



# Town Council Meeting

December 3, 2015



**A** quorum being duly present, Council President Jessica Rapp Grassetti called the December 3, 2015, 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:** Frederick Chirigotis, James Crocker, Jr.(7:02), William Crocker, Jr., Jennifer Cullum, Sara Cushing, Debra Dagwan, John Flores, Jessica Rapp Grassetti, Paul Hebert, John Norman, Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

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

#### **PUBLIC COMMENT:**

Meg Loughran asked for clarification regarding bids thresholds and how it affected the Town Manager Search Committee. She felt searching and replacing the Town Manager was a big expense for the tax payers especially when the current Town Manager was highly regarded by council members and residents.

David Sauro, President Centerville Civic Association continued to express the association's concern regarding the search to hire a new Town Manager. He hoped the Council would look at internal candidates and avoid spending money and time on an outside search.

#### **COUNCIL RESPONSE TO PUBLIC COMMENT:**

Good discussion about a difficult subject. A Town Manager search has not been done for 17 years. The quote process utilized was not discussed with the full council. The current Assistant Town Manager has the experience and the education to become the Town Manager. Why are we changing the Town Manager and what is the succession? It is difficult to understand why the Town Manager who had good recommendations and is now leaving? Hiring a Town Manager is a difficult process for a much desired position.

#### **TOWN MANAGER COMMUNICATIONS:**

- Community Compact
- Board of Health
- Department of Public Works
  - Ruth Weil discussed a possible Executive Session on December 17<sup>th</sup>; the needle exchange and the need for protocols for all entities that distribute needles in Barnstable. She mentioned another legal case regarding the Clean Water Act and the Town had 20 days to respond.
- December 2<sup>nd</sup> Department of Public Works strategic planning and safety meeting
- Years of Service ceremony
- Open Meeting training
- Lumbar Trust
  - Len Gobeil, Town Manager's Special Project Manager, explained the history of the

Lumbar Fund and mentioned \$110,000 was given to needy residents this year. He noted 80 people had been interviewed for funding with 50 people actually receiving the funding. (Exhibit A)

- Fire Academy

**Councilor questions and comments:**

Interviews for the Superintendent of Barnstable School's will be held Thursday, December 16, 2015 @ 5:00pm. The First Annual Marstons Mills Christmas Stroll will be held on December 6th 3:00 pm – 5:00pm. Hyannis Main Street Christmas Stroll will be held on December 5th 10:00am – 6:00pm. Centerville Christmas Stroll will be held on December 11 10:00am – 9:00pm The Barnstable Village Stroll which happened on December 2nd was very successful. West Parish of Barnstable Tree Lighting and Carol Sing will be held on December 6<sup>th</sup> 5:00pm. Christmas in Cotuit December 5<sup>th</sup> 10:00 – 5:00pm

**ACT ON MINUTES:** Upon a motion duly made and seconded it was voted to approve the minutes of the November 19, 2015 meeting as written

**VOTE: PASSES UNANIMOUS**

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

- **Presentation from Christopher S. Galazzi, Executive Director, Cape Cod Maritime Museum** gave an overview from his PowerPoint presentation and discussed the museum's mission, Preserve, Protect and Promote the sea. He noted the museum was self supporting and took no public funding. (Exhibit B)

**Councilor questions and comments:**

Please restate the date of the fundraiser. [Ocean to Cocktail Table December 11<sup>th</sup> 4 -7 pm] Are there adult programs [Yes boating building with seniors]

<b>2016-041 APPROPRIATION ORDER OF UP TO \$34,999 FOR THE PURPOSE OF HIRING AN OUTSIDE CONSULTANT FOR A TOWN MANAGER SEARCH INTRO: 11/05/15, 11/19/15, 12/03/15</b>
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**Councilor questions and comments**

There needs to be management of succession plan. One question to be asked of all Town Manager candidates' will be – how will you respond if you receive a good evaluation rating but then you are not encouraged to stay in the position? Should the search be done utilizing Request for Qualifications or Request for Proposal? The search criteria was debated in committee and it was the right result. Process structure is set up and the full council voted to move forward with the process. The process flow was not respectful or kind to current Town Manager. We are voting on funding the decision to hire an outside consultant, Council already voted on Town Manager Search which was approved.

