



Town Council Meeting August 13, 2015



13, **A** quorum being duly present, Council President Jessica Rapp Grasseti called the August 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 Grasseti 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 Grasseti, Paul Hebert, John Norman, Eric Steinhilber, Philip Wallace. Absent: James Tinsley, Jr.

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

PUBLIC COMMENT:

Megan Adley – spoke about the prohibiting of small boats from the Eugenia Fortes beach and read a letter she submitted to the Barnstable Waterways Committee. (Exhibit A)

Sheila Place discussed the proposal to ban on single use plastic bags. Plastic doesn't go away like diamonds its forever. (Exhibit B)

Whitney Wright said that he is very nervous about the closed meeting on the homeless situation. He would like all concerned to approach the homeless situation from a scientific point of view.

Lois Fournier spoke about banning single use plastic bags. She asked the Council to please support our marine life and economy.

COUNCIL RESPONSE TO PUBLIC COMMENT:

Councilor Dagwan responded reduction of plastic bags is a great idea, however it needs to be done gradually.

Councilor Hebert stated the closed meeting was a self evaluation of our response regarding the homeless issues and it was a very positive outcome. We need other partners to help us.

Councilor Cullum regarding the homeless, we are looking to address human rights issues and what is affordable for our community. We need solutions from other agencies.

Vice President Canedy stated the purpose of the closed meeting was information gathering; we are planning on a workshop and presentation at the September 3rd Town Council meeting.

President Rapp Grasseti stated the Chief of Police will be presenting information at the Council meeting and the correct date is the 17th of September.

Councilor Dagwan reminded everyone that the Eugenia Fortes beach is a very small beach; hopefully we can come to a compromise.

Councilor Norman stated his family reuses our plastic bags for many things. These bags are reused to carry books to school; these are never just a single use for us. Lets try to deal with the behavior of people who are littering with these bags; I will be fighting hard against this item.

TOWN MANAGER COMMUNICATIONS:

- The issue of the new regulation set by the Waterways Committee for the Eugenia Fortes beach is not changing at the time, however, we are willing to look at this again over the winter
- Atlas Fireworks negotiation
- Community Compact application
- Cape Cod Municipal Health Group Discussions
- Hyannis Water System

Lynch then invited Mark Ells, Assistant Town Manager to give an update to the Council regarding the Shooting Range and the Well installation

Councilor questions and comments: How many wells? [Three wells] the survey that was going to former customers of the range, what are the results? [It hasn't been done yet] Is there a bond for the liability regarding contamination to the well water [we are using professionals to oversee, the first well will be a control well; sampling protocol, will double check regarding a bond issue] Are we keeping the acreage to a minimum; or are we still thinking of extending the shooting range area [discussion item, the issue is shape of the area; still looking at the issue; and the concentrations of lead; tighter control] we have to have this discussion with the state, is there a contingency range [haven't had that level of discussion as yet]

(Lynch continued)

- Licensing agreement signed with Cape Gun Works
- Early Learning Center is on schedule

Lynch then invited Dan Santos, Director of Public Works to speak about the Waste Water Recovery project.

Dan Santos, Director of Public Works, stated that the monitoring wells are completely sealed from the ground down so there will not be any contamination of ground water it is a safe operation.

Santos then talked about the grant from the State to do a pilot test for a Waste Water Recovery System. It is about to be installed at the gray building on South Street. After Labor Day this large heat exchanger will be tested out to remove unhealthy materials from the water.

(Lynch continued)

- Report of Temporary repair to private roads (Exhibit C)
- Fee Schedule Hearings
- Adult Supportive Day Program has been implemented

Lynch then invited Maddie Noonan to the podium to give an update

Maddie Noonan, Director of Senior Services, updated the status of the Adult Supportive Day Program (Exhibit D)

Councilor questions and comments

Would you break even if you had twelve attendees full time [no we would still need subsidy] what are the opportunities for third party pay [not a medical model, no reimbursement through Medicare] can we become a health model program [not with the current building, very strict guidelines] majority of JML or medical model is reimbursement; Mass DPH overseeing medical models, maybe that will change the opportunity for the Senior Center's program What do we need to break even [18 clients a day to break even, but we had to reduce staff] [exploring a possible partnership with perhaps the VNA] good job on the marketing; is there opportunities for grants [because our biggest expense is staffing; exhausted all the local options; grants do not fund staffing] can our legislative team help to secure funds [the State funds many of the existing staff; we use the service incentive grant; transportation cost; age friendly communities] can we expect the attendees to pay for the service even if do not attend [elderly clients, multiple health issues; no longer working; limited income]

(Lynch continued)

- Desk space offered to State Representatives
- Barnstable Police negotiations

Lynch then invited Mark Ells, Assistant Town Manager give a status report of the E Permitting Program.

Councilor questions and comments

Why can't this happen faster; why can't it be accelerated [Lynch responded-it has taken three years in Yarmouth to go on line; other towns are looking at our model because we are doing this quickly] is it an IT resources issue, or a change in workflow and processes [we feel we are on schedule] if we fall behind what happens to the maintenance agreement [maintenance begins once we are up and running for three years] can we clean up some of our own inconsistencies between departments; make a note to find away to work together [we have identified some parcels that have split and were not corrected in the database; trying to do that now] community volunteer who is trying to permit a village festival; it's done every year; how does that person fit into this E Permitting [internally we have changed the process for doing special permits; on going applications will be added] in the time line where does this fit [implemented primarily with building, then health, no time line yet on event permitting]

(Lynch continued)

- WBAS Radio Station is now located on Main Street
- 6,493 attendees at the Cape Baseball League finals

