



TOWN COUNCIL MEETING
February 25, 2010

A quorum being duly present, Council President Frederick Chirigotis called the February 25, 2010 Town Council meeting to order at 7:00 p.m. in the 2nd Floor Hearing Room of Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Richard Barry, Ann Canedy, Janice Barton, Frederick Chirigotis, James Crocker, Jr., Debra Dagwan (7:20 p.m.), Henry Farnham, Janet Joakim, J. Gregory Milne, John Norman, Thomas Rugo, and James Tinsley. **ABSENT:** James Munafo, Jr.

President Chirigotis led the hall in the Pledge of Allegiance, followed by a Moment of Silence.

State Representative Matthew Patrick - Striped Bass Legislation – House Bill #796
(Rep. Patrick cancelled earlier in the day.)

Americorps Cape Cod

Ashley McCord and 3 other members of Americorps were in attendance to tell the council what they do. They serve four focus areas on the Cape. Six are living in Hyannis and perform various services. They do group service such as a community garden at 725 Main Street. They will be serving the West Barnstable Fire Department on a project next week. They also work within the town departments on various projects. Each of the members described some of the jobs they perform. One member also works with HAC. There is a Barnstable Big Fix that will be held in May to help elderly with some small fixes that can mean a lot. Barnstablebigfix@hac.org is the email address for more information on this event. (See Exhibit A attached for Americorps information).

PUBLIC COMMENT:

Judy Desrosiers read into the record a thank you letter to Americorps from Meetinghouse Farm. (See Exhibit B attached). She pointed out various site improvements they have completed. She felt the work was an example to others and she was most grateful.

Patrick Paquette said thank you. He has worked with many fishing organizations such as the Cape Cod Salties and they have come out against H#796. He thanked the council for going against the issue. There are a lot of recreational fishermen who are against it.

Al Baker wants individuals to receive requested information in a timely manner instead of the last minute. He announced various activities that will be held in Marstons Mills.

Mr. Tucker said those in jail have TV, yet others on the outside can't afford it. He is concerned about individuals having their cable shut off.

Meredith Farnsworth thanked the council for the promptness of the CFAC report.

President Chirigotis noted that there will be a workshop with CFAC on March 11 at 7 p.m. regarding this report. (See Exhibit C for a copy of the report).

Brief recess from 7:25 p.m. – 7:28 p.m.

Coastal Resources Plan Workshop

- Coastal Resources Committee chairman, Robert Jones, introduced the committee members who were charged with bringing forth a Coastal Resource Management plan. Present were: Dennis Houle, Chris Gargiulo, Andre Sampou, Stu Rapp and Carol Ridley from Ridley Associates. Mr. Jones also thanked many others who helped in this process.
- He identified the committee's charge. They looked at the Camp Dresser McKee plan done in the 1990's. They took the plan, reviewed it and studied it. Much of it was out of date, and it appears as if it was not utilized. They do not recommend going ahead with a state harbor plan. The territory is huge in the three bays and Centerville area. They aimed for a balanced plan for all.
- They collected data and kept accepting it up until the end. (See Exhibit D). Water quality was the number one concern.
- They do not recommend going with a state approved plan. That process is more useful in an industrial harbor. The performance standards by our boards are more than satisfactory. They found no problems with hydraulic harvesting and suggested that it could continue. Docks are not the problem but motorized vessels are the problem.
- Ms. Ridley reviewed a Powerpoint of the highlights of the report. She stated the goals, objectives, and reviewed the planning process. The study area included three bays and Centerville River. They have 6 chapters in the report that deal with management issues. It covered marine services, facilities, shellfishing, natural resources, water quality, stormwater management and all manner of issues dealing with the area.
- Councilor Barry thanked the committee for their hard work. He addressed non-motorized vessels in a relay area. The practicality of the situation and limited environment will not necessarily work and how do you keep motorized vessels off the docks. Mr. Jones explained the process and reasons behind coming to this decision.
- Councilor Farnham asked about the number of moorings and what they include. The demand for moorings is huge, stated Jones. Farnham asked about outhauls. Houle defined an outhaul. There are about 9 outhauls in the Bay St. area of Osterville. They are recommending that the outhauls be regulated. Farnham also asked if the committee worked on or saw potential areas for additional public ways to the water. Jones said no. Farnham suggested maybe the committee could look at studying that further. Stu Rapp said this has been discussed for years and suggested that the council look to Growth Management to see what we have and what is owned by us. Pres. Chirigotis reiterated that this has been studied.

