



TOWN COUNCIL MEETING August 7, 2014



A quorum being duly present, Council President Jessica Rapp Grassetti called the July 7, 2014, 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 Grassetti 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: Ann Canedy, Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Debra Dagwan, Jessica Rapp Grassetti, Paul Hebert, John Norman, James Tinsley, Jr., Philip Wallace. **Absent:** Sara Cushing, Eric Steinhilber

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

PUBLIC COMMENT:

- Louise Egan stated decisions are made arbitrarily at the Senior Center; we come for guidance, action and support; wants a format for seniors to have a voice, restoring contentment, and a high level of communication between the town and the seniors.
- Thomas Rooney, Superintendent of the Barnstable Water District Fire Department, spoke in behalf of the land swap. Protect our drinking water from contamination, urges the Council to act in favor of protecting the Breed's Hill parcel.
- Brianna Kane, representing the Cape Light Compact, talked about a new initiative for Barnstable residents; need 600 participants; can find information on the website, August 15, the online survey goes live; 6 months of electric usage; business or residence; tracks electric consumption, at no additional cost to customers.
- Sheila Place spoke in favor of Pay As You Throw. Wonders why the members of this body didn't go forward with Pay As You Throw. Great need for public education; can we just move on with this?
- Hilary Sandler spoke about the shooting range, Barnstable residents gave up land for conservation, not for a shooting range. Sandler spoke of the time line regarding the shooting range. Sandler is against the shooting range being reopened, terrible precedence to set for our town. Nine other facilities within 20 mile radius of the shooting range; find another way for people to use their firearms.
- Fred Schilpp stated he was a Pay As You Throw supporter; everyone should be doing everything possible to reduce energy and waste. Pay As You Throw is successful at saving money.
- Winston Stratton spoke about the shooting range; not against guns; against the reopening of the range on conservation land; the noise, the water pollution, the ground pollution. Stratton does not understand the transfer of land.

- Bob Spaulding stated the amount of noise was considerable that came from the shooting range. Disappointed that the Conservation Commission has decided to go in this direction, please take into account of how the noise affects those who live near the range.
- Christopher McGowan stated he is a Pay As You Throw proponent, seems like a win-win to vote for Pay As You Throw.
- Charlie Hetzel endorses Pay As You Throw; spoke about the opiate addiction problem and the amount of time given by the Council and Town as we work towards eliminating the drug issue on the Cape; Pay As You Throw it would save the citizen's money and help clean up the environment.
- Judy Desrochers stated concerns regarding the conservation land. Conservation should be protected in perpetuity, the status of the range should have been resolved years ago. Do not support this transfer; this week was the 15th anniversary of Americorp Cape Cod that has helped the farm in West Barnstable tremendously.
- Lois Fournier commented on the conservation area as inappropriate location for a shooting range. In the time of requests for smaller government, why would the Town take this on; having someone on site? She supports Pay As You Throw with curbside pickup.
- Meg Loughran stated she is opposed to the reopening of the shooting range; read a letter from the family of Emily F Samuel. (Exhibit A)
- Diane Phitos Jenson against the reopening of the range; read a statement from Skip Keller, a resident and Army Veteran from the Vietnam era. Our law enforcement officers should have a range for training, just not this range.
- Lisa Hendrickson stated this is the largest parcel of conservation land in West Barnstable; preserve the area in its natural state. The plan to expand the range is a legal and financial liability.
- Mark Cohen addressed some of the inaccuracies; range was built in 1954, conservation area was built around the range. If you try to shut down a range because of noise that is illegal. Lead mitigation is done by spreading lime so the lead doesn't leach. 1380 people utilized the range no accidents, everything was fine.
- Serge Matheny asked the Council to keep the whole piece of property in West Barnstable in conservation; Matheny stated he enjoys riding his bike on the conservation land. He asked that the Breeds Hill area be used as a shooting range.

Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Hebert:

- Thanked the public for the input for keeping up with these issues.
- Two thirds vote required to transfer this land
- Additionally, two thirds vote required from the General Assembly
- This liability is beyond my comprehension.

Councilor Wallace:

- Shooting range is located in his precinct;
- Residents proximity to conservation strengthens land value
- Residents proximity to the shooting range devalues the retail value of the land
- For residents further away from the shooting range there is no effect on real estate rates.
- This is too expensive for my constituents to afford
- Cannot support the shooting range.

Councilor Dagwan:

- Our Senior Center is wonderful
- Supports people having a voice at the Senior Center.
- Need more public education for Pay As You Throw to show cost savings
- Has been on a tour of the firing range
- We have balance out the cost to the town and the economic benefit to the town
- We need to hear both sides of the issues.

Councilor (J) Crocker

- Very confident that the management of the town has a plan for the Senior Center
- Pay As You Throw does not mean money savings, we do not have accurate numbers
- Do not have any information from the private haulers
- Has used the shooting range in the 60's
- Gave details of the "Turkey Shoots" at the range.