Councilor questions and comments

Thanks to: Town Manager for information on Road Repairs printout; to Mark Ells who attended the Centerville Civic meeting; and to the Police Chief for taking us to visit the homeless camps. Indoor range will serve our community, thank you; concerned about the Community Compact, will that limit our work with the state regarding homeless issue [once accepted by the Compact the community will get extra points if you are applying for grants; thus far five communities have been accepted; this will create a dialogue about the best practices that are out there] would like to see start dates of each of the temporary roads projects and the amount of time that it takes to go through to completion; also like to see what amount of time has been dedicated by staff; [we are more than willing to add to this form] thank you and legal staff for your assistance in bringing the Black Hawk helicopter to the Bay School field today; is Gun Works a private enterprise, if the police use it do they have to pay [Yes] which State Reps have accepted the space [Mannal and Whelan] Are we offering this space for free [Yes, providing this space, no charge] Welcome back from vacation

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the July 19th meeting as

VOTE: PASSES 11 YES, 1 ABSTENTION (DAGWAN)

On August 11, 2015, the Executive Session minutes were reviewed by President Jessica Rapp Grassetti, Town Clerk, Ann Quirk and Town Attorney, Ruth Weil. Based upon the review see the following:

The 1/7/2010 Executive Session minutes involving Stewarts Creek are released with the redaction of the portion of said minutes protected by attorney-client privilege.

Continued non-disclosure is warranted based upon attorney-client privilege and litigation strategy for the Executive Session minutes 9/12/2013, 9/19/2013 and 10/17/2013 involving Marty and for the 9/12/2013, 3/20/2014 and 05/22/2014 Executive Session minutes involving Cape Wind litigation.

Continued non-disclosure is warranted based upon privacy and confidentiality for the Executive Session minutes of 2/26/2015 regarding the physical condition and termination of an employee.

Next schedule review will be in six months.

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

Thank you for keeping us updated on the Executive Session reviews; update was not scheduled until October, this was an interim review; we do follow a schedule; upcoming West Barnstable Village Festival; Town Band performs every Wednesday night, Councilors are invited to conduct the band and it is a free event; conducting the band is a lot of fun.

2016-002 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 07/09/15, 08/13/15

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:

COUNCIL ON AGING: Anna Valtsakis, 33 Statice Lane, Hyannis as an associate member to a term expiring 6/30/17

DISABILITY COMMISSION: Paula Breagy, 2787 Main Street, Barnstable as a regular member with a term expiring 6/30/16; Jessica Sylver, 121 Lombard Avenue, West Barnstable as a regular member to a term expiring 6/30/18

HOUSING COMMITTEE: Paula Breagy, 2787 Main Street, Barnstable as a regular member to a term expiring 6/30/16; Jessica Sylver, 121 Lombard Avenue, West Barnstable as a regular member to a term expiring 6/30/16

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION:

Timothy Ferreira, 150 Old Yarmouth Road, Hyannis as an alternate member to a term expiring 6/30/17

VOTE: PASSES UNANIMOUS

2016-003 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 07/09/15, 08/13/15

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:

BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION: Hartley Johnson, as a regular member to a term expiring 6/30/18;

HISTORICAL COMMISSION: Marilyn Fifield, as a regular member to a term expiring 6/30/18; Paul Arnold as an alternate member to a term expiring 6/30/18

OLD KING'S HIGHWAY: George Jessop, as the architecture representative to a term expiring 6/30/16;

PUBLIC WORKS COMMISSION: Thomas Mullen, as a regular member to a term expiring 6/30/18; Wolfgang Fattler as a regular member to a term expiring 6/30/18;

RENEWABLE ENERGY COMMISSION: Andrew Jaworski, as a regular member to a term expiring 6/30/18; Katie Lamoureux, as a regular member to a term expiring 6/30/18; Jan Rapp, as a regular member to a term expiring 06/30/17

WATERWAYS COMMITTEE: John Meade, as a regular member to a term expiring 6/30/18; Robert Hazelton, as a regular member to a term expiring 6/30/18;

WATER POLLUTION CONTROL BOARD: Wolfgang Fattler, as a regular member to a term expiring 6/30/18

YOUTH COMMISSION: Brendan Clark, as a regular member to a term expiring 6/30/16;

Matthew Hersey, as a regular member to a term expiring 06/30/16; Emma Mannal, as a regular member to a term expiring 06/30/16; Lianna Mitchell, as a regular member to a term expiring 06/30/16

VOTE: PASSES UNANIMOUS

2016-006 AMENDMENT TO CHAPTER 241 OF THE CODE OF THE TOWN OF BARNSTABLE, "ARTICLE III MULTIPLE-MEMBER APPOINTIVE ORGANIZATION" BY ADDING SECTION 241-45.3 WATER RESOURCES ADVISORY COMMITTEE (WRAC) INTRO: 08/13/2015

Upon a motion duly made and seconded it was referred to the September 3, 2015

ORDERED: That Chapter 241 of the Town's Administrative Code of the Town of Barnstable be amended by adding the following new section creating a Water Resources Advisory Committee (WRAC)

"§241-45.3 Water Resources Advisory Committee"

A. Purpose of the Committee: To advise the Town of Barnstable on the completion and implementation of its Comprehensive Water Resource Management Planning Project, with the goal of protecting and restoring the Town's fresh and salt water bodies and its drinking water supplies, in compliance with the Cape Cod Commission's Cape Cod Area Wide Water Quality Management Plan Update of 2015, ("The 208 Plan")

B. Composition of the Committee:

(1) There shall be a Water Resources Advisory Committee ("WRAC") consisting of eleven (11) members as follows:

a. Five (5) members shall be appointed by the Town Council so as to be as geographically diverse as possible so as to represent all the salt water embayments, freshwater lakes and ponds and watersheds of the Town of Barnstable.

b. Three (3) members shall be appointed by the Town Council as at large members who have interest or expertise in matters related to water quality and wastewater issues.

c. Three (3) members shall be Town Councilors, appointed by the Town Council President. Town Council members shall be full voting members of WRAC and shall act as liaisons from WRAC to the Town Council and Town Manager.

