



Town Council Meeting
January 19, 2017



A quorum being duly present, Council President Eric Steinhilber called the January 19, 2017, 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 Steinhilber 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.

Rachel Devine from the Barnstable Patriot raised her hand acknowledging she would be recording the Town Council meeting.

PRESENT: Frederick Chirigotis (8:24 pm), James Crocker, Jr., William Crocker, Jr., Sara Cushing, Debra Dagwan, John Flores, Jessica Rapp Grasseti, Paul Hebert, John Norman, Eric Steinhilber, James Tinsley, Jr., Philip Wallace. **Absent:** Jennifer Cullum.

The Pledge of Allegiance was led by President Steinhilber, followed by a Moment of Silence

PUBLIC COMMENT:

John Albury thanked everyone for being so helpful to him during the passing of his beloved wife. He mentioned his concerns about the lack of public comment during the Council meetings. He hoped more residents would attend and speak during meetings to express their thoughts to Council.

TOWN MANAGER COMMUNICATIONS:

- Update: (Exhibit A)
- o Total Athletic of Cape Cod Inc.
- o Wildlife Lands from Mass Fish and Wildlife
- o Cape Cod Community College Connection to pump station
- o Meeting House Farm property
- o Cape Cod Commission- February 6, 2017 4-6 pm
- o Youth programs in the community
- o NeighborhoodScout report
 - Chief MacDonald spoke about the NeighborhoodScout search engine report. He explained and clarified what had happened to place Barnstable on a list of the Top 100 most dangerous cities in the United States. He discussed the report criterion which was based on the number of Part I Violent Crime and the number of year-round permanent residents as reported by each town. He said Part I crime was composed of eight crimes: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson.

He noted the Part I statistics, which in Massachusetts is on a voluntary basis, were from 2015. He explained the numbers reported by NeighborhoodScout were correct and the recent Cape Cod Times report was factual.

Chief MacDonald reviewed all Part I statistics from 2011 to 2015. The Chief with a team of officers and civilian records personnel then pulled all reports from 2015 regarding aggravated assaults. He mentioned toward the end of 2014 coming into 2015 the Commonwealth of Massachusetts made changes to the domestic violence law. He said with these changes the law library and the booking computer needed to be updated to reflect the two codes for incident base recording code -13A felony assault or 13B simple assault. He noted when the changes were made the law library and the booking computer both defaulted to 13A felony assault. All domestics reported for the entire year of 2015 all went in as 13A felony assaults when the majority of them were 13B simple assaults. The coding error is the reason Barnstable was placed on the NeighborhoodScout report. Chief MacDonald took full responsibility for the error. Unfortunately he said the report is a published report and the numbers cannot be changed until 2016.

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the January 5, 2017 meeting.

VOTE: PASSES UNANIMIOUS

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

New law regarding recreational marijuana - marijuana use is still dangerous especially mixed with alcohol. Educational funding is needed to address this issue. A solution to this funding is increasing the price of the 50ml miniature bottle of alcohol to pay for the education.

The Human Right Commission shut down has been resolved and the office is open. The phone lines are working as well.

- **Joint Meeting Town Council/ Barnstable School Committee
Fiscal Year 2018 Budget Planning**

Council welcomed Margeaux Weber – Chair, Chris Joyce - Vice Chair, Stephanie Ellis, and Mike Judge. Margeaux Weber – Chair mentioned R. Patrick Murphy could not make the meeting.

Mark Milne, Director of Finance, thanked the Finance Staff for all their hard work on the 10 year forecast and the Comprehensive Annual Finance Report (CAFR). He gave an overview of his PowerPoint presentation regarding the Fiscal Year Financial Highlights, Fiscal Year 2016 General Funding Budget performance, Fiscal Year 2016 Enterprise Fund Budget Performance, Certification of Free Cash, Details of Change in the General Fund Free Cash, Other Reserves, CAFR June 30, 2016 Report, Trending 2017 Budget. He said there was no cause for concerns in any area and no budgetary issues with any department at this time. He discussed the History of the General Fund Revenue, the 10 Year Forecast, and Affordable Care Act 2020.

Councilor questions and comments:

How can we reduce the utility costs and fuel cost? (Solar has reduced electricity costs at the airport/landfill and some schools have rooftop solar)

2017-039 APPROPRIATION ORDER IN THE AMOUNT OF \$1,710.00 FROM THE GENERAL FUND RESERVES FOR THE ACQUISITION OF A TEMPORARY EASEMENT (3 YEAR) OVER A PARCEL OF LAND LOCATED ALONG STRAWBERRY HILL ROAD, IN BARNSTABLE (CENTERVILLE), BARNSTABLE COUNTY, MASSACHUSETTS INTRO: 12/01/16, 12/15/16, 01/19/17

Dan Santos, Director of Public Works, gave the rationale. He noted the three-year easement is needed to have the project go forth. He added Public Works has attempted to contact the owners of the parcel.

Open to a public hearing seeing no one close public hearing.