Vice President Canedy:

- Has received a number of phone calls
- The Council needs to decide what our goals will be
- Regarding Pay As You Throw-wants an independent consultant to present a tutorial on all models available
- Supported Pay As You Throw.
- Disappointed about a land swap
- Breeds Hill is a valuable piece of land for the preservation of the Barnstable and Hyannis wells.
- Purchased for water quality protection; the wells serve Barnstable and Hyannis
- Breeds Hill contains wetlands; endangered species; environmentally important.

Councilor (W) Crocker:

- Regarding Pay As You Throw; the subject needs to be revisited
- As a Council we need to establish our goals.
- What are we going to recycle?
- What are the problems in regards to the Senior Center.

Councilor Cullum:

- Regarding Pay As You Throw-the landscape keeps changing
- As an avid recycler, the information is trickling in, we have to weight everything.
- With regard to the range, I am a gun owner; we need more education.
- Supports reopening the range
- CONCOM supports swap
- Due to lack of maintenance, believe it will be better managed under the town.

Councilor Norman:

- We have Pay As You Throw
- Today you can take eight trash bags to the town dump and pay fifteen dollars
- Recycling is free at our transfer station
- People can hire a private hauler to take away trash.

- With competition we have second bidder
- Now the Town of Barnstable's trash is going to be recycled
- It is wrong to tell people how they must behave

ACT ON MINUTES: (Includes Executive Session)

Upon a motion duly made and seconded it was voted to approve the minutes of the July 17, 2014 meeting as written

VOTE: 10 Yes 1 Abstention (Dagwan)

A motion was duly made and seconded to approve the July 24th meeting minutes of the Solid Waste Workshop as written

VOTE: 10 Yes, 1 Abstention (Dagwan)

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

Councilors announced many upcoming events at several different venues: a Memorial service for Richard Clarke; dedication of Route 6 overpass at exit 6 in memory of Kevin Houston; Craigville Beach Party and bonfire; Repair of the erosion at the Bay Street ramp; West Barnstable Annual Village Day festival; Boards and Committees has about 20 openings; many upcoming events at the HYCC, and the Town Green; Barnstable Little League won a State Championship; Village Day in Cotuit; and a sailing regatta.

2014-091 APPROPRIATION AND LOAN ORDER \$1,205,000 TO FUND DESIGN AND CONSTRUCTION OF AIRPORT FIXED BASE OPERATIONS BUILDING INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14, 08/07/14

Opened and continued to a public hearing on October 16, 2014

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$1,205,000 be appropriated for the purpose of funding the Design and Construction of the Airport Fixed Base Operations Building as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,205,000, and that the Airport Commission 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: To Continue to a public hearing on 10/16/14-Unanimous

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

Assistant Town Manager, Mark Ells offered a power point presentation (Exhibit B). Ells explained the lack of insurance prompted the closing of the shooting range. We now have sufficient insurance coverage. Ells walked the Council through a step by step process to reopen the range.

Councilor Discussion and Comment:

Memorandum of Understanding (MOU) has not been signed, a motion was made and seconded to postpone until September 18th. We had many pieces of property to consider, but in time if the MOU doesn't go forward, it will cloud the two properties. If we vote on this, if things change down the road we can change. Let's not drag this on any longer. I would not be in favor of postponing. Could you delineate some of the issues? [Ruth Weil, spoke about the proposed amendment in the packet, which will not allow anything to be finalized, there could be another state review required.] [Mr.

O'Conner fully support Mark's presentation, it is accurate. If the town wants to run the shooting range, felt the swap was a good compromise of those two parcels. Massachusetts Environmental Protection Agency (MEPA) may need to look at this; what Ruth has proposed is that the vote tonight is contingent upon the Memorandum of Agreement (MOA). We will sign the MOA.] Did MEPA just come up recently? [Yes] [MEPA had a request for a review of this proposal and to give a ruling.] I am not comfortable with the amendment; we are not in a position to vote on it tonight. We don't have an MOU tonight; that is not the right way to handle your real estate. We promised everyone that we would have an MOU; asking for 30 days. I am exasperated; eleventh hour change; it has been suggested we postpone; where did this come from? Support the due diligence, tremendous support group that wants this range open ASAP. Wants this resolved, based on what is right, let's wait and do it the right way. This is an important item all 13 councilors should have the ability to vote. Responsibility of this Council to have all the ducks in a row; thirty days is not a lot to ask. Important to make sure that all the "I's" are dotted and "T's" are crossed; equal value for the swap of the land; changing the protection of water from one place to another.

Upon a motion duly made and seconded it was

ORDERED: SECTION 1: That, having received notice that the 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 16.3 acre, more or less, portion of Tract I of the West Barnstable Conservation Area having a street address of 875 Service Road 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 16.3 acres are further described on plan entitled "Plan of Land in Barnstable (West Barnstable) MA Prepared for the town of Barnstable Prepared By: the Town of Barnstable - D. P. W. Survey Division Date: July 28, 2014 Scale: 1" = 80'" on file with the Town Clerk; and

SECTION 2: That, having received notice that the Town Manager determined that the following parcel of land containing 17 acres, more or less, is no longer needed for general municipal purposes, the care, custody, management and control of said parcel be transferred to the 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 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

SECTION 3: That the aforesaid transfers take effect upon recording of an instrument or instruments 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 of this order.