(2) A liaison to WRAC shall be appointed from the chair or his/her designee from each of the following: Board of Health, Conservation Commission, and Planning Board and from other boards, committees, commissions as requested by the Town Council.

C. Term of Office: Town Council members shall be appointed by the Town Council President to serve at his/her discretion. Other members shall each serve for a term of (3) years, so arranged that as equal a number, as possible, shall expire each year.

D. Authorities and Responsibilities: Assist and advise the Town and specifically the Director of the Department of Public Works and or his/her designee in identifying, prioritizing and reporting to the Town all town wide and site specific strategies which would bring the Town of Barnstable into compliance with The 208 Plan and any other applicable regulations for water resources protection.

E. Interrelationships:

(1) The Town Council: WRAC interacts with the Town Council in matters of policy and implementation of its functions and recommendations under the provision of this section. The Town Council members of this committee will regularly report to the Town Council as a whole. From time to time, the Town Council may direct the Committee to focus on specific areas of implementation or other related wastewater, groundwater, surface water and drinking water matters.

(2) The Town Manager: WRAC interacts with the Town Manager in matters relating to staff support and recommendations, funding and implementation of its functions under the provision of this section, including but not limited to interaction with other towns, districts, state and federal agencies and the Cape Cod Commission.

(3) Other Boards, Committees and Commissions: WRAC meets, as necessary, with any multiple member board to effectuate its purpose.

VOTE: REFER TO A SECOND READING-PASSES UNANIMOUS

2016-007 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND DAVID S. DUMONT, TRUSTEE OF GREENWOOD STERLING REAL ESTATE TRUST, 30 ELM AVENUE, HYANNIS, MA

JoAnne Miller Buntich read in the rationale and introduced Mr. David Dumont, developer of the property, formerly the Police Department property. We need residential units in the town, asking for a positive vote.

Open public hearing seeing no one close public hearing

Councilor questions and comments:

Mr. Dumont is an active member of BID, hoping fellow councilors will support this item; what are the estimated costs [rents approx \$1,300 per month] sewer hooked up [Yes] currently hooked up to Hyannis Water [Yes] disruption on the streets in the area [No] no costs to the town [Correct] [any building over 75 years of age has to go through historic-asking for relief on that] project favorable through the planning board [Yes] first floor space remains the same] thank you so much for doing this project; we desperately need affordable apartments; praise for the project; seeking relief for that they remain as apartments, can we ask the Town Attorney to answer a question [Ruth Weil, Town Attorney, please rephrase the question] Asking for agreement for relief, is there a way to amend this so that these stay as apartments forever? [Weil-Yes, we would need the developer's acceptance but it could be crafted that way] [Dumont-agrees to single ownership]

Upon a motion duly made and seconded to amend #2 to add as follows:
"These nine (9) units shall remain rental units in perpetuity."

VOTE: PASSES UNANIMOUS

Upon a motion duly made and seconded it was

ORDERED: That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable, to enter into and execute a Regulatory Agreement between the Town of Barnstable and David S. Dumont, Trustee of Greenwood Sterling Real Estate Trust, Developer, for the property at 30 Elm Avenue, Hyannis, MA, consisting of .45 acres, shown on Barnstable Assessor's Map 327 as Parcel 63, the title to which is recorded in Barnstable Land Court Division as Document No. 828,479 noted on Certificate of Title No. 161097 (hereinafter, the "Property"). For purposes of this Regulatory Agreement, the "Property" includes all site parking. The Developer desires to develop the Property pursuant to this Regulatory Agreement.

REGULATORY AGREEMENT

**GREENWOOD STERLING REAL ESTATE TRUST
30 ELM AVENUE, HYANNIS, MA 02601**

This regulatory agreement (the "Agreement") is entered into by and between David S. Dumont, Trustee of Greenwood Sterling Real Estate Trust under declaration of trust dated April 3, 2001 and recorded in Barnstable Land Court Division as Document No. 828,478 (the "Applicant" and "Developer") of 298 Main Street, Hyannis, MA 02601, which shall include his successor and assigns and Town of Barnstable, municipal corporation with a place of business at 367 Main Street, Hyannis, MA 02601 (the "Town") on this the ____ day of _____, 2015 (the "Effective Date") pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code.

WHEREAS, this Agreement shall establish the permitted uses and density within the development on the hereinafter identified Property, the duration of the Agreement and any other terms or conditions mutually agreed upon between the Applicant and the Town;

WHEREAS, the Applicant is the legal owner of the real property located at 30 Elm Avenue, Hyannis, Massachusetts totaling approximately .45 acres as shown on Barnstable Assessor's Map 327, Parcel

63, the title to which is recorded in Barnstable Land Court Division as Document No. 828,479 noted on Certificate of Title No. 161097 (the "Property"), which is improved with a one and one-half story building totaling 9,849 gross square feet with 8,660 net usable square feet (the "Building");

WHEREAS, the Building was constructed in 1934 to be used as the principal police station for the Town of Barnstable. The Building was substantially renovated in 2001 and converted to a medical out-patient clinic and has been utilized as such until the present;

WHEREAS, the provisions of §112-3 of the Barnstable Code are applicable because 75 years has elapsed since the construction of the Building in 1934, notwithstanding that the Building was materially and substantially altered in 2001 as part of the conversion to a medical clinic;

WHEREAS, the Applicant seeks relief from §112-3 in accordance with this Regulatory Agreement to allow for the partial demolition of a structure greater than 75 years in age;

