



Town Council Meeting
November 3, 2016



A quorum being duly present, Council President Jessica Rapp Grassetto called the November 3, 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 President Rapp Grassetto 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. (7:40), William Crocker, Jr., Jennifer Cullum, Sara Cushing, Debra Dagwan, John Flores, Jessica Rapp Grassetto, Paul Hebert (7:03), John Norman, Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

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

PUBLIC COMMENT:

Jim Burnham would like to see the shooting range wrapped up

Robert Spaulding asked the Council to think about the conservation land; listen to the concerns of the people who would be affected by the opening of the gun range.

Winston Stratton feels it is not a good idea to reopen the shooting range

Judy Desrochers read a letter in opposition to opening the gun range (Exhibit B)

Zak Farkes spoke on behalf of the Cotuit Water Department, looking for Councilor support on a solar project and zoning map amendments

Meg Loughran read from a document listing the pro and cons for opening a shooting range (Exhibit A)

Bruce Blackman urging Councilors to support the land swap; the shooting range would promote fire arm safety; please support

Dan McMillan we have many places to enjoy the flora and fauna; we need an avenue for shooting; a lot of us depend on this happening.

Alex Bally spoke against the shooting range, the conservation area is for serene winding trails, urged Council to vote no.

Mark Cohen public range has been enjoyed for about 60 years; please do the right thing

tonight and vote yes for the land swap

Brian Wallace keep the range open; society has changed significantly; keep the range open for those who want to use it

Charles Coleman used the range for many years, very important to note that over a billion dollars is generated by people who are fish and wildlife enthusiasts

Steve Karras member of the range before it was closed, please vote for the range to reopen

Nancy Spaulding it is time to vote no or remove the items from the Town Council agenda. She asked the Town Council to take a step back.

Charlie Lewis representing two clubs, endorses the land swap and reopening the range

Andre Cormier wants the police force to have training in the shooting range; that noise to me is the sound of freedom

Tom Allard there are non lead bullets that are available; and ways to muffle or suppress the noise of the guns; the police need the range.

Andrew Goddard asking for a continuation of the shooting range that has been used for years; vitally important to have a place to train

Frank Santos has used the range since 1968-69. Lead does not leach; the noise of the range is contained by berms and the trees. Most important that we bring young children to the range to teach them safely; support the range.

Ryan Smith we need a range that allows shotgun practice, for those sportsmen that hunt ducks, etc. If the range doesn't open up people will be shooting on their property

Lisa Hendrickson opposed to the shooting range land swap; how is building a new range a rational decision? Stop funding this money pit.

Warren Rutherford supporting the Shooting Range, Muddy Pond to Crocker Pond; and the tax levy.

Jennifer Bright speaking about Piney Path off of Osterville West Barnstable Road has a dangerous intersection due to a visibility issue on the road, this is not rocket science, this is a safety issue. We are asking for three feet; a retaining wall to open up the visibility

Melissa Stanpole said we have to stand in the road to allow our children safe passage to the school bus

Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

Councilor Hebert-Keep up your fight maybe a stop sign would help at that intersection; we are the only municipality that owns a shooting range; will vote no on the land swap; but must also consider the best interest of our tow; would love to see a referendum.

Councilor Cullum-Support the eventual opening of the range and the land swap; want our police to have a place to train; regarding that dangerous curve, keep coming in to see us; Councilor Cushing travel that road you are speaking about; will work on an opportunity to move the bus stop.

Councilor Wallace-regarding the dangerous curve he will set up a meeting between the Town Manger and the DPW.

Councilor Dagwan- when this first came up, the information that having a shooting range for Police training was not clear; do not want to see the town opening up a shooting range; more important things we need to handle; conservation land is donated for a reason we must honor that, not in favor of a land swap.

Councilor Norman stay away from town expenditures based on how many it is going to benefit; Cotuit Water Department, will be in touch for sponsorship

President Rapp Grassetti as the Representative for Precinct 7, will sponsor the Cotuit Water Department's solar project.

Councilor Wallace the shooting range was built without permits; host of problems; plenty of places to shoot; if we open this range the wildlife will go away and the people will go away; close this thing down and we will save a million and a half dollars

Councilor Hebert how many acres of trees will be cut down to support the Cotuit Water Department's solar project?