It was moved and seconded to move the question.

**VOTE: PASSES 10 YES 3 NO (CHIRIGOTIS, CULLUM AND HEBERT)**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of \$34,999 be appropriated for the purpose of hiring an outside consultant to assist in the search of the Town Manager, and that to fund this appropriation, that the sum of \$34,999 be transferred from the General Fund Reserves. This appropriation is for the consulting fees and any other costs associated with the search process.

**VOTE: PASSES 8 YES 5 NO (CHIRIGOTIS, CULLUM, DAGWAN, HEBERT AND TINSLEY)**

**2016-049 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 11/19/15, 12/03/15**

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:

**WATER RESOURCES ADVISORY COMMITTEE (WRAC):** Philip Boudreau, 265 South Main Street, Centerville, as a regular member to a term expiring 06/30/18; Lindsey Counsell, 1183 Old Stage Road, Centerville, as a regular member to a term expiring 06/30/17; Casey Dannhauser, 49 Putnam Avenue, Cotuit, as a regular member to a term expiring 06/30/17; Fred Dempsey, 48 Field Stone Road, West Barnstable, as a regular member to a term expiring 06/30/17; Ed Eichner, 141 Pine Tree Drive, Centerville, as a regular member to a term expiring 06/30/18; Farley Lewis, 21 Wachusett Avenue, Hyannis port, as a regular member to a term expiring 06/30/17; Michael Moynihan, 33 Park Avenue, Centerville, as a regular member to a term expiring 06/30/18; George Zoto, 10 Widgeon Lane, West Barnstable, as a regular member to a term expiring 06/30/18

**VOTE: PASSES UNANIMOUS**

**2016-051 APPROPRIATION ORDER \$8,000 COMMUNITY PRESERVATION FUNDS FOR ACQUISITION OF OPEN SPACE AND RECREATION LAND AT 230 OLD COLONY ROAD, HYANNIS, MAP 325, PARCEL 33, CONSISTING OF A PARCEL OF 2.11 ACRES MORE OR LESS INTRO: 11/19/15, 12/03/15**

Lindsey Counsel gave the rationale. He noted the request is critical to the habitat of the Snows Creek Area.

Open public hearing seeing no one, close public hearing.

**Councilor questions and comments**

The conservation land should be fenced for safety reasons. [Will need to think if that is possible]

Upon a motion duly made and seconded it was

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of Eight Thousand and No/100 (\$8,000.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund to be expended for acquisition of open space and recreation land shown on Assessors Map 325 as Parcel 33 with an address of 230 Old Colony Road, Hyannis; and that the Town Manager is authorized to expend the amounts appropriated for the stated purposes by purchase of the land on behalf of the Town and execute, receive, deliver and record any written instruments, subject to prior approval of the grant of a conservation restriction by the Town Council and oversight of the Community Preservation Committee.

**VOTE: PASSES 13 YES**

**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 INTRO: 12/03/15**

**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

**VOTE: CONTINUED TO THE DECEMBER 17, 2015 COUNCIL MEETING – PASSES UNANIMOUS**

**2016-054 AMENDING THE CODE PART I GENERAL ORDINANCES, CHAPTER 240 ZONING OF THE TOWN OF BARNSTABLE TO INCLUDE A HYANNIS PARKING OVERLAY DISTRICT**  
**INTRO: 12/03/15**

**ORDERED:** That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

**SECTION 1**

By amending Section 240-6 the Zoning Map, to create a new overlay zoning district known as "Hyannis Parking Overlay District" which includes the area shown on the reference map entitled "Hyannis Parking Overlay District", dated November 30, 2015, prepared by the Town of Barnstable GIS Department.

