



Town Council Meeting
February 1, 2018



A quorum being duly present, Council President Eric Steinhilber called the February 1, 2018, 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 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: Britt Beedenbender, James Crocker, Jr., Jennifer Cullum, John Flores, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Eric Steinhilber, James Tinsley, Jr., Philip Wallace. **ABSENT:** Debra Dagwan, James Tinsley, Jr.,

The Pledge of Allegiance was led by President Steinhilber followed by a moment of silence for the family of Bill Cronin.

The School Committee came to the dais for the following interviews:
Chris Joyce, Stephanie Ellis, Patrick Murphy, and Mike Judge.

Interview candidates for open seat on the Barnstable School Committee

Three Questions:

1. From a governance, finance and operations perspective what do you see as the strengths and weaknesses of Barnstable Public Schools and how would you impact the school committee decision making process?
2. As a School Committee Member responsible for demonstrating leadership for all students, including both Barnstable Public Schools and our Horace Mann Charter School, what do you believe both have done well and what do you feel needs improvement? In your opinion how do you make a good school system a great school system?
3. Why do you want to be on the School Committee and what quality and attributes will you bring to the position?

- Susanne Conley
- Barbara Dunn
- Edith LaBran

Discussions and comments by the School Committee and the Town Council:

We would be proud to work with each of these candidates; we need a collaborative worker. All of the candidates have a strong background; all are qualified; looking for direction from the vote of the school committee; pleased with the number and quality of the candidates. Enthusiasm is necessary for the job and it requires a lot of work; proud to sit and interview eleven candidates, this position requires a lot of commitment for a volunteer committee; all three rose to the top; three phenomenal candidates.

VOTE: School Committee and the Town Council unanimous for Barbara Dunn

Congratulation to Barbara Dunn

School Committee meeting is adjourned.

PUBLIC COMMENT:

Taryn Thoman read from a statement, regarding the Hyannis Historic District Commission (HHDC), as acting chair, problem with complexity of a new review process, reviewing applicants outside our normal review process. We sought help from various people and have not yet heard back from any of them. Only one meeting with the developer of the Sea Captain's Row; false and misleading statements were made; the demolition of a historical buildings was not approved; no one is accountable for anything you may as well dissolve the Hyannis Historic District Commission

Michelle Scarlet stated she is in support Vineyard Winds; disrupting the shellfish beds would be short term. Give Vineyard Winds a chance; we need to move toward renewable energy.

Seeing none close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT: none

TOWN MANAGER COMMUNICATIONS:

Budget Action Calendar, moving into operating budget
2018 rate hearings schedule
Mass Dept of Fish and Wildlife continuing talks
Dispatch and Operations Services proceeding
Community Compact Grant
Vineyard Wind the wind farm project
Proposed changes to Sandy Neck Park Regulations
Hyannis Main Street Business District Meeting
Changes in the recycling market

Councilor questions and comments:

Are the solid waste rates going to change for next year [we have a healthy reserve right now; if this is a long term change in the market, we will revisit] how many tons do we recycle each year [about three to four thousand tons] regarding Sandy Neck did the advisory board agree to all the changes [yes] who has the responsibility regarding enforcement of the alcohol policy at Sandy Neck [Police department, will enforce, Park staff will educate the public] After seeing the article about beach sand mining in Sandwich; sand that is being lost is sitting off the beach. Is the state easing up on our dredging and beach nourishment? Some areas have been neglected for years especially in precinct 7, hope that we can see some action on the mining to help nourish some of our beaches. People are smart enough to go back to sorting the recycles; can we launch an education

program; to save us money and resources; does our solid waste hauler prohibit a blended mix; [no more than 20 %, state regulators are working with us]

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the January 18, 2018 meeting.

VOTE: PASSES 10 YES, ONE ABSTENTION (NEARY)

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

Meeting of Selectmen and Councilors, encourage attendance;
Keep the family of Bill Cronin in your thoughts and prayers
Asset Management Committee meeting;
Nominations are open for the Mercy Otis Warren
Keep the family of Ralph Chesnauskas in your thoughts and prayers.

Jump to 2018-062

2018-062 RESOLVE AUTHORIZING THE TOWN MANAGER TO SUBMIT DOWNTOWN HYANNIS GROWTH INCENTIVE ZONE APPLICATION TO THE CAPE COD COMMISSION INTRO: 02/01/18
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Planning board meeting opened to public by Chair, Mary Barry, who introduced the members David Munsell, Jeffrey Schwartz, and Paul Curly.