TOWN MANAGER COMMUNICATIONS:

Mark Ells, Town Manager gave a summary of his items:

Communication with Representative Keating's office

Mass Fish and Wildlife Commissioner

Housing production plan is complete

Armory proposal

Interconnect water supply with Yarmouth

CVEC asked we consider a two year adder

Municipal employees working together on the drug crisis

Improvements to the East End of Main Street

Shellfish rules and regulations

Working with the County on water supply issues

Councilor Comments and Questions:

Relief for our shell fisherman lost 3 weeks of income; housing production plan did we receive a thorough presentation; [yes] bid process done on designer services; [yes] update on redesign of Barnstable Village; Shellfish rules and regulations brought before the Council; [public hearing] housing plan presentation, do not remember the substantive info, would like to see that; if this production plan goes forward what does that mean/timeline? [It shows the direction of the TOB, to partner with the state; issues have come up, we should address them and modify them] Zoning changes to address housing; is there anything that holds us to a plan [not aware of that, will go back and look at that for impact] Housing plan still need some more information [the information is on the Growth Management website] Town of Yarmouth interconnection are we renegotiating price [yes, discussing the rates with the acting Town Manager]

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the October 20, 2016 meeting.

VOTE: PASSES UNANIMOUS

COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements: A report was read from the Water Resource Advisory Group gave two recommendations and was read into the record. In Worcester, at the Preservation Massachusetts indicated Hyannis is one of the most endangered historic sites; Dog Park meeting; Vigil held on the Town Green; Open Streets, showing the commonality we all have; award breakfast for the achievers program; Jonathan Thompson was featured on Chronicle; Hyannis Open Streets was a success; working on the parking lot issue at Joshua’s Pond; last day of early voting is November 4th from 8:30 to 4:30.

Acceptance of the Town Council 2017-2018 Strategic Plan

A motion was made and duly seconded to accept the Town Council 2017-2018 Strategic Plan.

Discussion: We need specific dates and timelines for our strategic plan; annual evaluation with our Town Manager can flush the timelines out.

VOTE: Passes 12 Yes, 1 No (Flores)

Reorder to 2017-029

2017-029 APPROVAL OF THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF THREE PARCELS OF LAND, NAMELY A ±27 ACRE PORTION OF TRACT 1 OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS’ MAP 86 AS PARCEL 1, A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001, AND A ± 10 ACRE PARCEL SHOWN ON ASSESSORS’ MAP 147 AS PARCEL 006 INTRO: 11/03/16

Town Manager Mark Ells gave the rationale (Exhibit C).

Councilor questions and comments: Speak to the concerns of the Councilors, as the intent of the people that gave the land up; importance of moving the conservation restriction to another parcel [we need to find land of equal environmental value, upland area, vernal pools on it, makes it something we need to preserve] lands that help us protect our flora and fauna on these pristine parcels, we need to do the land swap and move forward. 10 acre parcel that we are offering, how much did we pay for it? [will go back and look at it] “ConCom” took over the shooting range in what year? Do we know when that happened [no] The timeline clean up, who would make that determination [after we do the site assessment and consent order] Not opening the range today, need to discuss the restrictions to make this a good MOA. [Ruth Weil, Town Attorney, several components taking place, removal of the current municipal use to conservation use; discharge and release, as soon as legislation is passed]

Upon motion that was duly made and seconded it was

ORDERED:

SECTION 1: That, having received notice that the Barnstable Conservation Commission determined that the following parcel of land is no longer needed for the purposes set forth in Section 8C of Chapter 40 of the General Laws of Massachusetts, the care, custody, management and control of said parcel be transferred to the Town Manager to be held for general municipal purposes, namely a 27 acre, more or less, portion of Tract 1 of the West Barnstable Conservation area having a street address of 875 Service Road, West Barnstable, MA shown on Assessors’ Map 86 as Parcel 1 taken by eminent domain pursuant to Chapter 79 for purposes of said Section 8C by order dated December 21, 1978 and recorded in the Barnstable County Registry of Deeds Book 2846, Page 129,

which said 27 acres are further described on plan entitled "Plan of Land in Barnstable (West Barnstable) MA" prepared for the Town of Barnstable by: The Town of Barnstable Department of Public Works Survey Division, Date: October 7, 2016 Scale: 1" = 100'" on file with the Town Clerk.

