



## Town Council Meeting September 18, 2014



**A** quorum being duly present, Council President Jessica Rapp Grasseti called the September 18, 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 Grasseti 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, Sara Cushing, Debra Dagwan Jessica Rapp Grasseti, Paul Hebert, John Norman, Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

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

### **PUBLIC COMMENT:**

Lois Fournier read a statement from a news article regarding the sounds of gunfire from the conservation area. Vote no to reopen the range.

James Burnham the range has been there for fifty years, and has always been a shooting range. He asked the Councilors to get the range open so he would be able to enjoy it once before he croaks.

Mark Cohen gave an overview of the range that opened in 1954, and upgrades to the range. Cohen stated the range and surrounding land was taken by "ConCom" in 1985. The argument that it was built illegally is totally false.

Gary Shramek supports the opening of the shooting range. Read an excerpt from Massachusetts General Law Chapter 214, Section 7B (Exhibit A). He stated he enjoys shooting, and lives near the range for that reason.

Hank Farnham stated there is a need to retain our shooting range. Until recently the Conservation Commission was in charge of the range. Institutional users were to have been eliminated. Our Police Department needs the open field areas for training purposes. Hours and days should be reduced, change and shorten the hours and days open.

Rupert Bankert spoke about the issues of lead in the soil at the shooting range, reading from a report from the Barnstable Conservation Commission. The lead issue is easy to manage.

Bob Frazee stated, at the time the range was developed, it was the least populated part of town according to the old maps. There are new technologies for deafening the sound; safety officers will make it a much safer place. Urged the Council to reopen the range as soon as possible

Steve Karras wants to see the range reopened; so people can get the experience needed for gun use.

Lisa Hendrickson said the state regulations would apply, except that the range was illegally built.

Chuck Swanson lives across the highway from the range, occasionally hears the shooting range. It is a safe place; we need to have a safe place to shoot.

Close public comment

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

None

**ACT ON MINUTES:** Upon a motion duly made and seconded it was voted to approve the minutes of the September 4, 2014 meeting as written.

**VOTE:** PASSED UNANIMOUS

President Rapp Grassetti read a statement regarding a recent review of the Executive Session Minutes as follows:

- Approved the 3/20/2014 and the 5/22/2014 minutes involving Cape Wind litigation and determined that continued non disclosure is warranted.
- Approved 12/19/13 Russo complaint and determined continued non disclosure is warranted due to Attorney Client Privilege
- Previously approved Executive Session Minutes again reviewed and continued non disclosure is warranted due to Attorney Client Privilege:
  - 01-07-2010 (Stewart's Creek)
  - 06-19-2008 (Marty v Town of Barnstable)
  - 10-04-2012 (Marty v Town of Barnstable)
  - 09-12-2013 (Marty v Town of Barnstable)
  - 09-19-2013 (Marty v Town of Barnstable)
  - 10/17/2013 (Marty v Town of Barnstable)
  - 05-06-2010 (Cape Wind Litigation)
  - 9-2-2010 (Cape Wind Litigation)
  - 9-12-2013 (Cape Wind Litigation)

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

**Wayne Miller, MD, Chair/Board of Health:**

- Miller read the Mission Statement of the Board of Health and gave an overview of the many items the Board of Health is involved in on a daily basis. The following issues the Board will be looking at this year:
  - Nitrogen problem
  - Clarified outdoor dining
  - Fee structures
  - Hazardous waste
  - Smoking ordinance changes
  - Gun range minimal risk to water quality
  - Water quality