- Councilor Joakim said we have tried to acquire properties and rights for the public but it has been difficult, since neighbors do not necessarily want it next to their homes.
- Councilor Rugo said 20% of the moorings are not in the water or in the fields and how are we going to follow up on this. Twenty percent represents the possibility of more moorings for those waiting. Jones said they are looking at different mooring systems that will hold more boats. A recent change in the regulations seems to have made a reduction in this percent (requiring boats to be at the mooring for a particular period of time).
- Councilor Canedy would like to hear from Mr. Rapp or Sampou on their feelings on the docks. Sampou said enforcement is a problem no matter what. They looked at ways to help enforcement – recommend color coatings for non-motorized vessel docks so they could be identified for all. Rapp said the shellfish committee is not interested in structures in these areas. He opposed the vote on the non-motorized vessels. You open the door with a dock – boats will come. Houle said there are a lot of competing interests and rights. They tried to balance these interests.
- Councilor Milne said we have a right to regulate this area. He asked about the number of piers that are limited to non-motorized. No number was available. There are very few issues with non-motorized docks.
- Councilor Joakim agreed that there needs to be a way to identify the docks and piers. She questioned out hauls and their lack of permitting.
- Vice President Crocker asked about replanting eel grass. Jones said you can plant but it does not survive. Unless the water quality improves it won't take. Jones said we really need to do a lot to improve the water quality. That is the big thing. Crocker asked if the temporary piers and docks should be timed around certain peak shellfish birthing times.
- Councilor Tinsley said 6 pages of a large report deals with docks and piers. It is a small but important piece.
- President Chirigotis acknowledged that the major problem is water quality. Jones said the Centerville River has a ½ day flush rate which is not bad.

ACT ON MINUTES

Upon motion duly made and seconded it was voted to approve the minutes of Feb. 4, 2010 with the following corrections: page 4 – 3rd paragraph – 4 lines down – landowners who do not file “personal property” it should be income and expense and read legally required income and expense information. Page 5 second to last paragraph add to the end of Councilor Canedy’s statement “opportunities were available.”

VOTE: Unanimous in favor as amended (2 abstain Farnham and Tinsley)

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS

Councilor Canedy wanted to update the council on the Bush-Brown property (vote 2009-103) where we partnered with the water district. The district has asked for a letter to clarify the vote. She explained the various issues that have come to pass regarding the cost, grant etc. She wanted the consent to the changes and to allow President Chirigotis to write such a letter. (See Exhibit D)

Town Attorney T. David Houghton said the best method would be by vote. Vice President Crocker said this is a re-confirmation of a vote.

President Chirigotis stated that he would sign the letter and the consensus of the council was in agreement.

Some event announcements were made: Councilor Farnham made an announcement of the Farmers Market every other Saturday at Liberty Hall. Councilor Tinsley said that he and other councilors went to the high school to see how the cafeteria ran and they were very impressed. Councilor Barton announced a couple of items including chicken pot pie supper at Liberty Hall; and President Chirigotis mentioned a spaghetti dinner at Cotuit Federated.

**ORDERS OF THE DAY
A. OLD BUSINESS**

2010-016 APPROPRIATION & TRANSFER \$137,500 FROM COMMUNITY PRESERVATION FUND SET ASIDE FOR OPEN SPACE INTRO: 08/06/09, 09/03/09, 09/17/09, 10/01/09, 10/15/09, 11/05/09, 11/19/09, 12/03/09, 02/04/10, 02/25/10
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Upon motion duly made and seconded a public hearing was opened.

VOTE: Unanimous

Laura Shufelt, Vice Chair of the CPC recommended that the council support this request.

Upon motion duly made and seconded it was moved to amend this motion by striking conservation restriction on the last full line on the left margin and inserting in place thereof perpetual easement.

VOTE: Unanimous in favor

Attorney Charles McLaughlin gave an overview and a Powerpoint presentation. He stated that they have an agreement with Cotuit Fire District to protect the wellhead. The concern was any pollution entering could flow to the wellhead and pollute it. The area in question will be subject to a perpetual easement that will be shared with the Fire District and town. This will allow testing at any time and will be set off from the rest of the parcel. They propose to build 8 units with 13 bedrooms and no lofts. He explained the various settlement elements. There will be a gain to the town as far as taxation. They are pleased to recommend this.

Upon motion duly made and seconded it was voted to close the public hearing at: 10:02 p.m.

VOTE: Unanimous in favor

The developer is Bay Point, LLC. Councilor Milne asked about the septic system. Ms. Shufelt said it is a Bioclear and has nitrogen treatment.

McLaughlin said Bioclear is a significant improvement over Title 5.

Councilor Dagwan asked what is an age restricted unit. Shufelt said they will be restricted to 55 years and older. McLaughlin said the less intense use by not having children was agreed upon.