SECTION 2: That, having received notice that the Town Manager determined that the following two parcels of land containing 27 acres, more or less, are no longer needed for general municipal purposes, the care, custody, management and control of said parcels be transferred to the Barnstable Conservation Commission to be held for the purposes set forth in Section 8C of Chapter 40 of the General Laws of Massachusetts; namely the land having a street address of 145 Breed's Hill Road, Hyannis, MA shown on Assessors' Map 314 as Parcel 027001 acquired by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300; and the land having a street address of 0 Nye Road, Centerville, MA shown on Assessors' Map 147 as Parcel 006 acquired by final Judgment in tax lien Case No. 88489 TL dated November 19, 1991 and recorded in said Registry in Book 7786, Page 300.

SECTION 3: That the aforesaid transfers take effect upon recording of an instrument or instruments together with the release of the aforesaid ±27 acres from the oversight of the Self-Help Program under the Executive Office of Environmental Affairs, Division of Conservation Services by the Town Manager in the Barnstable County Registry of Deeds following the effective date of legislation enacted by the General Court approving the transfer under Section 1.

VOTE: Roll Call Passes 10 YES, 3 NO (Dagwan, Hebert, Wallace)

2017-030 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF THREE PARCELS OF LAND, NAMELY A ±27 ACRE PORTION OF TRACT 1 OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS' MAP 86 AS PARCEL 1, A ±17 ACRE PARCEL SHOWN ON ASSESSORS' MAP 314 AS PARCEL 027001 AND 10 ACRE PARCEL SHOWN ON ASSESSORS' MAP 147 AS PARCEL 006
INTRO: 11/03/16

Upon motion that was duly made and seconded it was

ORDERED: That the Town Manager submits a petition to the General Court of the Commonwealth for a special act approving the change in care, custody, management, control and purpose of three parcels of land in the Town as follows.

"AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO TRANSFER THREE PARCELS OF LAND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: The Conservation Commission of the Town of Barnstable shall transfer the care, custody, management and control to the Town Manager for general municipal purposes of a certain 27 acre portion, more or less, of a larger parcel of land identified on Assessors' Map 314 as Parcel 027001, which was acquired by the town and held by the Conservation Commission for conservation purposes pursuant to Section 8 "C" of Chapter 40 of the General Laws and has been declared by the Conservation

Commission to no longer be appropriate to be held by the Conservation Commission for such purposes. Upon the transfer as provided in Section 4 the Town of Barnstable shall be authorized to use the 27 acres, more or less, for general municipal purposes. The 27 acres, more or less, declared surplus in order to be transferred as provided in this Section 1 are also shown on a plan entitled "Plan of Land in Barnstable (West Barnstable) MA" prepared for the Town of Barnstable by: the Town of Barnstable Department of Public Works, Survey Division, dated: October 7, 2016 Scale: 1" = 100' on file in the office of the Town Clerk.

SECTION 2: To ensure a no net loss of lands protected for conservation purposes under Section 1, the Town Manager of the Town of Barnstable shall transfer the care, custody, management and control to the Conservation Commission for conservation purposes pursuant to Section 8 "C" of Chapter 40 of the General Laws of two parcels of land. The first parcel is identified on Assessors' Map 314 as Parcel 027001, which was acquired by the Town and held for general municipal purposes and has been declared by the Town Manager to no longer be appropriate to be held by the Town Manager for such purposes. This parcel contains wetland, upland and other significant natural features as well as potential for passive recreational use and is bounded on the Southeast by public water supply land. The second parcel identified on Map 147 as Parcel 006 was also acquired by the Town and held for general municipal purposes and has been declared by the Town Manager to no longer be appropriate for these purposes and none appropriate for conservation since it abuts conservation land and has substantial border on Lumbert Pond. Upon the transfer as provided in Section 3 the parcel described herein shall be preserved as conservation land in accordance with said Section 8 "C". The 27 acres, more or less, declared surplus in order to be transferred as provided in this Section 2 are further described as Lot 1 on plan of land recorded in the Barnstable County Registry of Deeds in Plan Book 2846, Page 129.

SECTION 3: The Town Manager shall not submit the aforesaid petition to the General Court of the Commonwealth for a special act approving the change in care, custody, management, control and purpose of three parcels of land in the Town until such time that the Town receives any required determinations from Secretary of Energy and Environmental Affairs under the Massachusetts Environmental Policy Act (M.G.L. Chapter. 30 §61-62I) and that a Memorandum of Understanding is executed between the Executive Office of Energy (EEA) and the Town of Barnstable relating to the aforesaid transfers.

SECTION 4: The Town Manager may execute and record any instruments necessary on behalf of the Town to effectuate the transfers under Sections 1 and 2 following passage of this act.

SECTION 5: This act shall take effect upon its passage.