**Councilor Discussion and Comment:**

How is the board educated on the new systems coming forward? [State requires IA systems; latest set of state approvals and the requirements for installation and maintenance costly] Changes in smoking ordinances will they automatically apply to marijuana [already subject to all local regulations] need for full time hazardous waste, increase fees to get a person; [reflect the cost of the services, trying to address that right now] are there still cesspools in the town and why [they have not failed or the property hasn't sold] consider requiring a pumping out of systems after a certain period of years; encourage that study on the north side; how many permit holders are there at the less than 100 gallons? Restaurant

training/complaints, record keeping to the next level, beach closings; [not aware of any complaints to the board regarding restaurants; have been okay; record keeping that is outside of the board, we have no administrative responsibility; beach closing are always a problem, it is time consuming] on septic issues, perk tests tear up the yards is there any relief on that issue; [perk test requirements are state law, very few instances that we can circumvent those] can we look at the small businesses before requiring new tanks [state requirement, can be more stringent than the state but not less stringent] advocate for our constituents, start to be proactive for our small businesses on the Cape; one hundred and ten gallons per bedroom [best way is to look at this is water usage] repair of existing Title Five, you had to have two holes on the property; thank you for your comments on the range; if you are approached as the board of health regarding trash, to bypass the town councilors, please come to us. [trash disposal is not in the purview of the public health] Nursing programs could you speak more on that [community immunization programs; TB testing; school nursing programs]

Councilor (W) Crocker

Legislative update on Home rule petitions

Coast Sweeps program

Councilor Vice President Canedy

Asking for a response regarding the resolve submitted to the Governor [no]

Councilor Tinsley

Thanks to Hyannis Fire and Police departments regarding the 911 tribute

Councilor Rapp Grasseti

11:30 to 2 Village green founders day picnic

The Cape Symphony that evening

#### ORDERS OF THE DAY:

**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**

Opened and continued to October 16th

**VOTE:** to continue to October 16<sup>th</sup>, Unanimous

**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**

Opened and continued to October 16th

**VOTE:** to continue to October 16<sup>th</sup>, Unanimous

**2015-010 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 9/4/14, 9/18/14**

Point of information offered by Town Attorney, Ruth Weil regarding a floor nomination that was put forward at the last meeting; we need to bifurcate following two names from this reading; those names are Michael VanKleef, and Albert B. Baker, for the Public Works Commission

**VOTE:** 12 Yes (Cushing left the dais)

Upon a motion duly made and seconded it was

**RESOLVED**, that the Town Council appoint the following individuals to a multiple-member board/committee/commission:

**AIRPORT COMMISSION**

Stephen Cobb, 1125 Service Road, West Barnstable as a member to a term expiring 6/30/2017

**BOARD OF ASSESSORS**

John Wargin, 40 Captain Loring Lane, Barnstable as a member to a term expiring 6/30/2017

**COMPREHENSIVE FINANCIAL ADVISORY BOARD**

Cynthia Crossman, 29 Oakmont Road, Cummaquid as a member to a term expiring 6/30/2016

**VOTE: 12 YES** (Cushing left the dais)

**2015-010-A APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 9/4/14, 9/18/14**

Appointments Chair John Norman gave an overview of the process the Appointments Committee requires, when someone is interested in volunteering for a board/committee/commission.

Upon a motion duly made and seconded it was

**RESOLVED**, that the Town Council appoint one of the following individuals to a multiple-member board/committee/commission

**PUBLIC WORKS COMMISSION**

Michael VanKleef, 328 Arrowhead Drive, Hyannis as a member to a term expiring 6/30/2016

Albert B. Baker, 30 Wakeby Road, Marstons Mills as a member to a term expiring 6/30/2016

**VOTE: Roll Call----12 VanKleef, 1 Baker**

**2015-011 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 9/4/14, 9/18/14**

Upon a motion duly made and seconded it was

**RESOLVED**, that the Town Council reappoint the following individuals to a multiple-member board/committee/commissions

**CULTURAL COUNCIL**

Elise McMullin, 125 Marquand Drive, Marstons Mills as a member to a term expiring 6/30/2015

**HISTORICAL COMMISSION**

Nancy Shoemaker, 21 Meadow Lane, West Barnstable as a member to a term expiring 6/30/2015

Laurie Young, 142 Great Bay Road, Osterville as a member to a term expiring 6/30/2015

**HUMAN SERVICES**

Royden Richardson, 9 Park Avenue, Centerville as a member to a term expiring 6/30/2015

**HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION**

Joseph A Cotellessa, 65 Sylvan Drive, Hyannis as a member to a term expiring 6/30/2015

