



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601

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MEETING AGENDA TOWN HALL HEARING ROOM December 17, 2015 7:00 PM

Councillors:

Jessica Rapp Grassetti
President
Precinct 7

Vacant
Vice President

John G. Flores
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

James H. Crocker
Precinct 5

William Crocker, Jr.
Precinct 6

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator to the
Town Council:

Cynthia A. Lovell

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

- **Members of the “Do Re Females” under the direction of Nhung Truong, Sturgis Charter Public School**

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

7. ACT ON MINUTES (Including Executive Session)

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

9. ORDERS OF THE DAY

A. Old Business

B. New Business

- **Town Council Election of Officers**

- **The Town Council may vote to go into Executive Session under G.L. c. 30A §21(a)(3), to discuss strategy with respect to the lawsuit pending in Barnstable Superior Court captioned Aids Support Group of Cape Cod Inc. v. Town of Barnstable, et al. if the President declares that an open meeting may have a detrimental effect on the litigating position of the Town**

10. ADJOURNMENT

NEXT REGULAR MEETING: January 07, 2016

ITEM NO.	INDEX TITLE	PAGE
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A. OLD BUSINESS

2016-053	Resolve approving a conservation restriction on land containing approximately 2.11 acres more or less at 230 Old Colony Road, Hyannis, map 325, parcel 33, to be purchased by the town with Community Preservation funding (May be acted upon)	3-4
2016-059	Amending the Administrative Code, Chapter 241, Article III, Multiple Member Appointive Organizations Chapter §241-39A, Youth Commission (May be acted upon)	5-6

B. NEW BUSINESS

2016-060	Resolve making Arthur J. Balian a special employee to be able to be awarded a boat slip at the Marina at Prince Cove while doing his seasonal job as a Dock master/ Assistant Harbormaster (May be acted upon)	7-8
2016-061	Authorize the establishment of a gift account for the Cotuit Civic Association (May be acted upon)	9-10

Approve Minutes – December 3, 2015

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2016-053
INTRO: 12/03/15, 12/17/15**

2016-053 RESOLVE APPROVING A CONSERVATION RESTRICTION ON LAND CONTAINING APPROXIMATELY 2.11 ACRES MORE OR LESS AT 230 OLD COLONY ROAD, HYANNIS, MAP 325, PARCEL 33, TO BE PURCHASED BY THE TOWN WITH COMMUNITY PRESERVATION FUNDING

RESOLVED: That the Town Council approves the grant of a conservation restriction to the Barnstable Land Trust as recommended by the Land Acquisition and Preservation Committee on a parcel of vacant land to be purchased by the Town totaling approximately 2.11 acres more or less, with an address of 230 Old Colony Road, Hyannis shown on Assessors Map 325 as Parcel 33 for and in consideration of satisfaction of the requirements of the Community Preservation Act, G.L. c 44B § 12(a); and that the Town Manager is authorized to execute, deliver and record any written instruments necessary for this purpose.

SPONSOR: Councilor Jennifer Cullum

DATE	ACTION TAKEN
<u>12/03/15</u>	<u>First reading</u>
_____	_____

BARNSTABLE TOWN COUNCIL

ITEM # 2016-053
INTRO: 12/03/15, 12/17/15

SUMMARY

TO: Town Council
FROM: Lindsey Counsell, Chair, Community Preservation Committee
SUBJECT: Approval of a conservation restriction to the Barnstable Land Trust on a parcel of vacant land totaling approximately 2.11 acres more or less, with an address of 230 Old Colony Road, Hyannis
DATE: December 3, 2015

BACKGROUND: Since the 2012 Community Preservation Act amendments, conservation restrictions are required to be recorded in separate instruments held by third parties on open space and recreational land acquired with Community Preservation Act funds.

STAFF ASSISTANCE: David Houghton, First Assistant Town Attorney

VOLUNTEER ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2016-059
INTRO: 12/03/15, 12/17/15**

**2016-059 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III
MULTIPLE MEMBER APPOINTIVE ORGANIZATIONS, CHAPTER §241-39A
YOUTH COMMISSION**

ORDERED: That the General Ordinances of the Code of the Town of Barnstable, Chapter §241-39A, Youth Commission, be amended as follows:

Section A: That § 241-39A be amended as follows:

By striking out the number eleven (11) in the first sentence and by substituting in its place the number fifteen (15).

By striking out the number nine (9) in the first sentence and by substituting in its place the number thirteen (13).

By adding after the first sentence the following new sentence: “Notwithstanding anything to the contrary in § 241-8J, as long as a member is enrolled as a full-time student at a school located within the Town, s/he does not have to be a resident of the Town.”

So that § 241-39A as revised shall read as follows:

A. Composition; Term of Office. There shall be a Youth Commission consisting of fifteen members, thirteen of whom will be between the ages of 13 and 19. These thirteen members shall serve for a one-year term and may be reappointed as long as they continue to qualify, and they will be the only voting members. Notwithstanding anything to the contrary in § 241-8J, as long as a member is enrolled as a full-time student at a school located within the Town, s/he does not have to be a resident of the Town. Two members shall be adults and will serve for three-year terms, overlapping, as determined by the Appointments Committee. The two adult members will be nonvoting members and serve in an advisory capacity. All members appointed shall provide for a balanced and diverse representation of the community's interests and concerns. One member of the Youth Commission shall serve as a liaison to the Town Council, reporting either in person or in writing, as they are able.”