Elizabeth Jenkins, Director of Planning and Development, utilized a Power Point presentation to explain the Growth Incentive Zone (GIZ), what it encompasses today and the proposed changes. In 2006, the inception of (GIZ) allowed Barnstable to make its own decisions within the zone without the Cape Cod Commission. It was a shift in responsibility and control to the Town of Barnstable.

Councilor questions and comments

Before we going to a public hearing, clarify for us; are there any formal proposals for that piece of property; [no, applications or permits on file] the GIZ doesn't change the zoning at all [correct] that parcel is already in the GIZ [yes a portion of the property; [yes a small portion], [the parcel is already in a Regulatory Agreement which is completely separate]

President Steinhilber set the ground rules for the public hearing, sticking to the item at hand, not the time tonight to discuss any proposals for this site. Stay on the item on the agenda.

Public comment:

John Kenney the additional property is currently zoned predominately for one acre residential properties; has acres of marsh area and the only piece that could be developed is a 28 acre parcel. His hope is that a positive vote for the GIZ.

Gerald Garnick declared that Hyannis is alive all year round, Hyannis is the hub of the Cape, need this parcel to fulfill the vision; asked the Council to endorse the GIZ

Eliza Cox is in favor of extending the boundaries of 35 Scudder Avenue to the GIZ. If the

GIZ is extended, this will provide the town with maximum control. Hope you will vote to include this parcel in the GIZ

Lou Gonzaga (Exhibit A) opposes the addition of the parcel of 35 Scudder Ave., to the GIZ. Look at the area of the GIZ as it is today, you can't keep businesses here. Don't allow the GIZ to go forward, keep that parcel to go through the Cape Cod Commission

Lynn Conroy we have seen the results of what has happened to Stewart's Creek; the shellfish beds have been closed due to pollution. We need to take care of the existing marshland, don't allow this parcel in the GIZ.

Jean Walsh had no notification from the Town of Barnstable that changes are coming to her neighborhood. Currently Walsh is attending college and is working on a thesis, in environmental science. You are changing our ecological footprint.

Felecia Penn (Exhibit B) what infrastructure does this parcel possess to qualify it for inclusion in the GIZ? Penn is in favor of the GIZ renewal; but stressed this additional property should not be included. This additional property is a sensitive resource area; vote for the GIZ as is, with the original boundaries.

Todd Deluca President and CEO of the Chamber of Commerce, board is enthusiastically in support of the GIZ as presented, seems to be plenty of oversight in place.

Elizabeth Wurfbain, is supporting the GIZ, we need a strategic effort for the downtown Hyannis area, we all know what needs to be done. Total trust in the Cape Cod Commission and Elizabeth Jenkins

John Allen of JFK Museum, adding his support of the GIZ, the expansion makes sense to make Hyannis a more vital place. Totally support the expansion of the GIZ.

Ed O'Toole asked the Town Council and the Planning Board not to vote for the GIZ expansion. Any proposal should be able to surpass the thresholds of the Cape Cod Commission, by voting to extend, we are being shortsighted.

Esther Kattef of the Stewarts Creek area, why would the town choose to encroach on the neighborhoods; why not improve existing available business space; what if this were in your neighborhood; eliminating open space.

Jan Rapp suggested that no one has pointed out that the only change in the two maps is the additional parcel. Main Street has quite a bit of blight, why would we want to add to that? Main Street has great transportation and walkability, you should put houses there.

Felisberto Barreiro (Alberto's Restaurant) we need to think about jobs for the people who live here; employees who live here need jobs, so they can afford to stay here. Pass this item, don't make it wait for years, anything that develops jobs, will help keep people in Hyannis. Let's do it for the year round community.

Close public hearing for the Planning Board, and the Town Council.

The Planning Board unanimously voted to continue this item to the Planning Board Meeting on February 12th.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council, pursuant to Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19 and 14-05, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application, hereby proposes the area shown on the map entitled 2018 Downtown Hyannis Growth Incentive Zone, dated January 25, 2018 as a Growth Incentive Zone to the Cape Cod Commission through the Barnstable Town Manager, and further move that the Growth Incentive Zone Application, dated January 25, 2018, as it may be supplemented from time to time, be submitted to the Cape Cod Commission.

VOTE: Continue to the Feb 15th meeting unanimous.

2018-054 ORDER TO AMEND CHAPTER 168 REGULATORY AGREEMENT DISTRICTS MAP TO INCLUDE MAP 311 PARCEL 092 INTRO: 01/18/2018, 02/01/18

Elizabeth Jenkins, Director of Planning and Development gave a quick overview of the Capetown Plaza working with the Airport for future development rights, to promote the highest and best use of this property.