Taryn Thoman, 22 Mountain Ash Road, Marstons Mills as a member to a term expiring 6/30/2015

**PUBLIC WORKS COMMISSION**

Dr. Paul Canniff, 106 Hayes Road, Centerville as a member to a term expiring 6/30/2015

**VOTE: 12 YES, (Chirigotis recused)**

**2015-015 ACCEPTANCE OF FEDERAL FY14 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM IN THE AMOUNT OF \$54,999 FROM THE US DEPARTMENT OF JUSTICE INTRO 9/18/14**

Chief Paul MacDonald gave the rationale

**Councilor Discussion and Comment**

Once you purchase them what is the fee schedule [paid monthly] who wrote the grant and how is it distributed? [Director of Support Service wrote the grant, money comes through us and we disperse to other towns] do you disperse to the other towns in a lump sum? What if the other towns don't use all the money [if they do not use their full amount the money goes to Barnstable]

Upon a motion duly made and seconded it was

**RESOLVED:** That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local from the U. S. Department of Justice amount of \$54,999 (fifty-four thousand nine hundred and ninety-nine dollars)

**VOTE: PASSES UNANIMOUS**

**2015-016 ACCEPTANCE OF FEDERAL FY13/FEDERAL FY14 EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF \$28,435 FROM THE MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY INTRO 9/18/14**

Chief Paul MacDonald gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** That the Barnstable Town Council does hereby accept the Federal FY13/Federal FY14 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency in the amount of \$28,435 (twenty eight thousand, four hundred and thirty five) for enhanced communication capabilities

**VOTE: PASSES UNANIMOUS**

**2015-017 ACCEPTANCE OF A \$40,000 EARMARK FROM THE COMMONWEALTH OF MASSACHUSETTS TO FUND REGIONAL STREET CRIME UNIT/HEROIN SPECIFIC CHALLENGES INTRO: 09/18/14**

Chief Paul MacDonald gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** That the Barnstable Town Council does hereby accept funding from the Commonwealth of Massachusetts in the amount of \$40,000 (forty thousand) that has been earmarked for the Regional Street Crime Unit efforts to combat specific challenges in the Cape communities relative to Heroin Trade, Addiction and Fatalities.

**VOTE: PASSES UNANIMOUS**

**2015-018 ACCEPTANCE OF A FEDERAL FY13 AND FEDERAL FY14 BULLETPROOF VEST PARTNERSHIP GRANTS IN THE AMOUNT OF \$18,278.64 AND \$14,054.43 RESPECTIVELY FROM THE US DEPARTMENT OF JUSTICE, PROGRAMS INTRO: 09/18/14**

Chief Paul MacDonald gave the rationale

**RESOLVED:** That the Barnstable Town Council does hereby accept Federal Fiscal years 2013 and 2014 Bulletproof Vest Partnership Grants from the United States Department of Justice, Office of Justice Programs in the amount of \$18,278.64(eighteen thousand two hundred seventy eight and sixty-four cents) (FFY13) and \$14,054.43(fourteen thousand, fifty four and forty-three cents) (FFY14).

**VOTE: PASSES UNANIMOUS**

**2015-019 AMEND SECTION 206-8 OF ARTICLE III TEMPORARY REPAIRS TO PRIVATE WAYS OF THE GENERAL ORDINANCES OF THE CODE OF THE TOWN OF BARNSTABLE INTRO: 09/18/14**

Continued to a public hearing on October 2nd

**VOTE: to continue to a public hearing on October 2<sup>nd</sup> Unanimous**

**TOWN MANAGER COMMUNICATIONS:**

- Budget schedule
- Mass DOT letter regarding the display on Route 28 and Old Stage Road
- Survey regarding environmental concerns/issues
- 375 events
- Barnstable England Visit

**ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn.**

**Unanimous**

**Adjourned at 9:05 PM**

Respectfully submitted,

Ann M. Quirk, CMC  
Town Clerk – Town of Barnstable

**NEXT REGULAR MEETING: October 2, 2014**

**EXHIBITS**

A MGL c 214, section 7B