VOTE: Postpone until September 18th, 8 Yes, 3 No (Dagwan, Hebert, and Wallace)

<p>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</p>

VOTE: Postponed until 9/18/14, 8 YES, 3 NO (Dagwan, Hebert, Wallace)

2015-007 APPROPRIATION OF \$71,911.00 COMMUNITY PRESERVATION FUNDS FOR REHABILITATION OF THE SKATE PARK AND THE BASKETBALL COURTS AT BARNSTABLE COMMUNITY HORACE MANN CHARTER PUBLIC SCHOOL (BCHMCPS), HYANNIS INTRO: 08/07/14

Opened and referred to a public hearing on 9/4/14

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c44B, the sum of seventy one thousand nine hundred and eleven and NO/100 (\$71,911.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the appropriation for the purpose of rehabilitation consisting of capital improvements to the skate park located at the Hyannis Youth and Community Center and the basketball courts located at the Barnstable Community Horace Mann Charter Public School (BCHMCPS) in Hyannis, and accept any related gifts and grants, subject to the oversight of the Community Preservation Committee.

VOTE: Referred to a public hearing on 9/4/14-10 YES (Cullum left the dais)

2015-008 APPROPRIATION OF \$100,000.00 COMMUNITY PRESERVATION FUNDS FOR CREATION OF NEW LITTLE LEAGUE FIELD AT BARNSTABLE COMMUNITY HORACE MANN CHARTER PUBLIC SCHOOL (BCHMCPS), HYANNIS. INTRO: 08/07/14

Opened and referred to a public hearing on September 4, 2014

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c44B, the sum of one hundred thousand and NO/100 (\$100,000.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund; and that the Town Manager is authorized to expend the appropriation for the purpose of creating recreational land, namely a new regulation little league baseball field to be located at the Barnstable Community Horace Mann Charter Public School (BCHMCPS) in Hyannis, and to accept any related gifts or grants, subject to the oversight of the Community Preservation Committee.

VOTE: To refer to a public hearing on 9/4/2014 10 YES (Hebert left the dais)

2015-009 AUTHORIZATION FOR THE TOWN MANAGER TO ENTER INTO A TEN YEAR CONTRACT WITH TWO FIVE YEAR EXTENSIONS FOR MUNICIPAL SOLID WASTE DISPOSAL, RELATED TRANSPORTATION AND RECYCLING SERVICES WITH NEW BEDFORD WASTE SERVICES, LLC. INTRO: 08/07/14

Dan Santos, DPW Director, gave the rationale with a brief overview of the long term contract is concluding this year. After many months of negotiation, a second company will recycle 90 to 95% of the waste. We have the best terms, good position with this contract. The cost increase will result in a 1.5 million dollar savings, over the first ten years. We will no longer be trucking the waste to Yarmouth. Has extensive experience, has contracts signed with 6 other Cape towns.

Councilor Discussion and Comment:

Very positive feedback on the solid waste workshop; what direction will the trucks be heading? [same amount of waste, what is best for them, not part of the contract] when they do this process would that in effect give them credit for recycling, is that single stream [No] Waste bin will remove more recycling [yes] very encouraged; cost to the town for hauling away recyclables is zero. That is an incentive; looking forward to the results of the study.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes the Town Manager to enter into a ten year contract agreement with two (2) five (5) year extensions for municipal solid waste disposal, related transportation and recycling services with New Bedford Waste Services, LLC

VOTE: Passes Unanimous

TOWN MANAGER COMMUNICATIONS:

- Osterville Bay School
- Children's Cove Fund Raiser
- 200,000 Grant for the Noah Shelter
- Erosion Control Project for the Boat Ramp
- Sandy Neck Beach Nourishment and fee structure
- Updates on the Cape Cod Rail Trail
- JFK Museum Board-lease coming up next year
- Cotuit Center for the Arts bid for Marstons Mills Elementary School
- Visited Hanover to see E-permitting on line
- West Barnstable 125th Birthday at the Old Selectmen's building
- Cape Cod Baseball League celebrated the 375th
- Barnstable Police Department Street Crimes Unit
- Special Legislation passed for retired police officers
- Performance Management
- Painting of lines along the roadways
- BHA housing issues
- New Fairfield Inn and Suites
- DPW Water Supply Regulations
- Cape Cod Technical Regional School Board

Councilor (J) Crocker concerns about the Senior Center; is there a process that you would go through to discuss the issue. [Bridge Club has very specific needs for time, question of balance, do you move out an adult day program, to allow for set up of tables, do you move the brown bag program to accommodate this group, needs to be understanding on both sides] Maddie's response was put into our mailboxes this evening, important thing is communication. Thank you for the support of the fishing tournament, strong presence from various departments; the response time of the DPW was very quick, thank you for the Town's support of a great charity.

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED to adjourn

Unanimous

Adjourned at 9:35 PM

Respectfully submitted,

Ann M. Quirk, CMC

Town Clerk – Town of Barnstable

NEXT REGULAR MEETING: September 4, 2014

Exhibits:

- A. Letter from the family of Emily F. Samuel
- B. Slide Presentation of W Barnstable Shooting Range