Upon a motion duly made and seconded it was

ORDERED: That the Town Manager be authorized to acquire by purchase or eminent domain for the purpose of constructing a public sidewalk, a temporary (three-year) easement over a parcel of land located along Strawberry Hill Road in Barnstable (Centerville), Barnstable County, Massachusetts, as follows: Parcel No. TE-1, containing 746± square feet of land as shown on a Plan of Land entitled Easement Plan of Land Falmouth Road (Route 28) & Strawberry Hill Road Barnstable, MA prepared for: McMahon Associates Scale 1"=20' Date: October 13, 2016," a copy of which plan is on file in the Town Clerk's office; and to appropriate the sum of **\$1,710.00** for the purchase or taking of said easement and associated costs and that the Town Manager is authorized to contract for and to expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

VOTE: ROLL CALL 11 YES

2017-045 AMENDING THE CODE OF THE TOWN OF BARNSTABLE PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY ADDING A GATEWAY MEDICAL DISTRICT INTRO: 12/15/16, 01/05/17, 01/19/17

A motion was made and seconded to withdraw without prejudice this item

VOTE: PASSES UNANIMOUS TO WITHDRAW

2017-048 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$75,000.00 FROM THE COMMUNITY PRESERVATION FUND FOR COMMUNITY HOUSING SUPPORT INTRO: 01/05/17, 01/19/17

Lindsey Counsel, Chair of the Community Preservation Committee gave the rationale.

Arden Cardin, Special Projects Coordinator and Assess Affordable Housing Coordinator, discussed the affordability saved with 3 units. She noted this funding will refill program coffers with additional \$75,000 to help buy down resellers. She added the new deeds written will keep the properties affordable.

Open to a public hearing seeing no one close public hearing.

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 Seventy-Five Thousand and No/100 (\$75,000.00) Dollars be appropriated and transferred from the amount set aside for community housing in the Community Preservation Fund to be expended for the support of affordable housing units in the Town to be secured by affordable housing restrictions; and that the Town Manager is authorized to expend the amounts appropriated and to execute, deliver, accept and record restrictions for the purposes authorized herein.

VOTE: ROLL CALL 11 YES

2017-049 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$25,918.20 OF COMMUNITY PRESERVATION FUNDS FOR BARNSTABLE SKATE PARK RENOVATIONS INTRO: 01/05/17, 01/19/17

Lindsey Counsel, Chair of the Community Preservation Committee gave the rationale. He explained the funds were needed to complete the project.

Mark Marinaccio, Town Architect, gave an overview of his PowerPoint presentation. (EXHIBIT B)

Open to a public hearing seeing no one close public hearing.

Councilor questions and comments:

The skating rink bowls are they covered or coded? (Cracks and cutouts are sealed similar to basketball courts sealers)

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 Twenty-Five Thousand Nine Hundred Eighteen and 20/100 **(\$25,918.20)** Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund for open space for the rehabilitation of land for active recreational use; and that the Town Manager is authorized to contract for and expend the amount appropriated under the direction of the Department of Public Works for repair of the bowls and other features of the Barnstable Skate Park, 141 Bassett Lane, Hyannis shown on Assessors Map 309 as Parcel 264, subject to oversight by the Community Preservation Committee.

VOTE: ROLL CALL 12 YES

2017-050 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$725,000.00 FROM THE COMMUNITY PRESERVATION FUND FOR THE ACQUISITION OF 0 INDEPENDENCE DRIVE, HYANNIS MAP 332001002 FOR OPEN SPACE RECREATION AND COMMUNITY HOUSING IN SUPPORT OF CAPE COD RAIL TRAIL EXTENSION INTRO: 01/05/17, 01/19/17

Lindsey Counsel, Chair of the Community Preservation Committee gave the rationale. He discussed the three pieces of property from the Cobb Trust.

Trisha Domigan, Project Architect gave an overview of her PowerPoint presentation. She discussed the Cape Cod Rail Trail phases I, II and III. She noted MASSDOT is paying for

the construction of the projects.

Open to a public hearing seeing no one close public hearing.

Councilor questions and comments:

What about the hunting rights? (Yes already been approved for acres) Parking lot location (it is west of Capabilities) Has there been outreach in the neighborhood? (Lindsey Counsel is available anytime) Is there any reimbursements? (None)

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, General Laws chapter 44B, the sum of Seven Hundred Twenty-Five Thousand and NO/100 (**\$725,000.00**) be appropriated by transferring the sum of Four Hundred Four Thousand and No/100 (**\$404,000.00**) Dollars from the unreserved portion of the Community Preservation Fund and the balance of Three Hundred Twenty-one Thousand and NO/100 (**\$321,000.00**) Dollars from the amount appropriated under Town Council Order 2008-112 passed on March 27, 2008 for the acquisition of a vacant 12.87 acre more or less parcel addressed 0 Independence Drive, Hyannis shown on Assessors map 332 as Parcel 010-002 and the attached sketch plan for Enoch T. Cobb Trust, a 9.86 acre more or less portion shown on the sketch as "Conservation Restriction Area B" for open space and recreation purposes and the remainder shown on the sketch as "Lease Area A" for community housing and recreation purposes; and that the Town Manager is authorized to expend the amount appropriated for the stated purposes to be secured in part by the conservation restriction approved under section 4(a) of Town Council Order 2015-041 passed on November 6, 2014 and authorized by section 2(v) of Chapter 211 of the Acts of 2016 on the aforesaid portion of the property shown as said conservation area and enter into, execute, deliver, accept and record an affordable housing and recreation restriction on the remaining portion of the property shown as said lease area subject to the approval of the Community Preservation Committee.

