a regular member to a term expiring 6/30/18

VOTE: PASSES 11 YES, 2 NO (J. Crocker, Steinhilber)

It is uncomfortable to watch the meetings sometimes; appreciate commitment to the commission; want to wish you the best of health; now that the meeting times have changed that should allow you to attend the meetings regularly.

2015-149B REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/04/15, 06/18/15

A discussion about the appointments, what we and the public need to see; we are not handing out badges; we need a good ear for our constituents; want everyone to know that we have to understand the public, we need to be part of the solution and be respectful, will support this person

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

ZONING BOARD OF APPEALS: Robin Young, as an associate member to a term expiring 6/30/18

VOTE: PASSES 12 YES, (TINSLEY left the meeting)

2015-151 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO 06/04/15, 06/18/15

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:

LIBRARY COMMITTEE

Mark Cote, 1745 South County Road, PO Box 373, Osterville, as a member with a term expiring 6/30/16

Charlie Dings, 35 Brandywine Court, Cotuit, as a member with a term expiring 6/30/16

Suzanne Kelley, 3941 Route 6A, Barnstable, as a member with a term expiring 6/30/16 as a member with a term expiring 6/30/16; Ed Maddox, 244 School Street, Cotuit, as a member with a term expiring 6/30/16

VOTE: PASSES 12 YES

2015-152 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/04/15, 06/18/15

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:

LIBRARY COMMITTEE

Robert Anthony, 104 Old Stage Road, Centerville, as a member with a term expiring 6/30/16

Elaine Grace, 11 Apollo Drive, West Barnstable, as a member with a term expiring 6/30/16

Genevieve Hill, 49 Indian Hill Road, Cummaquid, as a member with a term expiring 6/30/16

John Jenkins, 361 Parker Road, West Barnstable, as a member with a term expiring 6/30/16

Kenneth Jenkins, 184 Flume Avenue, Marstons Mills, as a member with a term expiring 6/30/16

Sheila Place, 583 Whistleberry Drive, Marstons Mills, as a member with a term expiring 6/30/16

Karen Rezendes, 121 Great Marsh Road, Centerville, as a member with a term expiring 6/30/16

Gloria Rudman, 50 Waterman Farm Road, Centerville, as a member with a term expiring 6/30/16

Lili Seely, 33 Candlewick Lane, Hyannis, as a member with a term expiring 6/30/16

Cyndy Shulman, 1529 Race Lane, Marstons Mills, as a member with a term expiring 6/30/16

VOTE: PASSES 12 YES

2015-153 APPROPRIATION ORDER OF \$185,000.00 COMMUNITY PRESERVATION FUNDS FOR RESTORATION AND REHABILITATION OF THE HISTORIC ASSETS OF THE TOWN HALL EAST AND WEST STAIRS AND FIRST FLOOR ENTERANCE INTRO: 06/04/15, 6/18/15

Lindsey Counsell, Director of the Community Preservation Committee gave the rationale and introduced John Juras from the DPW used a power point presentation.
Open to public hearing seeing no one close public hearing

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 sum of One Hundred Eighty Five Thousand and NO/100 (\$185,000.00) Dollars be appropriated and transferred from the undesignated portion of the Community Preservation Fund for restoration and rehabilitation of the historic resources consisting of the Town Hall East and West interior stairs, stairwells and first floor entry; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose subject to the oversight of the Community Preservation Committee.

VOTE: PASSES 12 YES

2015-179 APPROPRIATION ORDER OF \$117,000.00 COMMUNITY RESERVATION FUNDS FOR CREATION OF OPEN SPACE AND RECREATION LAND CONSISTING OF CAPTIAL IMPROVEMENT TO THE FIELD AT BARNSTABLE COMMUNITY HORACE MANN CHARTER PUBLIC SCHOOL INTRO: 06/04/15, 06/18/15

Lindsey Counsell, Director of the Community Preservation Committee gave the rationale, Ed Pesci and Joe Scott used a power point presentation to outline the appropriation
Open to public hearing seeing no one close public hearing

COUNCILOR QUESTIONS AND COMMENTS:

Commend the Lorusso foundation for yet another contribution to support the town; appreciate the Little League group for taking on the responsibility of keeping this field up; fantastic to see the teams; nice addition to the neighborhood.

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 sum of One Hundred Seventeen Thousand and 00/100 (\$117,000.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for the creation of open space and recreation land through capital improvements consisting of field lighting, bio-retention basin and paving on and around the field behind the Barnstable Community Horace Mann Charter Public School used in part by Barnstable Little League; and that the Town Manager is authorized to contract for and expend the amount appropriated for this purpose subject to the oversight of the Community Preservation Committee.