WHEREAS, the Applicant may construct up to five (5) residential units on the Property as a matter of right and desires to increase the number of residential units to nine (9) in accordance with this Regulatory Agreement;

WHEREAS, the Town is authorized to enter into this Agreement pursuant to Chapter 168 of the Barnstable Code;

WHEREAS, the Town and Applicant desire to set forth in this Agreement their respective understandings and agreements regarding the reuse of the Property;

WHEREAS, the Applicant is willing to commit to the reuse of the Property substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the reuse and therefore considers this Agreement to be in his best interests;

WHEREAS, this Agreement shall vest land use development rights in the Property for the duration of this Agreement and such rights shall not be subject to subsequent changes in local development ordinances, with the exception of changes necessary to protect the public health, safety and/or welfare;

WHEREAS, the reuse of the Property will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Property is located in the Hyannis Growth Incentive Zone (GIZ) approved by the Cape Cod Commission by decision dated April 6, 2006, as authorized by Barnstable County Ordinance 2005-13, Chapter G. Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of the General Application;

WHEREAS, the reuse is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of the Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this development may proceed;

WHEREAS, the application has undergone site plan review and received an approval letter dated June 18, 2015;

WHEREAS, the Town acknowledges that this Regulatory Agreement will result in a material increase in the number of year round residential units for lower to middle income residents, as well as a reduction in the traffic flow on Elm Avenue;

WHEREAS, the Town acknowledges through the recently completed Housing Needs Assessment dated December 2014 that the Town of Barnstable's primary housing need is additional year round rental housing and Hyannis is in need of market rate residential apartments and construction of the said

nine (9) residential units will be such a benefit to the Town that additional mitigation is not warranted;

WHEREAS, the Town acknowledges that (a) the Property is located within the Hyannis Village Business Zoning District wherein multifamily residential use is allowed and (b) the existing use as a medical center is lawfully pre-existing non-conforming, and (c) the use as a residential development will result in substantially less vehicle trips per day than the existing medical center;

WHEREAS, the Town acknowledges that the proposal for the adaptive reuse of an existing historic building; a building design consistent with the character of the neighborhood; and the use of high quality building materials are consistent with the objectives of the Design and Infrastructure Plan;

WHEREAS, the Town acknowledges that the Building was substantially modified during the conversion to a medical clinic in 2001 and that the first floor of the structure will be preserved and reused; and that the proposed second story addition reflects the character and design of the historic structure.

WHEREAS, the proposal has undergone at least two public hearings on the Agreement application and received an affirmative majority vote from the Planning Board on July 13, 2015;

WHEREAS, the proposal has undergone a public meeting on the Agreement application before the Town Council and received no less than a two-thirds vote approving the application on _____, 2015;

WHEREAS, this Agreement authorizes only the uses and intensity of use and mitigation stipulation, if any, specified herein. Any substantial deviation from the authorized terms of this Agreement shall require review by the Town Council and Planning Board pursuant to Section 168-10 of the Town Code;

NOW THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to each other, the parties hereby agree as follows:

1. The Applicant shall renovate and maintain the Building and Property at 30 Elm Avenue and construct nine (9) year-round one bedroom, one bathroom residential apartments in substantial compliance with the site plan entitled "Site Plan L11.0" dated June 6, 2015 prepared by ML Curadossi Landscape Design; catalog cut from Wolfer's Lighting depicting site lighting; and the floor plans and elevations entitled "Station House Apartments", dated June 12, 2015, drawn by Jeffrey M. Metcalfe, RA, sheets A1-10 and D0-2. Applicant shall install a bicycle rack on the property for the use of the residents as a Transportation Demand Management measure.
2. Based upon the existing acreage, the Applicant is permitted as a matter of right to construct five (5) residential units in accordance with § 240-24.1.3.A.1 (w). In addition to the Principal Permitted uses allowed in § 240-24.1.3.A.1, this Agreement permits the construction of an additional four (4) residential units as shown on the Plan. **These units shall remain rental units in perpetuity.**
3. Portions of the existing building proposed to be demolished, specifically the half-story and roof of the building, are not preferably preserved and their demolition would not be detrimental to the historical, cultural or architectural heritage or resources of the Town. The partial demolition shall be completed in substantial compliance with the plans referenced in Condition No. 1.
4. Any future partial demolition or total demolition of the Building shall constitute a substantial change to the Property and require review by Town Council and Planning Board pursuant to Section 168-10 of the Town Code;
5. The Applicant shall be responsible for obtaining all necessary building permits and all necessary approvals from the Town of Barnstable Public Works Water Supply Division, as necessary and the use and construction of the building shall be in compliance with all Building, Fire, and Health Codes.
6. Subsequent to the issuance of a Certificate of Occupancy for the units, each apartment unit shall be

registered with the Health Division's Rental Registration Program.

7. The Project shall be completed in compliance with all requirements of the Site Plan Review approval issued June 18, 2015.

8. All Mortgagee(s) holding good and valid mortgage(s) against the Property have executed document(s) effectively subordinating the provisions of their mortgage(s) to this Agreement, which subordination agreement(s) shall be recorded contemporaneously with this Agreement.

9. The development rights granted under this agreement shall run with the land. However, the Applicant agrees that 30 days prior to any change of ownership of the Property that written notice shall be sent to the Planning Board, Town Council, and Town Manager and further agrees, that all terms and conditions of this regulatory agreement and any amendments thereto, shall be binding on any successive owner of the Property.

10. All terms, conditions and obligations contained in this Regulatory Agreement shall be binding on any successor or assignee of the Applicant.