VOTE: ROLL CALL 12 YES

<p>2017-051 AMENDMENT OF THE ZONING MAP OF THE TOWN OF BARNSTABLE MASSACHUSETTS TO INCLUDE PARCELS 023023 AND 038004 IN THE GROUND MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT INTRO: 01/19/17</p>

Upon a motion duly made and seconded it was

ORDERED: That Chapter 240, Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended extend the Ground Mounted Solar Photovoltaic Overlay District as shown on maps entitled;

- Proposed Amendment to the Town Zoning Map Expanding the Ground Mounted Solar Photovoltaic Overlay District – Index Map and
- Proposed Amendment to the Osterville Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District – Sheet 5 of 7 and
- Proposed Amendment to the Marstons Mills Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District – Sheet 6 of 7 and

- Proposed Amendment to the Cotuit Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District – Sheet 7 of 7

Dated January 9, 2017 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit

VOTE: REFER TO PUBLIC HEARING FOR PLANNING BOARD UNANIMOUS

2017-052 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$500 FROM THE ARTS FOUNDATION OF CAPE COD TO SUPPORT AN ART THERAPY PROGRAM AT THE BARNSTABLE SENIOR CENTER INTRO: 01/19/17

Lynne Poyant, Director of Community Services gave the rationale for both grants for agenda items 2017-052 and 2017-053.

Upon a motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a grant in the amount of **\$500** from the Arts Foundation of Cape Cod to support an art therapy program at the Barnstable Senior Center's Adult Supportive Day Program, and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

VOTE: PASSES UNANIMOUS

2017-053 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$900 FROM THE EUPHEMIA DOBBIE MEMORIAL FUND OF THE CAPE COD FOUNDATION TO SUPPORT AN ART THERAPY PROGRAM AT THE BARNSTABLE SENIOR CENTER INTRO: 01/19/17

Upon a motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a grant of \$900 from the Euphemia Dobbie Memorial Fund of the Cape Cod Foundation to support an art therapy program at the Barnstable Senior Center's Adult Supportive Day Program and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

VOTE: PASSES UNANIMOUS

2017-054 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$128,450 TO THE BARNSTABLE SENIOR SERVICES DIVISION FROM THE EXECUTIVE OFFICE OF ELDER AFFAIRS TO SUPPORT STAFF SALARIES AND PROGRAMS OF THE BARNSTABLE SENIOR CENTER INTRO: 01/19/17

Lynne Poyant, Director of Community Services gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a grant of \$128,450 from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Senior Center and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

VOTE: PASSES UNANIMOUS

2017-055 RESOLVE SEEKING LETTER OF SUPPORT - TALES OF CAPE COD

INTRO: 01/19/17

Councilors Flores and Rapp Grasseti gave their disclosure forms to the Assistant Town Clerk.

Upon a motion duly made and seconded it was
To amend the agenda item number from 2017-054 not 2017-055

VOTE: PASSES UNANIMOUS

Upon a motion duly made and seconded it was
RESOLVED: That the Town Council pursuant to the policy adopted under Town Council Order **2015-024**, hereby approves sending a letter of support for Tales of Cape Cod, a nonprofit organization dedicated to the preservation and communication of the history of Cape Cod, maintaining the Olde Colonial Courthouse in Barnstable and preserving the Iyannough Gravesite in Cummaquid.

VOTE: PASSES UNANIMOUS

2017-056 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 01/19/17

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **BOARD OF HEALTH:** Cecile M. Sullivan, 6 Isalene Street, West Hyannisport, as an alternate member to a term expiring 06/30/20;

HOUSING COMMITTEE:

Dave Carey, 21 Stanley Place, Hyannis as a regular member to a term expiring 06/30/20;

LAND ACQUISITION AND PRESERVATION COMMITTEE: Janet Crystal, 241 Megan Road, Hyannis as a regular member to a term expiring 06/30/20; **STEAMSHIP**

AUTHORITY PORT COUNCIL, REPRESENTATIVE OF BARNSTABLE, Eric W. Shufelt, 1696 Osterville-West Barnstable Road, West Barnstable, as a representative member for Barnstable to a term expiring 12/30/19;

VOTE: REFER TO SECOND READING ON 02/02/17 PASSES UNANIMOUS

ADJOURNMENT:

Upon a motion duly made and seconded it was
VOTED to adjourn:

Adjourned at 9:05 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk

NEXT REGULAR MEETING: February 2, 2017

EXHIBITS:

- A. Town Manager update for period January 5 through January 19, 2017
- B. Skate Park presentation