



Town Council Meeting
August 11, 2016



A quorum being duly present, Council Vice President Eric Steinhilber called the August 11, 2016, 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 Vice President Steinhilber 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: Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Sara Cushing, Debra Dagwan (7:06), John Flores, Jessica Rapp Grasseti (7:30), Paul Hebert, John Norman, Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

The Pledge of Allegiance was led by Vice President Eric Steinhilber, followed by a moment of silence.

PUBLIC COMMENT:

Ron Beaty to file an open meeting law complaint against the Town Council; (Exhibit A) filed with the Town Clerk at 7:02 Pm

Peter Cross spoke about town owned properties in Hyannis that are tax exempt; asking for consideration of waiving permit fees regarding the building of the Hyannis Fire Districts firehouse. They anticipate applying for permits in the late fall or early winter; asked the Council to consider a waiver of the permit fees.

Lou Gonzaga asked the Council to support the Hyannis Fire District with the waiver of the permit fees. Gonzaga mentioned the litigation regarding the Hyannis Water; and the FAA rules which must be followed regarding deicing of planes.

Patrick Paige said he has tried to communicate with the town; Paige and his wife are suffering; believes everything he is saying is true. Paige handed two Exhibits (C + D) regarding samples taken by Envirotech Laboratories.
Close Public Comment

COUNCIL RESPONSE TO PUBLIC COMMENT: None

TOWN MANAGER COMMUNICATIONS:

Mark Ells, Town Manager gave a summary of the items in his memo

- o Budget Action Calendar has been prepared
- o Read a letter regarding the Mary Dunn Well fields
- o State funded grant for Sandy Neck looking for viable alternatives

- o Mashpee Sandwich meeting re: Watershed permitting
- o RFP out for Armory
- o Transfer Station Site Improvement Project
- o Shopping Plaza's on Route 132
- o JFK needs an upgrade
- o Marstons Mills Elementary School Property
- o Proposed Mooring Regulation Hearing

Councilor Comments and Questions:

Charities and non-profits pay for permitting fees; do we pay for permitting on town buildings; [Yes, it is a Town Council approved fee] What were the grant conditions and who is responsible [report that studies the alternatives, ultimately the report comes from the Town Manager back to the state] There is a funding component are we doing ourselves a favor or not [agree with you, the Council needs to be a part of the discussion, and supportive of the alternatives] Can you contact Peter Cross to explain the fees [yes I have explained the process to him] Transfer Station meeting we need a bigger scale. Sandy Neck Board is preparing a report to bring to the Council with some recommendations.

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the July 21, 2016 meeting.

VOTE: PASSES UNANIMOUS

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

Councilor Hebert - Pleasant Street Captain's Row; an endangered historic site; we need to take a serious look at the Pleasant Street homes, regarding the history of our town; consider a support letter from the Council.

President Rapp Grassetti announced Barnstable Historical Commission has scheduled a meeting; and suggested Hyannis Historical may want to attend

Councilor Flores announced a fund raiser for Barnstable Historic Society; Farmers Market, Summer Stroll;

Councilor Wallace announced the West Barnstable Village Festival

Councilor Cullum declared Barnstable Unity Day was awesome, hope it is an annual event

Councilor Chirigotis announced Centerville Old Home Week; live music, beach bonfire

Councilor Dagwan "Walk on Main Street" will resume in September on Wednesday nights;

Hyannis Civic Association is looking for new members; picnic in August. May try to close off Main Street for an afternoon to allow pedestrian traffic, games and events, this weekend is Pops by the Sea

**2017-001 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
07/21/16, 8/11/2016**

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: **Lois Cronin**, 484 Whistleberry Drive, Marstons Mills, as a member with a term expiring 6/30/17; **Chrystal LaPine**, 1135 Service Road, West Barnstable, as a member with a term expiring 6/30/17; **Patricia Lawlor**, 410 High Street,

West Barnstable, as a member with a term expiring 6/30/17; **Emily Mezzetti**, 43 Snow Creek Drive, Hyannis, as a member with a term expiring 6/30/17; **Elena Schuck**, 56 Cinderella Terrace, Marstons Mills, as a member with a term expiring 6/30/17; **Fred Schilpp**, 115 Rendezvous Lane, Barnstable, as a member with a term expiring 6/30/17; **Kathy Spirtes**, 244 Santuit Rd, Cotuit, as a member with a term expiring 6/30/17; **Laurie Young**, 142 Great Bay Road, Osterville, as a member with a term expiring 6/30/17.