Open to a public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

ORDERED:

Section 1

By amending the map entitled "Regulatory Agreement Districts" dated December 28, 2011 by replacing the map with the map entitled "Regulatory Agreement Districts Map" dated January 2, 2018 as prepared by the GIS Unit. The Regulatory Agreement Districts Map dated January 2, 2018 adds the property at Map 311, Parcel 092 to the Regulatory Agreement Districts.

Section 2

Section 168-1 "Purpose and intent; legislative authority; boundary; single-family residence exception" introductory paragraph be amended by replacing the words "attached map, dated December 28, 2011, entitled "Regulatory Agreement Districts" with the words "Regulatory Agreement Districts Map dated January 2, 2018."

Section 3

Section 168-1 B be amended by replacing the words "Regulatory Agreement Districts Map dated December 28, 2011" with the words "Regulatory Agreement Districts Map dated January 2, 2018."

VOTE: PASSES UNANIMOUS

2018-058 AMENDMENT TO §241-17 OF THE ADMINISTRATIVE CODE- HOUSING COMMITTEE INTRO: 01/18/18, 02/01/18

Arden Cadrin Housing Coordinator for Housing and Development, the committee members are requesting this change due to the difficulty of obtaining a quorum. The committee acts as the local partnership,

Councilor questions and comments:

Some concerns about the elimination of the wording of fair housing policy. [Federal Fair

Housing program and Barnstable County Human Rights is in place] The original intent was to make sure we have done fair housing, [in my several years here I have never received a complaint for discrimination]. HUD has a clear statement of housing rules; this committee is only advisory in nature.

A motion to amend to remove in section Interrelationships (1) the “annually, or more frequently as is necessary, with” to add the word “and” between Town Council and the word “to” was duly seconded

VOTE on amendment: PASSES Unanimous

Upon a motion duly made and seconded it was

ORDERED: That §241-17 be amended as follows:

Section 1

By striking §241-17A Term of Office in its entirety and by substituting in place thereof the following:

A. Term of office. There shall be a Housing Committee, composed of five regular members, plus two alternate members. The alternate members shall have voting rights at meetings if there is an absence of a regular member or members. The regular and alternate members may include, but shall not be limited to, individuals who fall into any of the following categories or affiliations: banking industry, real estate, industry, housing authority, minority groups, single head of household, private developers, nonprofit civic groups and tenants' associations.

Section 2

By adding at the end of the first sentence of §241-17B Authorities and Responsibility the phrase “and functions as the Town’s local housing partnership for the Commonwealth’s Local Initiative Program.”

By striking in its entirety the second sentence of §241-17B

By striking in the third sentence of §241-17B the phrase “for subsidized housing” and by inserting §§20-23 after the phrase “MGL Chapter 40B”

Section 3

By striking out subparagraphs 1 and 2 of §241-17C Interrelationships in their entirety and by substituting in place thereof the following:

C.
Interrelationships

(1)

Town Council: The Housing Committee interacts with the Town Council to provide advice to the Council regarding policies and programs aimed at increasing the Town’s supply of a diverse housing stock to meet the documented housing needs of its residents and meeting its requirements under MGL Chapter 40B §§20-23, The Committee meets annually, or more frequently as is necessary, with the Town Council to apprise the Town Council of issues pertaining to affordable housing and to discuss policies to effectuate fair and

affordable housing in the Town.

Editor's Note: See Ch. 9, Affordable Housing.

(2)

Town Manager: The Housing Committee interacts with the Manager to provide advice regarding policies and program aimed at meeting its requirements under MGL Chapter 40B §§20-23 and for increasing the Town's supply of a diverse housing stock to meet the documented housing needs of its residents. The Manager provides staff support to the Committee through the Planning and Development Department, and other appropriate staff.

So that §241-17 as amended shall read as follows:

“§ 241-17. Housing Committee.

A.

Term of office: There shall be a Housing Committee, composed of five regular members, plus two alternate members. The alternate members shall have voting rights at meetings if there is an absence of a regular member or members. The regular and alternate members may include, but shall not be limited to, individuals who fall into any of the following categories or affiliations: banking industry, real estate, industry, housing authority, minority groups, single head of household, private developers, nonprofit civic groups and tenants' associations.

B.

Authorities and responsibilities. The Housing Committee facilitates the coordination of the factors that affect equal access to housing and issues relating to the development of affordable housing and functions as the Town's local housing partnership for the Commonwealth's Local Initiative Program.. The Committee also provides advice to the Town Council regarding the Town's policies and programs for meeting its requirements under MGL Chapter 40B §§20-23. The Housing Committee is an advisory committee of the Town.

C.

Interrelationships.