This Agreement provides the following relief:

A. Variance from the requirements of § 240-24.1.3.A.1(w) in the HVB Hyannis Village Business District permitting a density of 21.42 units per acre resulting in nine (9) residential market rate units on the Property in accordance with the Plan.

B. Waiver from all requirements of §112-3 thereby permitting the renovation of the building in accordance with the Plan so as to construct nine (9) residential market rate units on the Property in accordance with the Plan.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed on this the date first above written.

Town of Barnstable

Greenwood Sterling Real Estate Trust

By: _____ By: _____

Thomas K. Lynch, Town Manager
Barnstable Town Manager

David S. Dumont, Trustee

For Land Court Purposes:

*Property address: 30 Elm Avenue, Hyannis, MA 02601
Lots 38 through 41 on Land Court Plan 9232-A2
Certificate of Title No. 161097*

**COMMONWEALTH OF MASSACHUSETTS
BARNSTABLE, ss**

On this _____ day of _____, 2015, before me, the undersigned notary public, personally appeared Thomas K. Lynch and proved to me through satisfactory evidence of identification, being my own personal knowledge and acknowledged to me that he signed the foregoing instrument voluntarily for its stated purpose as Town Manager r for Town of Barnstable, a municipal corporation, before me.

Notary Public
Print name:
My Commission Expires:
(AFFIX SEAL)

BARNSTABLE, ss

On this _____ day of _____, 2015, before me, the undersigned notary public, personally appeared David S. Dumont, Trustee aforesaid and proved to me through satisfactory evidence of identification, being my own personal knowledge and acknowledged to me that he signed the foregoing instrument voluntarily for its stated purpose, before me.

Notary Public

Print name:

My Commission Expires:

(AFFIX SEAL)

VOTE: PASSES UNANIMOUS AS AMENDED

**2016-008 AMENDMENT TO CHAPTER 121 OF THE CODE OF THE TOWN OF BARNSTABLE,
"LICENSING" BY ADDING ARTICLE III, CIVIL FINGERPRINTING CRIMINAL HISTORY RECORD
CHECK FOR CERTAIN LICENSES INTRO: 08/13/15**

Opened and referred to a public hearing on 9/3/2015

Upon a motion that was duly made and seconded it was

ORDERED: That Chapter 121 of the Code of the Town of Barnstable, "Licensing" be amended by adding Article III, Civil Fingerprinting Criminal History Record Check for Certain Licenses as follows:

"§121-8 Criminal History Record Check Procedure

A. The Police Department shall, as authorized by **MGL c. 6, § 172B 1/2**, to conduct state and federal fingerprint-based criminal history checks for individuals applying for the following licenses:

- (1) Hawking and peddling or other door-to-door salespeople
- (2) Ice cream truck vendors

B. At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records and shall obtain the individual's consent.

C. The Chief of Police shall periodically check with the Executive Office of Public Safety and Security ("EOPSS"), which has issued an informational bulletin which explains the requirements for town ordinances and the procedures for obtaining criminal history information, to see if there have been any updates.

D. Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this ordinance to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this ordinance.

E. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this ordinance.

F. The Town authorizes the Police Department to receive and utilize state and FBI records in connection with such background checks, consistent with this bylaw. The state and FBI criminal history will not be disseminated to unauthorized entities.

G. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject

may request and receive a copy of his/her criminal history record from the Police Department.

H. An applicant who wants to challenge the accuracy or completeness of the record received under **§121-8G** shall make application directly to the agency which contributed the challenged information. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority until the applicant has been afforded a reasonable time to correct or complete the information,. Where an applicant has sought to challenge the accuracy or completeness of the record, no license specified herein shall be issued until a determination is made by the applicable state or federal agency regarding the applicant's request, at which point either the original or corrected record, depending on the determination, shall be transmitted to the applicable licensing authority.

I. The Police Department shall communicate the results of the fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town pursuant to **§121-8A**. The Police Department shall, in addition, render to the licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information known to it. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

J. No such suitability evaluation or communication shall be disseminated to unauthorized entities.

K. The Town Manager is authorized to promulgate regulations for the implementation of the proposed ordinance, after consultation with the Chief of Police.

§121.9 Use of Criminal History Record by Licensing Authorities:

A. Town licensing authorities shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this ordinance.

B. Town licensing authorities may deny an application for the license on the basis of the results of a fingerprint-based criminal record background check and upon the evaluation provided by the Police Department if it determines that the results render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and town policies bearing on an applicant's suitability in making this determination.

C. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application, including renewals and transfers thereof, for any person who is deemed unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this ordinance.

§121.9. Fees:

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be fifty dollars (\$50.00). A portion of the fee, as specified in **MGL c. 6, § 172B 1/2**, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

§121.10. Severability

The provision of this article is severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

VOTE: REFERRED TO A PUBLIC HEARING ON 9/3/15-PASSES UNANIMOUS

2016-009 ACCEPTANCE OF A GIFT IN THE AMOUNT OF \$3991 TO THE SENIOR SERVICES DIVISION FROM THE FRIENDS OF THE BARNSTABLE COUNCIL ON AGING TO SUPPORT THE TRANSPORTATION PROGRAM AT THE BARNSTABLE SENIOR CENTER INTRO: 08/13/15

Maddie Noonan, Director of Senior Services gave the rationale

Upon a motion that was duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a gift in the amount of \$3,991 from the Friends of the Barnstable Council on Aging to support the transportation program at the Barnstable Senior Center.