Upon motion duly made and seconded it was voted to move the question.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of One hundred thirty seven thousand five hundred dollars and no/100 (\$137,500.00) be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on June 18, 2009 under agenda item 2009-129; and that the Growth Management Department is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the acquisition of a conservation restriction on 1.05 acres of land located at 671 Main Street, Cotuit, MA., Map / Parcel 036/015.

VOTE: ROLL CALL 12 YES

2010-062 DCPC IMPLEMENTING REGULATIONS-CRAIGVILLE BEACH DISTRICT INTRO: 12/03/09, 02/25/10

Upon motion duly made and seconded it was voted to continue this item to March 4, 2010.

VOTE: Unanimous in favor

2010-079 AMEND CHAPTER 241 OF THE CODE, SECTION 241 ATTACHMENT 1 INTRO: 02/04/10, 02/25/10

Town Manager Klimm gave the rationale.

Upon motion duly made and seconded it was voted to move the question.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was

ORDERED: that the Council hereby designates the Citizens Advisory Committee and the Renewable Energy Commission with Special Municipal Employee status for the purposes of the Conflict of Interest Law, Chapter 268A, and that the Code of the Town of Barnstable Chapter 241, Section 241 Attachment 1 is hereby amended by adding the Citizens Advisory Committee and Renewable Energy Commission to the list of multiple-member bodies, so designated.

VOTE: Unanimous in favor

B. NEW BUSINESS

**2010-084 ACCEPTANCE OF A \$36,000 GRANT FROM MASS CULTURAL COUNCIL FOR
FY10 INTRO: 02-25,2010**

Manager Klimm gave the rationale

Joanne Miller Buntich said this was the 5th year we received funding. Melissa Hirsh and Marjorie Watson are responsible for getting this grant.

Upon motion duly made and seconded it was voted to move the question.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was

RESOLVED: That the Town Council does hereby accept the grant award in the amount of \$36,000 from the Massachusetts Cultural Council's John and Abigail Adams Arts Program

VOTE: Unanimous in favor

**2010-085 ACCEPTANCE OF A \$83,674 GRANT FROM THE EXEC OFFICE OF ELDER AFFAIRS
INTRO: 02-25-2010**

Manager Klimm gave the rationale.

Upon motion duly made and seconded it was voted to move the question.

VOTE: Unanimous in favor

Lynne Poyant said that Madeline Taylor was responsible for the formula grant; and they were thrilled that the State included a 50 cent per senior increase.

Upon motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a grant of \$83,674 from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Senior Center.

VOTE: Unanimous in favor

**2010-086 AUTHORIZE TOWN MANAGER TO ENTER INTO A LEASE AGREEMENT –
CCRTA - INTRO: 02-25-2010**

Manager Klimm gave the rationale.

Vice President Crocker asked about where the vehicle will be stored. Ms. Poyant said it will be housed at the Senior Center and is handicap accessible. Councilor Canedy asked about it not being new. It was pointed out that it was a new 2009 vehicle. Poyant said they had not had any problems with prior vehicles.

Upon motion duly made and seconded it was voted to move the question.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council hereby authorizes the Town Manager to enter into a five-year lease agreement with the Cape Cod Regional Transit Authority for a 2009 Ford Eldorado Bus to support the Silver Express transportation program.

VOTE: Unanimous in favor

Lynne Poyant announced that Siobhan Magnus was the first to move forward on American Idol this evening.

TOWN MANAGER COMMUNICATIONS

Town Manager Klimm received a letter from a person who observed a lady walking and picking up trash along the roadways in the Craigville area. The observer wanted to thank her for her work. Manager Klimm suggested that possibly we need a way to acknowledge individuals like this who do things for the community that make a difference. Klimm said he knows another man who has done this in Hyannis. Maybe we have to look at thanking them.

He met with Andy Gottlieb to discuss sewerage and wastewater issues, as to why we need to be talking about sewerage so often and how we can pay for it.

Klimm went to the Heart and Soul event at the Senior Center along with some other councilors and said it was terrific.

On Monday he met with the District Conservationist. The Cape has been awarded a large amount of money to deal with things like herring runs and storm run-offs. He was looking for projects and our list was lengthy. He hoped some of our requests would be filled with those monies.

The JFK Memorial donations fund the sailing program. He thanked the trust fund committee on this.

ADJOURNMENT

Upon motion duly made and seconded it was voted

TO ADJOURN.

ADJOURNED: at 10:25 p.m.

Respectfully submitted,

Linda E. Hutchenrider, MMC/CMMC
Town Clerk/Town of Barnstable

NEXT MEETING: March 4th