VOTE: PASSES UNANIMOUS

2015-180 APPROPRIATION ORDER OF \$504,000.00 COMMUNITY PRESERVATION FUNDS FOR AFFORDABLE HOUSING HI RIVER ROAD, MARSTONS MILLS INTRO: 06/04/15, 06/18/15

Lindsey Counsell, Director of the Community Preservation Committee gave the rationale and introduced Lee Darasola used a power point presentation to show the possible purchase of 9 acres of property on Hi River Road for affordable housing.
Open to public hearing

- Theodore Shilling represents the abutters, concern is the overuse of this land; we abut the well

fields; 42 bedrooms 12 to 14 houses; puts the strain on the public water supply; table until you get the go ahead from the COMM water.

- Rosemarie Hanlon read a letter from the neighbors of the immediate neighborhoods to Hi River Road, concerns are the overpopulating of a small area of Hi River Road, please table this item.
- Paul and Joanne Pina stated the property has been in the family for over 100 years, we do not want to lose this land.
- Craig Condinho asked the Council to table this item over concern for the water.
- Lynn Malfiore noted that the town has been supportive of the well fields, please be supportive and protective of the well fields

COUNCILOR QUESTIONS AND COMMENTS:

Supportive of Habitat for Humanity, this is a two acre zoned area, we have waste water issues and we have to start thinking smart about package plants and protecting the ground water everywhere on the Cape. Did this come before the Community Preservation Commission? What was the vote of the CPC [7 to 1] when taken [recent] we have water issues in the town; don't want to encumber the money before we have permits secured; lots of unanswered questions;

A motion was duly made and seconded to continue to a public hearing at the July 9th meeting.

COUNCILOR QUESTIONS AND COMMENTS

Concerned we do not have enough time to answer many of the questions that were brought forward tonight; believe we need more time to have answers to these questions;

The motion was revised and seconded to continue to the public hearing to the second meeting in September.

COUNCILOR DISCUSSION:

If it was any other organization than Habitat, I would have reservations. Time is of the essence, they will continue to investigate the best way to handle this property. We are desperate for this housing; for the project to go forward they need the commitment of CPC funds [we work with water departments, no health waivers, no safety waivers, we do not close unless everything is done appropriately] until all permits are in hand you will not be closing; not really time sensitive; can you wait for a decision from this Council until September [hoping for a decision tonight]

A motion was duly made and seconded to continue to a public hearing on September 17th meeting.

VOTE: CONTINUED TO PUBLIC HEARING 8 YES, 4 NO (CHIRIGOTIS, HEBERT, DAGWAN, RAPP GRASSETTI)

A motion was made and duly seconded to go beyond 11 PM

VOTE: Passes Unanimous

*****Jump to 182**

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| 2015-182 APPROPRIATION ORDER OF \$100,000 COMMUNITY PRESERVATION FUNDS FOR AFFORDABLE HOUSING ON 1819 OLD STAGE ROAD, WEST BARNSTABLE INTRO: 06/04/15, 06/18/15 |
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Open and continue to a public hearing on July 9th

VOTE: 11 YES, 1 NO (Norman) continued to a public hearing

2015-181 APPROPRIATION ORDER OF \$295,000.00 COMMUNITY PRESERVATION FUNDS FOR ACQUISITION AND CREATION OF OPEN SPACE AND RECREATION AT 0 SANDY NECK, MAP 339 PARCEL 2 CONSISTING OF A PARCEL OF 14 ACRES MORE OR LESS INTRO: 06/04/15, 06/18/15

Open to a public hearing

Lindsey Counsell, Director of the Community Preservation Committee gave the rationale; Nina Coleman gave a power point slide presentation

- Jaci Barton, Barnstable Land Trust voted to support this property; this is a priceless piece of property, urge you to support this to protect Sandy Neck for the future.
- Tom O'Neill from the Sandy Neck Board spoke in favor of this purchase. We need to ensure the protection of this property
- Kris Clarke gave her support this for open space, please support this purchase
- Bill Carey talked about the foot paths used by the Sandy Neck cottage owners to get to the "back" beach. The foot paths are rights of way that have been used for a long time; looking for an acknowledgment that these foot path do exist. (Exhibit D)

Close public hearing

COUNCILOR QUESTIONS AND COMMENTS:

If purchased with CPC funds can will we block public access. [Dave Houghton. Town Attorney, stated public access could be restricted] has anyone looked at the title; do we know of any rights; this really has to be addressed [we have not seen the title, parties have to appear, could meet with the cottage owners] how do we go forward [would look into adverse possession which is fact specific] want to buy the property, why and what are we paying; do we have to seek relief from the cottage owners [the deed would need to be clean we have a contingency] how do we get all this information if we continue to July 9th [Charles Sabbat, appointed by the court as a commissioner, am in fact the seller; do not have clients; fractional interest in this real estate, once a deed is delivered to the town, does not know if there are any express rights to this piece, plan shows fragments of foot paths; rights would have to be established, once the title is completed we will know;] public access is important to all of us, a conservation restriction can be designed to have rights to cross over the property; the current cottage owners do not have direct abutting to this parcel; plan shows lots 1-5 cottages are south of 1-5; in order to get to 6 they have to go through 1-5; we don't have the title so we do not know If there are usages assigned to this property; need to see the title; in favor of the purchase of this property if we have public access; how did we get to the price; my questions aren't answered; we need to see the title; we need to know what we are buying;