VOTE: PASSES UNANIMOUS

2016-010 AMENDMENT TO THE CODE OF THE TOWN OF BARNSTABLE GENERAL ORDINANCES BY ADDING CHAPTER 195 SINGLE USE PLASTIC BAGS AND AMENDMENT TO "CHAPTER 1, ARTICLE I NONCRIMINAL ENFORCEMENT OF VIOLATIONS" INTRO: 08/13/15

Upon a motion duly made and seconded it was

ORDERED: That the General Ordinances of the Code of the Town of Barnstable be amended by adding the following Chapter 195 and by amending Chapter 1, Article I, Non-criminal Enforcement of Violations.

SECTION 1: by adding the following Chapter 195.

**"Chapter 195
SINGLE-USE PLASTIC CARRYOUT BAGS
§ 195-1 Purpose and Intent.**

The production and use of single-use plastic checkout bags have significant impacts on the marine and land environment of all coastal communities, including but not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden on our solid waste collection and recycling efforts; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture. Therefore, the purpose of this chapter is to phase out the use of single-use plastic checkout bags by all establishments as defined herein in the Town of Barnstable over a period of 12 months from the effective date of this chapter.

§ 195-2 Definitions.

For purposes of this chapter, the following words shall have the following meanings.

CARRYOUT BAG - Any bag that is provided at the point of sale to a customer of an establishment for use to transport or carry away purchases, such as merchandise, goods or food, except as otherwise exempted under §195-4.

CUSTOMER - Any person purchasing goods articles, food or personal services from an establishment.

ENFORCING PERSON – Those persons listed in §1-2(A), non-criminal enforcement of ordinances, rules and regulations, of the General Ordinances of the Code of the Town of Barnstable, as further delegated by the time of taking effect pursuant to §195-6.

ESTABLISHMENT - Any business selling goods, articles, food or personal services to the public, including public eating establishments and take-out restaurants.

OPERATOR - The person in control of, or having the responsibility for, the operation of an establishment, which may include, but is not limited to, the owner.

PERSON - Any natural person, firm, corporation, partnership, or other organization or group however organized.

PLASTIC BAG - Any bag made of plastic derived from either petroleum, ethylene derived from natural gas, polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon.

PRODUCT BAG - A bag integrated into the packaging of the product.

REUSABLE BAG - A bag specifically designed and manufactured for long term multiple reuse made of cloth, fabric or other durable washable materials.

SINGLE-USE PLASTIC BAG means a plastic carryout bag with integral handles and thickness less than 3.0 mils.

§ 195-3 Plastic Bag Use Regulation.

Single-use plastic carryout bags shall not be sold, provided, or distributed to a customer or any other person by any person, owner, or operator of any establishment within the Town of Barnstable.

§ 195-4 Exemptions and Alternatives.

A. The following are exempt and not subject to the provisions of this chapter.

(1) Bags used by customers inside establishments to:

(a) package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;

(b) contain or wrap frozen foods, meat, or fish, whether packaged or not; or

(c) contain or wrap flowers, potted plants, or other items where dampness may be a problem;

(2) Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.

(3) Product bags.

B. Nothing in this chapter prohibits customers from using bags of any type that they bring to the grocery store, food provider, or other establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable bags to the aforesaid establishments.

C. Establishments may and are strongly encouraged to distribute paper bags, reusable bags and boxes available to customers with or without charge and educate their staff to promote reusable bags and post signs encouraging customers to use washable reusable bags.

D. The Town Manager or designee may prior to the effective date of this ordinance engage in any outreach process to establishments concerning this ordinance and exempt an establishment from the requirements of § 195-3 for a period of not more than one year upon the establishment's showing, in writing, that this code would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing and the Town Manager's decision shall be final.

§ 195-5 Provision for Reusable Bag at No Cost.

Notwithstanding the provisions of § 195-4, an establishment shall provide a reusable bag at no cost upon the request of a customer who uses a voucher issued under the Special Supplemental Food Program for Women, Infant and Children (WIC) pursuant to M.G.L. c. 111.

§ 195-6 Time of Taking Effect.

In addition to the exemption provided in §195-4(D), in order to further assist existing establishments in complying with this ordinance by phasing out the use of single-use plastic carryout bags over a period of 12 months from the effective date this ordinance, this ordinance shall take effect

after 12 months from the expiration of thirty days from the date of its adoption.

§ 195-7 Inspection and Enforcement.

Any enforcing person shall have the right to enter any establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this chapter. Upon finding a violation of this chapter an enforcing person shall issue a written warning notice to the operator of the establishment that a violation has occurred and the potential penalties that will apply for future violations.

§ 195-8 Violations and Penalties.

Any establishment that violates or fails to comply with this chapter shall be subject to the following penalties to be enforced in law or equity by any means, including without limitation non-criminal disposition pursuant to G. L. c. 40 § 21D, provided that no more than one (1) penalty after written warning shall be imposed upon an establishment within a seven (7) day calendar day period:

First Offense: written warning.

Second Offense: \$100.00 fine.

Third and Subsequent Offense: \$200.00 and the Town may in its discretion publish the fine on its web site after the third and subsequent offense.

§ 195-9 Severability.

If any provision of this ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance, which shall remain in full force and effect.”

SECTION 2: by amending section 1-3, Schedule of Fines, of Article I, Noncriminal Enforcement of Violations, of Chapter 1, General Provisions, of the General Ordinances by adding after “Ch.192, Art. II Signs \$100” the following in the respective columns: “Ch.195 Single-Use Plastic Carryout Bags First Offense warning, Second Offense \$100.00 fine, Third and Subsequent Offense \$200.00 fine” in the respective columns.