**SECTION 2**

By amending Section 240-5, Establishment of Districts, by adding under the heading "Overlay Districts" the term "Hyannis Parking Overlay District"

**SECTION 3**

Re-numerate sections as follows:

240-24.1.10 to 240-24.1.11

240-24.1.11 to 240-24.1.12

240-24.1.12 to 240-24.1.13

**SECTION 4**

These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article II of the Zoning Ordinance, Section 240-24.10, Hyannis Parking Overlay District

**240-24.1.10 Hyannis Parking Overlay District (HPOD)**

**240-24.1.10 Purposes and Intent.**

A. This section allows as of right permitting for land located south of Main Street in Hyannis which land has some legal pre-existing nonconforming status or was licensed as of May 1, 2014 as an open air parking lot involving the temporary storage of vehicles. The scope of such uses would otherwise have to be clarified through a quasi-judicial or regulatory process. The purpose of this section is to:

- (1) Clarify this land use and create as of right permitting for land now used as open air parking lots and located south of Main Street in Hyannis;
- (2) Protect the safety of the users of the lot and the general public through site development standards providing constant access for emergency responders;
- (3) Ensure safe access to structures for emergency responders;
- (4) Protect adjacent property from nuisance which may result from the operation of cars and parking off streets;
- (5) Enhance and protect the visual quality of the Hyannis harbor area;
- (6) Reduce congestion on lot access streets which also serve residential areas; and
- (7) Contribute to traffic safety by ensuring orderly access to and egress from such lots.

**204-24.1.10.2 Relationship to underlying districts and regulations.**

A. The Hyannis Parking Overlay District (HPOD) shall overlay all underlying districts so that any parcel of land lying in the HPOD shall also lie in the zoning district or districts in which it is otherwise classified by this chapter.

B. All regulations of the underlying zoning district(s) shall apply within the HPOD to the extent that they are not inconsistent with the specific provisions of this section 240-24.10. To the extent the provisions of this section 240-24.10 are in conflict with or are inconsistent with other provisions of this chapter, the provisions of this section 240-24.10 shall govern and prevail even if such other provisions are more restrictive than those set forth in this section 240-24.10.

### **204-24.1.10.3 Definitions**

**Aisle** - An aisle is that portion of the Commercial Surface Parking Lot circulation area providing safe and constant access for emergency responders and access to parking spaces for lot patrons. Aisle area is calculated exclusive of any other area on the lot such as driveway, parking stalls, and attendant areas.

**Commercial Surface Parking Lot** - The commercial parking of vehicles where parking is a principal use on the property. Non-commercial trucks, vans and other vehicles not exceeding 7.5 feet may use a Commercial Surface Parking Lot.

**Emergency Access Aisles and Fire Lanes** – Aisles, unobstructed at all times, for the safe and immediate access of emergency response vehicles. At no time shall any portion of a designated Emergency Access Aisle be used for parking or storing vehicles for any length of time no matter how short.

**Kiosk** – A structure, which may be temporary or seasonal, located on the Commercial Surface Parking Lot from which parking transactions are conducted.

**Parking Attendant** – An employee of the Commercial Surface Parking Lot available to customers to park and retrieve vehicles within the licensed lot.

**Remote Parking Sites** – Sites accommodating excess parking for HPOD parking lots that are located in another area of Hyannis where such parking use is allowed. Such remote parking lots shall be permitted and licensed only in connection with the HPOD parking lot.

**Second Principal Use** – A second principal use, lawfully permitted and established at the time of the adoption of this ordinance, may share a parcel with a Commercial Surface Parking Lot.

**Stacked Parking:** Parking of vehicles in a line or stack that may be up to three vehicles deep at a Commercial Surface Parking Lot. The lot operator shall have an attendant present to move vehicles out of the stack at all times that the lot is open for vehicle pick-up by vehicle owners.

### **240-24.1.10.4 Permitted Uses**

A.Principle Uses.  
Commercial Surface Parking Lot

### **204-24.1.10.5 Site Development Standards**

#### **(A)Access Management**

- (1)Entrance and exit driveways shall be a minimum of fourteen (14) feet wide for one-way use only and a minimum of twenty (20) feet wide for two-way use and shall be delineated.
- (2)Driveways shall be located so as to minimize conflict with traffic on public streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.

#### **(B)Parking Spaces**

- (1)Computation

- (a) Within the property boundaries the number of parking spaces is limited only by the required dimensions for parking spaces, aisles, emergency access aisles, and fire lanes.
- (b) Where another principal use, lawfully permitted and established at the time of the adoption of this ordinance, is located on the same parcel as the Commercial Surface Parking Lot the number of parking spaces required to support that use shall be deducted from the number of spaces for the Commercial Surface Parking Lot use.
- (c) Where another principal use not located on the same parcel as the Commercial Surface Parking Lot uses some of the Lot's spaces as shared parking for the off lot use, those spaces shall be deducted from the zoning and licensing number of lots for the Commercial Surface Parking Lot.
- (d) Up to 10% of parking spaces may be designed for and allocated to compact spaces.
- (e) Parking facilities shall provide specially designated parking spaces according to 521 CMR the Architectural Access Board.