A motion was duly made and seconded to continue to July 9th with two requests; title search done first and a recommendation from management as to the type of money to be expended for like purposes and for planning on the entire peninsula

COUNCILOR QUESTIONS AND COMMENTS:

If we purchase with CPC money it would come out of the open space funds, the town would own this property, [would be purchased with open space funds] conservation restriction would be held by someone else; the Town Manager would be able to delegate the property; clarification is that going to be able to be answered by July 9th [P&S provides that the closing is contingent upon title]

VOTE: To CONTINUE TO JULY 9th Passes 10 YES, 2 NO (Canedy and Wallace)

2015-183 ACCEPTANCE OF A GRANT OF \$1,300 TO THE BARNSTABLE SENIOR SERVICES DIVISION FROM THE GALE FUND TO SUPPORT LESBIAN, GAY, BI-SEXUAL, TRANSGENDER (LGBT) PROGRAMMING AT THE BARNSTABLE SENIOR CENTER INTRO: 06/18/15

Maddie Noonan, Senior Services Director gave the rationale.

Upon a motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a grant of \$1,300 from the GALE Fund to support LGBT (Lesbian, Gay, Bi-sexual, and Transgender) programming at the Barnstable Senior Center and hereby authorizes the Town Manager to approve the expenditure of monies from said gift account for that purpose.

VOTE: PASSES 11 YES, (Canedy left the dais)

2015-184 APPROVAL OF AMENDED AND RESTATED CONSERVATION ION RESTRICTION BETWEEN PETER A. WALTER (GRANTOR) AND THE BARNSTABLE LAND TRUST, INC. (GRANTEE) INTRO: 06/18/15

Jaci Barton of the Barnstable Land Trust gave the rationale

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council approve the Amended and Restated Conservation Restriction between Peter A. Walter (Grantor), and Barnstable Land Trust, Inc., (Grantee), over approximately 8.84 acres of land at 470 Sea View Avenue, Osterville, Map 138, Parcel 1, for conservation purposes.

VOTE: PASSES UNANIMOUS

2015-185 APPROVAL OF A CONSERVATION RESTRICTION FROM ROBERT J. MICELI AND JANE MICELI (GRANTOR) TO THE BARNSTABLE LAND TRUST, INC. (GRANTEE) INTRO: 06/18/15

Jaci Barton of the Barnstable Land Trust gave the rationale

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council approve a Conservation Restriction from Robert J. Miceli and Jane Miceli (grantor) to the Barnstable Land Trust, Inc. (grantee), over approximately 7.25 acres of land located at 38 Sandalwood Drive in Cotuit, Map 24 Parcel 03 (portion), for conservation purposes.

VOTE: PASSES UNANIMOUS

2015-186 APPROVAL OF A CONSERVATION RESTRICTION FROM NATIVE LAND CONSERVANCY, INC. (GRANTOR) TO THE BARNSTABLE LAND TRUST, INC. (GRANTEE) INTRO: 06/18/15

Jaci Barton of the Barnstable Land Trust gave the rationale

COUNCILOR QUESTIONS AND COMMENTS:

A member of the Native Land Trust asked that we postpone this vote; this is a tax credit for the owner [Mark Robinson, Executive Director of the Compact of Cape Cod Conservation Trusts, this is a donation of land, needs conservation restriction to receive a tax credit; a lot of support for this, I hope you can act on it tonight;] Is this a time sensitive issue? [Want to pass before the end of the fiscal year.] Need a clarification of the taxes, his taxes are annual; [Two property tax fiscal year and the state tax credit; we have a deadline

right now, for the state tax credit is June 30th] only tax benefit is against his income; why is this always a last minute thing? [Jaci Barton stated this was on the radar for a while due to the busy calendar of the Town Council it has created a time sensitivity] Some of the Tales of Cape Cod folks stated that some of the tribe did not weigh in on this; [Mark Robinson, the Native Land Conservancy is not affiliated with the tribal council; it is a separate 501-C3, recognized tax exempt conservation organization

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council approve a Conservation Restriction from Native Land Conservancy, Inc. (grantor) to the Barnstable Land Trust, Inc. (grantee), over approximately 1.4 acres of land located at 5 Shoot Flying Hill Road in Barnstable, Map 234 Parcel 057, for conservation purposes.

VOTE: PASSES 7 YES, 4 NO- (Chirigotis, Dagwan, Wallace, J. Crocker) 1 Abstention (Canedy)

Wishing everyone a Happy Father's Day; a happy 4th of July, and congratulations to the Barnstable High School Boys Tennis team the new State Champions

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED to adjourn:

Unanimous

Adjourned at 11:55 PM

Respectfully submitted,

Ann M Quirk, CMC

Town Clerk – Town of Barnstable

NEXT REGULAR MEETING: July 9, 2015

EXHIBITS:

- A Peter Sampou letter
- B Mashpee Wampanoag Tribe
- C Community Services Department
- D Seven Village Libraries
- E Email from William Carey