VOTE: REFER TO A PUBLIC HEARING ON 9/3/2015-PASSES 11 YES, CULLUM OF THE DAIS

2016-011 DECLARATION THAT OLD STRAWBERRY HILL ROAD, CENTERVILLE, MA IS A COMMON USAGE ROAD UNDER THE REQUIREMENTS OF CHAPTER 339 OF THE ACTS OF 2014 INTRO: 08/13/15

Dan Santo, Director of Public Works gave the rationale for this item and the next three items

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby declares that, pursuant to the requirements of Chapter 339 of the Acts of 2014, Old Strawberry Hill Road, Centerville, MA is a common usage road in that it has been commonly used by the general public for a period of at least 20 consecutive years for travel directly from one public road or area to another public road or area.

VOTE: PASSES UNANIMOUS

2016-012 DECLARATION THAT HIGH STREET, WEST BARNSTABLE, MA IS A COMMON USAGE ROAD UNDER THE REQUIREMENTS OF CHAPTER 339 OF THE ACTS OF 2014 INTRO: 08/13/15

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby declares that, pursuant to the requirements of Chapter 339 of the Acts of 2014, High Street, West Barnstable, MA is a common usage road in that it has been commonly used by the general public for a period of at least 20 consecutive years for travel directly from one public road or area to another public road or area.

VOTE: PASSES UNANIMOUS

2016-013 DECLARATION THAT MARY DUNN ROAD, BARNSTABLE, MA IS A COMMON USAGE ROAD UNDER THE REQUIREMENTS OF CHAPTER 339 OF THE ACTS OF 2014 INTRO: 08/13/15

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby declares that, pursuant to the requirements of Chapter 339 of the Acts of 2014, Mary Dunn Road, Barnstable, MA is a common usage road in that it has been commonly used by the general public for a period of at least 20 consecutive years for travel directly from one public road or area to another public road or area.

VOTE: PASSES UNANIMOUS

2016-014 DECLARATION THAT WAKEBY ROAD, MARSTONS MILLS, MA IS A COMMON USAGE ROAD UNDER THE REQUIREMENTS OF CHAPTER 339 OF THE ACTS OF 2014 INTRO: 08/13/15

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby declares that, pursuant to the requirements of Chapter 339 of the Acts of 2014, Wakeby Road, Marstons Mills, MA is a common usage road in that it has been commonly used by the general public for a period of at least 20 consecutive years for travel directly from one public road or area to another public road or area.

VOTE: PASSES UNANIMOUS

2016-015 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$226,781.00 FOR PRESERVATION AND RESTORATION OF THE OLD TOWN HALL/JFK MUSEUM, 397 MAIN STREET HYANNIS, MA INTRO: 08/13/15

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 Twenty Six Thousand Seven Hundred Eighty One and No/100 (\$226,781.00) Dollars be appropriated and transferred from the set aside for historic preservation in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend said appropriation for preservation and restoration of the Old Town Hall/JFK Museum historic resource at 397 Main Street, Hyannis consisting of replacement of 16 additional lintels and wood trim, cornice restoration and masonry cleaning and sealing.

VOTE: REFERRED TO A PUBLIC HEARING ON 9-3-15- UNANIMOUS

2016-016 APPROPRIATION ORDER IN THE AMOUNT OF \$500,000.00 FOR ACQUISITION AND PRESERVATION OF AFFORDABLE HOUSING, INC. (POAH) AT FOUNDERS COURT, 979 FALMOUTH ROAD, HYANNIS, MA INTRO: 08/13/15

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Five Hundred Thousand and NO/100 (\$500,000) Dollars be appropriated and transferred from the amount set aside for Community Housing in the Community Preservation Fund; that the Town Manager is authorized to contract for and expend the amount appropriated for the acquisition and preservation by Preservation of Affordable Housing, Inc. (POAH) of the 32 unit affordable rental housing community of Founders Court located at 979 Falmouth Road, Hyannis, MA; and that the Town Manager is authorized to recover or apply any other sums of money and execute, accept, deliver and record instruments to secure the units' continued affordability.

VOTE: REFERRED TO A PUBLIC HEARING ON 9-3-15- UNANIMOUS

2016-017 AMENDMENT TO THE CODE OF THE TOWN OF BARNSTABLE GENERAL ORDINANCES BY ADDING CHAPTER 208 SUBSTANCE CONTROLS, ARTICLE I SYNTHETIC MARIJUANA AND SYNTHETIC MARIJUANA ANALOGUE AND BY AMENDING CHAPTER 1, "ARTICLE I NONCRIMINAL ENFORCEMENT OF VIOLATION" INTRO 08/13/15

Upon a motion duly made and seconded it was

ORDERED: that the General Ordinances of the Code of the Town of Barnstable be amended by adding the following Chapter 208, Substance Controls, and by amending Chapter 1, Article I, Noncriminal Enforcement of Violations.

SECTION 1: by adding the following Chapter 208, Substance Controls.

**“Chapter 208
SUBSTANCE CONTROLS**

ARTICLE I

Synthetic Marijuana and Synthetic Marijuana Analogue

§ 208-1 Purpose and Intent.

It has been determined that certain businesses and/or individuals within the Town of Barnstable are possessing and selling certain substances which when ingested produce intoxicating effects similar to Tetrahydrocannabinol (THC) or Marijuana. These substances, which are described herein, are often used as an alternative synthetic to Marijuana and are potentially dangerous to users and society, and the long term effects are not yet known. The effects of these substances are a health concern to the citizens of Barnstable. Not all of the substances are categorized as illegal controlled substances under State or Federal law. By selling these "legal" substances for smoking and ingestion in the guise of incense, the manufacturers avoid the United States Food and Drug Administration process for study and approval of such prior to distribution for consumption. In addition, by marketing such "incense" products directed at the controlled drug subculture, the manufacturers and sellers avoid the Schedule Implications of the Controlled Substances Act. The Town of Barnstable Town Council recognizes there is no legitimate purpose of such synthetic chemicals contained therein.

§ 208-2 Prohibited Activities.