SPONSOR: Councilor Jennifer Cullum

DATE	ACTION TAKEN
<u>12/03/15</u>	<u>First reading</u>
_____	_____

- Read item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Move/Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM #: 2016-059

INTRO: 12/03/2015, 12/17/15

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Brendan W. Clark, Chair, Youth Commission
DATE: December 3, 2015
SUBJECT: Amending the Administrative Code, Chapter 241, Article III Multiple Member Appointive Organizations, Chapter §241-39A, Youth Commission

BACKGROUND: The Barnstable Youth Commission is a multi-member appointed Commission under the purview of the Barnstable Town Council. The Commission is responsible for reviewing youth-related concerns and taking action upon such concerns as necessary. The Commission is also responsible for the conveyance of youth related concerns to the Town Council. Further, the Commission works with intragovernmental and intergovernmental entities as well as local civic associations and businesses to best address youth concerns in the Town of Barnstable.

RATIONALE: The Barnstable Youth Commission's present membership is limited to eleven individuals: nine voting members between the ages of thirteen and seventeen and two adult advisors. The aforesaid parameters of membership were approved under § 241-39 of the Barnstable Town Code. Since the previous amendment to § 241-39 by **Order No. 2014-069**, the Youth Commission has engaged in aggressive recruitment to form a stronger and more diversified board representative of the youth populace with regards to age, grade, and race. The result of this recruitment has been a Commission which is now composed of eight official Youth Commissioners and three prospective Youth Commissioners who have filed papers with the intent of applying. As a result, the Commission sees the immediate need to increase the membership, as defined in the Barnstable Town Code, in order to allow the aforesaid the ability to serve as Commissioners. The Commission believes that this increase would allow for the continued participation of interested youth in the Town of Barnstable. Further, the waiving of the residency requirement is reflective of the Commission's interest in including all youth applicants who attend a school, thereby conveying their vested interest in the welfare of the Town.

FISCAL IMPACT: None

TOWN MANAGER RECOMMENDATION: Thomas K. Lynch, Town Manager

STAFF SUPPORT: Ruth Weil, Town Attorney
Lynne Poyant, Director of Community Services

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2016-060
INTRO: 12/17/15

2016-060 RESOLVED: That the Barnstable Town Council hereby exempts under the provisions of G.L. c. 268A §20(d), the interest of Assistant Harbormaster, Arthur J. Balian, a special municipal employee of the Marine & Environmental Affairs Division, in an annual slip assignment awarded through a lottery drawn on July 24, 2015.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move / Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2016-060
INTRO: 12/17/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: December 10, 2015
SUBJECT: An exemption for Arthur J. Balian, Employee, Marine & Environmental Affairs Division, of the disclosure by Special Municipal Employee of financial interest in a municipal contract as required by G.L. c. 268A, §20(d)

RATIONALE: To make Arthur J. Balian a special employee to be able to be awarded a boat slip at the Marina at Prince Cove while doing his seasonal job as a Dockmaster/ Assistant Harbormaster.

BACKGROUND: Arthur Balian entered his name in the lottery to add names to the current Marina at Prince Cove wait list held on July 24, 2015. Subsequently his name was drawn as one (1) of fifty (50) names out of 150 applications. A slip vacancy has come up and Arthur Balian is in line to be awarded the slip. In order for him to do so, he has to disclose his employment status and be exempted from the provisions of the law by the State Ethics Board and by the elected officials in the Town of Barnstable. Arthur has requested information and has received approval of exemption from the state ethics board. As a Seasonal Dockmaster/Assistant Harbormaster, Arthur Balian has no oversight of assigning annual slip contracts at any of the Town's marinas. This is done by the Town Manager, through the Harbormaster and Marina Manager.

FISCAL IMPACT: None

STAFF ASSISTANCE: Ruth J. Weil, Town Attorney; Daniel J. Horn, Marine & Environmental Affairs Director / Harbormaster; Eric Shufelt, Marina Manager / Assistant Harbormaster

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2016-061

INTRO: 12/17/15

**2016-061 AUTHORIZE THE ESTABLISHMENT OF A GIFT ACCOUNT FOR THE
COTUIT CIVIC ASSOCIATION**

RESOLVED, that the Town Council, pursuant to the provisions of General Law Chapter 44, §53A, hereby establishes an account for the purposes of receiving gifts for Cotuit Civic Association and hereby authorizes the Town Manager to approve the expenditure of monies from said gift account for that purpose.

SPONSOR: Jessica Rapp Grasseti, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move / Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2016-061

INTRO: 12/17/15

SUMMARY

TO: Town Council
THROUGH: Thomas K. Lynch, Town Manager
FROM: Daniel W. Santos, P.E., Director of Public Works
DATE: December 17, 2015

BACKGROUND: The Town has received a gift of funds in the amount of \$8,663.00 from the Cotuit Civic Association for the purpose of purchasing “Big Belly” solar trash compactors, which are to be installed in the Village of Cotuit.

ANALYSIS: The establishment of this Gift Account will enable the Department of Public Works to purchase and install the “Big Belly” solar trash compactors. In recent years the DPW has purchased three of the “Big Belly” Units and has been very pleased with their performance. They are covered and secure, they compact the trash, and they communicate via a Web link for remote monitoring of the fullness level. These attributes will result in a cleaner environment, minimize pests, and could eventually result in significant cost savings in labor and fuel.

FISCAL IMPACT: There is minimal impact to the Operating Budget as the result of this gift. Depending on deployment location, we may be able to reduce the frequency of pick-ups.

TOWN MANAGER RECOMMENDATION: Town Manager Thomas K. Lynch recommends establishment of this Gift Account.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director Department of Public Works