VOTE: PASSES 11 YES, 2 NO (Dagwan, Wallace)

Reorder to 2015-005

<p>2015-005 APPROVAL OF THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS' MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS' MAP 314 AS PARCEL 027001 INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15, 01/21/16, 07/21/16, 11/03/16</p>
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A motion was made and seconded to withdraw this item

VOTE: Passes Unanimous to withdraw

2015-006 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS' MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS' MAP 314 AS PARCEL 027001 INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15, 01/21/16, 07/21/16, 11/03/16

A motion was made and seconded to withdraw this item

VOTE: Passes Unanimous to withdraw

2017-026 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 10/20/16, 11/03/16

Upon motion that was duly made and seconded it was

RESOLVED: That the Town Council appoint the following individuals to a multiple-member board/committee/commission: Board of Governors of the Steamship Authority: Robert R. Jones, as a representative member of Barnstable, to a term expiring 12/17. Library Committee: Margaret Sutphin, 44 Fox Run, Centerville, as a member to a term expiring 6/30/17. Planning Board: Steven Costello, 255 Scudder Road, Osterville as a regular member to a term expiring 6/30/18.

VOTE: PASSES UNANIMOUS

2017-028 RESOLVE TO RENAME MUDDY POND, (A GREAT POND) TO CROCKER POND WITHIN THE TOWN OF BARNSTABLE AND THAT SAID RESOLUTION SHALL BE FORWARDED TO STATE REPRESENTATIVE RANDY HUNT, FIFTH BARNSTABLE DISTRICT, FOR PRESENTATION TO THE MASSACHUSETTS LEGISLATURE AT ITS JANUARY 2017 SESSION INTRO: 11/03/16

Upon motion that was duly made and seconded it was

RESOLVED, That based on the support of the Barnstable Historical Commission, the Marstons Mills Historical Society and the Marstons Mills Village Association, the Town Council hereby affirms that it has no opposition to the request put forward by the Homestead Resident's Association to change the name of Muddy Pond to Crocker Pond.

VOTE: PASSES UNANIMOUS

2017-031 ALLOCATION OF TAX LEVY FISCAL YEAR 2017 – TAX FACTOR INTRO: 11/03/2016

Rationale given by Finance Director, Mark Milne and Assessing Director, Jeff Rudziak using a power point presentation

Upon motion that was duly made and seconded it was

RESOLVED, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the Fiscal Year 2017.

VOTE: refer public hearing 11/17/16

2017-032 ALLOCATION OF TAX LEVY FY17 – RESIDENTIAL EXEMPTION INTRO: 11/03/2016

Upon motion that was duly made and seconded it was
RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption at the percentage of 20% for fiscal year 2017.
VOTE: refer public hearing 11/17/16

2017-033 AUTHORIZATION OF CONTRACT FOR MANAGEMENT OVERSIGHT OF LAND MANAGEMENT ACTIVITIES AT THE CONANT PROPERTY, ALSO KNOWN AS MEETING HOUSE FARM, IN EXCESS OF THREE YEARS INTRO: 11/03/2016

Rationale given by David Anthony, Director of Property and Risk Management

Upon motion that was duly made and seconded it was
RESOLVED: That the Town Council authorizes the Town Manager to solicit and award a contract for Management Oversight of land management activities at the Conant Property located in West Barnstable for a term of up to ten years, including any renewals or extensions, beginning January 1, 2017.
VOTE: passes unanimous

2017-034 APPROPRIATION ORDER IN THE AMOUNT OF \$1,435,000 FOR THE WATER ENTERPRISE FUND FISCAL YEAR 2017 OPERATING BUDGET INTRO: 11/03/2016

Upon motion that was duly made and seconded it was
ORDERED: That the sum of \$1,435,000 be appropriated and added to the sum of \$5,270,312 under Town Council order 2016-134 for the purpose of funding the Fiscal Year 2017 Water Enterprise Fund operating budget, and that to fund this appropriation that the sum of \$1,435,000 be transferred from the Water Enterprise Fund reserves
VOTE: refer public hearing 11/17/16

ADJOURNMENT:

Upon a motion duly made and seconded it was
VOTED to adjourn:

Adjourned at 10:00 PM
Respectfully submitted,

Ann M Quirk, CMC/CMMC
Town Clerk

NEXT REGULAR MEETING: November 17, 2016

EXHIBITS:

- A Meg Loughran-Pros and Cons
- B Letter from Judy Desrochers
- C West Barnstable Shooting Range Power Point