(1)

Town Council: The Housing Committee interacts with the Town Council to provide advice to the Council regarding policies and programs aimed at increasing the Town's supply of a diverse housing stock to meet the documented housing needs of its residents and meeting its requirements under MGL Chapter 40B §§20-23, **The Committee meets with the Town Council and to apprise the Town Council** of issues pertaining to affordable housing and to discuss policies to effectuate fair and affordable housing in the Town.

Editor's Note: See Ch. 9, Affordable Housing.

(2)

Town Manager: The Housing Committee interacts with the Manager to provide advice regarding policies and program aimed at meeting its requirements under MGL Chapter 40B §§20-23 and for increasing the Town's supply of a diverse housing stock to meet the documented housing needs of its residents. The Manager provides staff support to the Committee through the Planning and Development Department, and other appropriate staff.

(3)

Other boards: The Housing Committee meets as necessary with the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical

Commission, Old King's Highway Historic District Committee, and the Housing Authority, to ensure compliance with the fair and affordable housing policies of the Town.”

VOTE: PASSES UNANIMOUS As Amended

2018-060	APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION
INTRO: 01/18/18, 02/01/18	

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Old Kings Highway Historic District Commission:** Polly Brazelton, Barnstable, as an alternate member to a term expiring 06/30/18; **Shellfish Committee:** Patricia Farinha, Hyannis, as a regular member holding a family permit to a term expiring 06/30/20; **Water Quality Advisory Committee:** Barry Gallus, Cotuit, as a regular member to a term expiring 06/30/18; **Zoning Board of Appeals:** Kyle Evancoe, Barnstable, as an associate member to a term expiring 06/30/18.
VOTE: PASSES UNANIMOUS

2018-059A	A RATIFICATION OF A VOTE APPROVING THE HOUSING DEVELOPMENT ZONE AND ZONE PLAN FOR SUBMISSION TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
INTRO: 02/01/18	

Elizabeth Jenkins Director of Planning and Development to clarify the issues under housing development incentive program; (HDIP), two tax incentives; (TIF); and funded tax credits. Not mutually exclusive; developer has to come before the council for the tax relief.

Councilor questions and comments

Who has the responsibility to certify project [multi step process, preliminary by DHCD, local tax (TIF) one of the options would be the adoption of guidelines] need specific rules and regulations so everyone is treated equally. What is the process to develop the guidelines, will the Town Council be part of the guidelines. [guidelines would be set by the Council] Once approved, developers can go ahead; timing is the concern; when will the process be in place; how do we make those determinations [does allow for immediate negotiation, but we have local control] if an applicant comes to us; and if the development doesn't work out, is there an appeal process? [this is a local program, there is no appeal to DHCD, it is the control of the Town Council] if not acceptable, it goes no further, [there is no appeal to the state] the 10% is only on the new growth dollars [yes] it doesn't have to always be new construction [it does allow for the rehabilitation of existing property] how will we advertise [through, public hearing and using our outreach forums]

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby ratifies the vote taken on January 18, 2018, approving the Downtown Hyannis Housing Development (HD) Zone and HD Zone Plan for the Town of Barnstable, authorizing the Town Manager to forward said HD Zone and HD Zone Plan for certification to the Massachusetts Department of Housing and Community Development (DHCD) for its approval and endorsement and acknowledging that the Town will be authorized to negotiate tax increment exemptions from property taxes in the designated HD Zone for a period not to exceed twenty (20) years for projects that meet the guidelines set forth under M.G. L. Chapter 40V and the regulations set forth in 760 CMR 66.00.

VOTE: PASSES 10 YES, 1 ABSTENTION (SCHNEPP)

2018-061 AUTHORIZATION TO ACCEPT AND EXPEND A GRANT IN THE AMOUNT OF \$124,596 TO THE BARNSTABLE SENIOR SERVICES DIVISION FROM THE EXECUTIVE OFFICE OF ELDER AFFAIRS TO SUPPORT STAFF SALARIES AND PROGRAMS OF THE BARNSTABLE SENIOR CENTER intro: 02/01/18

Community Services Director, Lynne Poyant gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a grant in the amount of **\$124,596** from the Executive Office of Elder Affairs and authorizes the Director of Senior Services to expend the grant to support staff salaries and programs of the Barnstable Senior Center.

VOTE: PASSES UNANIMOUS

Upon a motion duly made and seconded it was to vote to go into Executive Session under G.L.c. 30A §21 (a) (2), to conduct a strategy session in preparation for contract negotiations with a nonunion employee Mark Ells, not to reconvene in open session.

VOTE: Roll Call unanimous

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 10:27 PM

Respectfully submitted,

Ann M Quirk, CMC/CMMC
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: February 15, 2018

Exhibits:

- A. Lou Gonzaga – GIZ Boundary
- B. Felicia Penn – GIZ Boundary