## **(2) Dimensions**

- (a) Non-compact spaces 9' X 18'
- (b) Compact spaces 6' x 14'

## **(3) Demarcation**

- (a) Emergency Access Aisles and Fire Lanes shall be marked as shown on the record parking plan drawn and stamped by a Registered Professional Land Surveyor. In addition to showing the number of spaces that can be accommodated according to the dimensions herein, such plan shall depict demarcations for emergency access aisles through a method permanently affixed to the ground and approved by the Building Commissioner and Fire Safety Official.
- (b) Wheel stops and/or striping shall be installed and maintained to mark each permitted parking space. Stacked parking spaces shall be marked using ground mounted delineators or other demarcation.
- (c) Property boundaries for properties abutting other separately owned properties shall be marked with fencing or other means as may be approved by the Building Commissioner.

## **B. Stacked Parking**

- (1) Stacked parking in compliance with Section 204-24.10.4 B. may be permitted subject to the approval of the Building Commissioner and the Fire Safety Official.
- (2) Lots using stacked parking configurations shall have a full-time attendant supervising the lot and to enable owner access to vehicles at all times.

## **C. Aisle Width**

- (1) Unless otherwise provided for in this section, parking lots shall be designed so that each motor vehicle is able to proceed to and from the parking space provided without requiring the moving of any other motor vehicle.
- (2) All angle parking shall have one way circulation with an aisle width of at least 14 feet.
- (3) Fire lanes and emergency access aisles shall be provided as required by the Building Commissioner and the Fire Safety Official.

## **D. Lot Circulation**

- (1) Dead end aisles including but not limited to emergency access aisles, and fire lanes are prohibited.

## **E. Landscaping and Fencing**

- (1) Parking lots shall install perimeter landscaping area along street frontages.
- (2) Fencing other than split rail fencing is prohibited.

**F.Lighting** - Lighting shall not cause glare for motorists, pedestrians or neighboring premises. Full cut-off light fixtures shall be used in which no more than 2.5% of the total output is emitted at 90° from the vertical pole or building wall on which it is mounted.

**G.Signage** – Signage provisions rely on the requirements of the underlying zoning district or on rights that may be vested in the property as determined by the Building Commissioner.

**H.Accessory Structures**

- (1) Parking Lot Kiosk - A kiosk for parking lot attendants and/or business needs may be allowed. Kiosks are typically located at the main entrance(s) to or exit(s) from the lot. Each kiosk shall not exceed 150 SF in gross floor area and shall be located so as not to interfere with fire lanes, emergency access aisles, or site circulation. Kiosks shall include temporary sanitary facilities for employees. In no case shall the temporary sanitary facility be visible from any public way. Such structures shall be subject to applicable code or other permitting requirements and shall not host other principal or accessory uses such as retail without the required approvals.
- (2) Trash receptacles – all lots shall provide accommodations for client and employee trash. Trash receptacles and/or dumpsters shall be located near each Parking Lot Kiosk as may be required by the Building Commissioner and the Fire Safety Official. In no case shall the receptacles be visible from any public way.

**Section 5**

Amend Section 240-51 Location of Parking Spaces by deleting the words , "except that in the MA-1 Business District, parking spaces may be located on another lot within 500 feet of the use, provided that no parking lot shall be created by the demolition of buildings within the MA-2 Business District, OR Office Residential District, or buildings with frontage on Main Street in the MA-1 Business District" from existing Section 240-51:

By re-numerating Section 240-51 to Section 240-51 A, and  
By adding new Section 240-51 B. as follows:

**Section 240-51 Location of Parking Spaces**

- A. All off-street parking spaces required by this article shall be located on the same lot as the use for which such spaces are required, except that in nonresidential districts, parking spaces may be located on another lot within 300 feet of, and in the same zoning district as, the use for which such spaces are required.
- B. Parking facilities, including those governed by Sections 240-24.1.11 (as re-numerated herein). Site Development Standards Subsection A.(4) [4] [d] and Section 240-24.1.10 Hyannis Parking Overlay District may operate parking lots in other locations and propose shuttle service to transport patrons from these remote lots to their desired destination. Such proposals shall be subject to Site Plan Review.