BOARD OF HEALTH: Donald A. Guadagnoli, MD, 15 Abegale Snow Road, West Barnstable, as a regular member to a term expiring 6/30/19

CULTURAL COUNCIL: Paula J. Hersey, 5 Moss Place, Marstons Mills, as a regular member to a term expiring 6/30/19

VOTE: PASSES UNANIMOUS

2017-002 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 07/21/16, 08/11/2016
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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:

LIBRARY COMMITTEE: Mark Cote, 1745 South County Road, Osterville, as a member with a term expiring 6/30/17; **Suzanne Kelly**, 3941 Route 6A, Barnstable, as a member with a term expiring 6/30/17; **Ed Maddox**, 244 School Street, as a member with a term expiring 6/30/17; **Karen Rezendes**, 121 Great Marsh Road, Centerville, as a member with a term expiring 6/30/17; **Lili Seely**, 33 Candlewick Lane, Hyannis, as a member with a term expiring 6/30/17

VOTE: PASSES UNANIMOUS

2017-003 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$180,000 PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING BLUE HERON DRIVE AND QUAIL ROAD IN OSTERVILLE INTRO: 07/21/16, 08/01/16

Councilor James Crocker recused himself from this item and vote

DPW Director, Dan Santos, gave the rationale and asked to correct a Scribner error to change the above to Quail Road in place of Quail Lane
Open Public Hearing seeing no one close public hearing

Councilor questions and comments:

How long do they have to pay [up to twenty years] Two roads listed at the same time, why [do it by project, if other interested folks nearby, when we bid these out, we get a better figure] assessment is equal on both roads, support this item, this is one of those private roads that is a different category. Is the interest rate competitive; how is that set? [Mark Ells, 2% above market or 4 % whichever is less, follow a state law that sets the criteria, will get back to the Council]

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$180,000** be appropriated for the purpose of making temporary repairs to Blue Heron Drive and Quail Road in Osterville, a private road within the Town of Barnstable, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$180,000** in accordance with Chapter 174 of the Acts of 1994 as amended by Chapter 350 of the Acts of 2014, and that 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 12 YES

2017-007 RESOLVE ACKNOWLEDGEMENT OF GRANT OF TEMPORARY SUPPLEMENTAL WATER SUPPLY CENTERVILLE-OSTERVILLE-MARSTONS MILLS FIRE DISTRICT (COMM) AND THE TOWN OF YARMOUTH AND INTERMUNICIPAL AGREEMENTS INTRO 08/11/2016

Assistant Town Attorney, Dave Houghton gave the rationale; and asked that the record reflect the cost for these supplemental supplies are covered under 2017 DPW Water Supply Enterprise fund budget, Item # 2016-134 and these provisions have a term that will extend through November 30, 2016.

President Rapp Grasseti stated the vote is as written below, and the Clerk will note Counsel Houghton's comments.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council acknowledges with appreciation ongoing supplemental water supplies provided to the Town by the Centerville-Osterville-Marstons Mills Fire District (COMM) and the Town of Yarmouth and approves of the execution and delivery by the Town Manager on behalf of the Town of intermunicipal agreements for those purposes.

VOTE: PASSES UNANIMOUS AS WRITTEN

2017-008 DESIGNATION OF WATER RESOURCES ADVISORY COMMITTEE (WRAC) MEMBERS AS SPECIAL MUNICIPAL EMPLOYEES INTRO: 08/11/16

Upon a motion duly made and seconded it was

ORDERED: That the members of the Water Resources Advisory Committee (WRAC) be designated special municipal employees by inserting the name of that committee in alphabetical order under the designation "(a) multiple member bodies" under Chapter 241 Attachment 1 of the Code of the Town of Barnstable, Designations of Town Officers/Positions As "Special" for Purposes of the Conflict of Interest Law.