A. It shall be unlawful for any person to possess, sell, barter, give, publicly display for sale; attempt to possess, sell, barter, or give; or transport any material, compound, mixture or preparation within the corporate limits of the Town of Barnstable which contains any quantity of synthetic marijuana or synthetic marijuana analogue.

B. This Ordinance shall apply regardless of whether the synthetic marijuana or synthetic marijuana analogue is described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and, regardless of whether the substance is marketed for the purpose of being smoked or ingested, and, regardless of whether the substance is marked "not for human consumption".

§ 208-3 Exceptions.

A. It is not an offense under this Article if the person was acting at the direction of the Barnstable Police Department and its officers, or federal or state law enforcement, to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substances.

B. If the State of Massachusetts enacts criminal penalties for the possession, sale, transportation, or delivery of any chemical substance listed in this Article, then upon the effective date of such enactment, this Article shall no longer be deemed effective for that substance. However, a violation of this Article occurring prior to the effective date of such enactment may be prosecuted after the effective date of State enactment.

§ 208-4 Definitions.

For the purpose of this article, the following words shall have the following meanings.

PERSON - An individual, corporation, limited liability company, partnership, wholesaler, retailer, and

any license or unlicensed business, including clerk, manager, or owner of business.

SYNTHETIC MARIJUANA – any substance as defined by 21 U.S.C §812(d), excluding "marihuana" as such term is defined in Massachusetts General Laws chapter 94C §1, 21 U. S.C. §812(d) notwithstanding; or any one or any combination of the following cannabinoids, or, a substance containing any one or combination of the following cannabinoids, namely JWH-018,JWH-073, CP-47,497, JWH-200, or, cannabicyclohexanol; or vegetable material that has been chemically treated and is possessed, sold, or, purchased, with the intent that it will, despite any labeling to the contrary, be consumed by humans, for the purpose of voluntary intoxication, said vegetable material typically having a retail price of over five dollars per ounce and contained within packaging indicating that the contents is not for human consumption, and which, if consumed, may induce an effect or effects of intoxication similar to a controlled substance or imitation controlled substance, said effect or effects to include elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or, distortion of audio, visual or mental processes.

SYNTHETIC MARIJUANA ANALOGUE - a substance , the chemical structure of which is substantially similar to the chemical structure of synthetic marijuana and which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana; or with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana.

§ 208-5 Violations and Penalties

A. Any person found to be in violation of this Article will be assessed a fine of \$300.00. Each day a violation occurs will constitute a separate offense.

B. In addition to any penalty provided in the above Section A, if any of the aforementioned substances listed above are found in the possession of any person, the substance will be forfeited by seizure by the Barnstable Police Department, or its officers, and may be destroyed by such law enforcement officials in a method consistent with law.

§ 208-6 Severability

If any provision of this Article shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this Article, which shall remain in full force and effect.”

SECTION 2: by adding the following in the appropriate numerical and column order to section 1-3, Schedule of Fines, of Article I, Noncriminal Enforcement of Violations, of Chapter 1, General Provisions, of the General Ordinances in the Code of the Town of Barnstable.

“Ch. 208, Art. I \$300.00”

VOTE: REFERRED TO A PUBLIC HEARING ON 9-3-15- UNANIMOUS

2016-018	APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO 08/13/15
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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:

COMPREHENSIVE FINANCIAL ADVISORY BOARD: Joseph Mladinich, 44 Dogwood Lane, Cotuit, MA as a regular member to a term expiring 06/30/18

HOUSING COMMITTEE: Aaron Kanzer, 48 Crystal Ridge Road, Cotuit, MA as a regular member to a term expiring 06/30/18

LICENSING AUTHORITY: Larry Decker, 346 Sea Street, Hyannis, MA as an associate member to a term expiring 06/30/18; Judith Notz, 363 Sea Street, Hyannis, MA as an associate member to a term expiring 06/30/17

YOUTH COMMISSION: Carrie Osborn, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/16

VOTE: REFER TO A SECOND READING ON 9/3/2015-UNANIMOUS

2016-019 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO 08/13/15

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:

AGRICULTURAL COMMISSION: David Ross, as a regular member to a term expiring 06/30/18; Jeffrey Taylor, as a regular member to a term expiring 06/30/17

COUNCIL ON AGING: L. Helen Stretch, as a regular member to a term expiring 06/30/18; Barbara Cross, as a regular member to a term expiring 06/30/18

CULTURAL COUNCIL: Marlene Weir, as a regular member to a term expiring 06/30/18

SHELLFISH COMMITTEE: Linda Roman, as a member holding a family permit to a term expiring 06/30/18; Richard Haskell, as a member at large to a term expiring 06/30/18

VOTE: REFER TO A SECOND READING ON 9/3/2015-UNANIMOUS

2016-020 TRANSFER ORDER OF \$10,000.00 PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING LOOMIS LANE, CENTERVILLE, MA INTRO 08/13/15

Dan Santos, Director of DPW gave the rationale

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$10,000 be transferred from Town Council Appropriation Order 2013-066 and be added to the \$88,060 appropriated under Town Council order 2015-081 for the purpose of making temporary repairs to Loomis Lane, Centerville, MA a private road within the Town of Barnstable, and the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and that betterments be assessed, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

VOTE: PASSES UNANIMOUS

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED to adjourn:

Unanimous

Adjourned at 9:15 PM

Respectfully submitted,

Ann M Quirk, CMC
Town Clerk – Town of Barnstable

NEXT REGULAR MEETING: September 3, 2015

EXHIBITS

- A. Letter to Barnstable Waterways Committee
- B. Letter to Marstons Mills Village Association
- C. TRPR Projects in Development
- D. Adult Supportive Day Program
- E. ViewPermit Implementation