**Section 6**

Amend Section 240-128 Definitions by adding the following definition:

**Shuttle Service** – Use of a multi-passenger vehicle to shuttle parking lot patrons between remote parking lots, parking facilities, and transportation terminals.

**VOTE: REFER TO PLANNING BOARD – PASSES UNANIMOUS**

**2016-055 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$40,600 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION INTRO: 12/03/15**

Dan Santos, Public Works Director gave the rationale.

Upon a motion duly made and seconded it was

**RESOLVED**, that the Town Council hereby accepts the Sustainable Materials Recovery Grant award in the amount of \$40,600.00 from the Massachusetts Department of Environmental Protection for recycling materials, education and outreach, trash compactor, mattress recycling, and food waste collection program, and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

**VOTE: PASSES UNANIMOUS**

**2016-056 ACCEPTANCE OF FY2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$49,251 FROM THE U. S. DEPARTMENT OF JUSTICE INTRO: 12/03/15**

Ann Spillane, Finance and Support Services Director gave the rationale. She explained the grant was given to three municipalities: Falmouth, Yarmouth and Barnstable with Barnstable receiving the largest amount.

Upon a motion duly made and seconded it was

**RESOLVED**: that the Barnstable Town Council does hereby accept the Federal Fiscal Year 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local from the U. S. Department of Justice in the amount of \$49,251.

**VOTE: PASSES UNANIMOUS**

**2016-057 ACCEPTANCE OF FISCAL YEAR 2016 911 DEPARTMENT SUPPORT AND INCENTIVE GRANT IN THE AMOUNT OF \$177,282 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY INTRO: 12/03/15**

Ann Spillane, Finance and Support Services Director gave the rationale.

Upon a motion duly made and seconded it was

**RESOLVED**: that the Barnstable Town Council does hereby accept the Fiscal Year 2016 911 Department Support & Incentive Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety, in the amount of \$177,282

**VOTE: PASSES UNANIMOUS**

**2016-058 ACCEPTANCE OF FISCAL YEAR 2016 STATE 911 DEPARTMENT TRAINING AND EMERGENCY MEDICAL DISPATCH GRANT IN THE AMOUNT OF \$193,876.95 FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY INTRO: 12/03/15**

Ann Spillane, Finance and Support Services Director gave the rationale. She noted there were no matching funds needed on any of the grants presented tonight.

Upon a motion duly made and seconded it was

**RESOLVED**: That the Town Council hereby accepts a Fiscal Year 2016 State 911 Department Training and Emergency Medical Dispatch Grant award in the amount of \$193,876.95 from the Commonwealth of Massachusetts Executive Office of Public Safety and Security.

**VOTE: VOTE: PASSES UNANIMOUS**

**2016-059 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III MULTIPLE MEMBER APPOINTIVE ORGANIZATIONS, CHAPTER §241-39A YOUTH COMMISSION INTRO: 12/03/15**



**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 second 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."

**VOTE: Refer to Second Reading on December 17, 2015 – Passes Unanimous**

➤ **Town Council Meeting Calendar 2016 – PASSES UNANIMOUS**

➤ **Town Council Nominations for the Election of Officers**

Office of the President:	Nominated by:	Seconded:
1. Cullum	Chirigotis	Hebert
2. Rapp Grasseti	Norman	Crocker (J)

Office of the Vice-President:	Nominated by:	Seconded:
1. Cushing	Dagwan	Hebert
2. Steinhilber	Norman	Wallace

The election will proceed at the Council's next meeting on December 17<sup>th</sup>

**ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn:**

**Unanimous**

**Adjourned at 9:20 PM**

Respectfully submitted,

Janet E. Murphy  
Assistant Town Clerk – Town of Barnstable

NEXT REGULAR MEETING: December 17, 2015

**EXHIBITS**

- A. Len Gobeil letter
- B. Cape Cod Maritime Museum brochures