VOTE: CONTINUE TO SEPTEMBER 15TH UNANIMOUS

2017-009 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND MARK HYANNIS, LLC INTRO: 08/11/16

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 (the "Code"), to enter into and execute a Regulatory Agreement between the Town of Barnstable and Mark Hyannis, LLC, for the properties addressed 411 and 417 Barnstable Road and 42 Bearnse Road, Hyannis, which collectively total 2.38 acres, shown on Town of Barnstable Assessor's Map 311, as Parcels 33, 35.1 and 35.2, title to which is described in the deeds to Mark Hyannis, LLC, recorded with the Barnstable County Registry of Deeds in Book 29205, Page 26 and Book 29357, Page 210, and in Certificate of Title 208367, as filed with the Barnstable County Registry District of the Land Court (collectively, the "Property"); and permitting the redevelopment of the Property and granting the requested zoning relief and approval under Chapter 115 of the Code pursuant to and as described in this Regulatory Agreement.

VOTE: CONTINUE TO SEPTEMBER 15TH UNANIMOUS

2017-010 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,113,000 FOR THE CONSTRUCTION OF THREE BUILDINGS FOR THE CARBON TREATMENT UNITS AT THE MARY DUNN WELLFIELD INTRO: 08/11/16
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Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,113,000** be appropriated for the purpose of constructing three buildings to enclose the three carbon treatment units at the Mary Dunn wellfield, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow **\$1,113,000**, and that the Town Manager 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: CONTINUE TO SEPTEMBER 15TH UNANIMOUS

Charter Review Committee update and discussion

President Rapp Grassetti stated this committee was formed to look at the Town Charter, and make some recommendations of items that could be changed. Councilor Cullum chaired the committee introduced the members of the committee, and explained the process the committee followed to bring this document forward. Cullum asked for thoughts from the Council members.

Ruth Weil, Town Attorney explained the Charter Amendment Process in detail.

Councilor Tinsley explained the reason for changing the Long Term Financial Forecast from 10 years to 5 years.

Councilor comments: on multiple occasions the Comprehensive Financial Advisory Committee (CFAC) has stated that a ten year forecast is a waste of time.

Town Clerk, Ann Quirk described the Preliminary Election process which is a waste of money. If there is 3 or more people running for one seat, we have to have a preliminary election to narrow the field down to two people in that precinct. If the position is voted on by the entire town, and 3 or more people are running for that seat, the current Charter requires a preliminary election in all 13 precincts, which costs approximately \$30,000.

Councilor Cullum took that a step further to give the committee's reasoning for the change to the number of signatures required for nomination from 25 to 50 in a precinct.

Councilor (W) Crocker explained how the current Charter Objections is written and covered the changes this committee has developed to retain Charter Objections with some limitations. The committee member had extensive discussions about this item.

Councilor Chirigotis described the current charter verbiage regarding time limits. The maximum amount of time on the Council is 12 consecutive years. There was a good deal of discussion on the definition of the term, precinct changes, and consecutive years.

Town Collector Appointed versus Elected

Councilor Cullum stated that the committee used the information gathered from towns of equal size to our own; the majority of municipalities have an appointed town collector. There are rules and regulations that need to be adhered; public would be better served if the Collector came under the wing of the Town Manager.

Councilor Cullum asked for guidance from the Council. Would you like us to move forward?

President Rapp Grasseti thanked the committee, very laborious.

Town Attorney, Ruth Weil explained the process going forward; Collector and Preliminary Elections that would have to be special legislation; special legislation could still be contingent upon a vote of the town. Rapp Grasseti - would these come before the Council and require 2/3rds vote, to then be voted on by the legislature. [Ruth Weil-If it is just special legislation and not the home rule process it is simple majority vote by the Council]

Ballot vote is not necessary is that true [yes].

Appears we should accept the report of the charter change committee, prepared to make a motion.

A motion was duly made and seconded to accept the committee report as presented

Vote: Passes unanimous

President Rapp Grasseti asked Town Attorney Ruth Weil to speak to the need or not of an Executive Session at this time.

Town Attorney, Ruth Weil discussions are ongoing, it would be premature to go into an Executive Session at this time.

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED to adjourn:

Adjourned at 8:40 PM

Respectfully submitted,

Ann M Quirk, CMC
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: September 15, 2016

EXHIBITS:

- A Open Meeting Law Complaint
- B Hyannis Fire District Letter
- C Envirotech Laboratories
- D Envirotech Laboratories