



Town Council Meeting
March 2, 2017



A quorum being duly present, Council President Eric Steinhilber called the March 2, 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.

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

The Pledge of Allegiance was led by President Steinhilber, followed by a Moment of Silence for family of Mary Fratantonio of Cotuit.

PUBLIC COMMENT:

Caleb Sonnabend invited the public and the Town Councilors to the Tilden Arts Center of the Cape Cod Community College on Thursday, March 16th at 5:30. (Exhibit A)

Michael Farrell concerned about the rezoning of the Cotuit Water District.

Tony Zugal spoke in favor of the Cape Cod Tech proposed new building.

Councilor response:

Thank you for speaking out about the rezoning amendment.

TOWN MANAGER COMMUNICATIONS:

Update: (Exhibit C)

- Budget Action Calendar
- First reading March 23rd
- Fee Hearings held for fiscal 2018 fees

Nina Coleman and her daughter Ruby presented a power point on the Piping Plovers (Exhibit B). Nina covered the Section 10 Permit goals. The Sandy Neck goals are:

- To keep the beach open to ORV's,
- Escorting vehicles and
- Protect the plovers and terns.

Councilor questions and comments:

Why are the numbers so high [a state requirement to take care of the birds, biggest threat right now is coyotes and other predators] Is Sandy Neck the only location for a plover population [Dowers has a pair and Kalmus; Craigville Beach has a pair] Other mitigation processes [would allow for selective hunting, has not been well received] In 2013 the piping plovers nested in the parking lot area, that held up everything, would Section 10 help this situation; [we could now deter them by putting plywood down] if we didn't have this section 10, we could have more plovers [yes this has helped].

- Lead sampling at the shooting range site
- Moving toward a comprehensive study to remediate
- Bargaining with employees for healthcare benefits
- Cape Light Compact
- Massachusetts Municipal Association is partnering with Suffolk University this year for a certificate program.
- Lifeguard Training Program

Councilor questions and comments:

Thank you for protecting the citizens of the Town. Partnership with Suffolk University, how many of the employees have gone on [will get you the numbers] Do we pay for this [Yes]. Cape Cod Municipal Health Group why aren't we participating in GIC, is there an opportunity? [We could choose to go with the GIC plan did not show it was more competitive pricing] Thank you for your commitment to the youth; and bringing together the YMCA with the Recreation Department. Shooting range sampling, what were the levels in 2015 [no detectible levels] for future reference can we show the historical references. It appears that the wells have picked up pieces of the lead from rainwater runoff which could skew a sample. [We will continue to evaluate and show the historic numbers] We have a real need for lifeguards in the town; thank you. Cape Cod Light Compact; they are looking for space in Barnstable; who are the towns that may enter into the joint power act [will get the information for you] [Cape Compact will dissolve and become part of the Cape Cod Light Compact] [Mark Milne, joint powers act will be an independent entity, no longer part of Barnstable County government, with all the same employees]

MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the February 16, 2017 meeting. Typo under public comment, please correct "windwinders" to "downwinders" A motion was made and seconded to accept the minutes as amended

VOTE: AS AMENDED PASSES 10 YES, (2 abstentions Rapp Grasseti, Dagwan)

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

We did have a non-binding question passed on the November 2013 ballot regarding the Pilgrim Power Station. The "Downwinders" would like the Town Council to submit a letter to Governor Baker; please support the Youth Commission at the Summit on Thursday evening; Cotuit 1930's water tower will be demolished; Boy Scout spaghetti supper; National Day of Unplugging. Asset Management Committee met to go over Town owned parcels of land, would like to make parcels available for sale. Quorum issues on the Recreation Committee may need to increase the membership.

PRESENTATION BY ROBERT P. SANBORN III, SUPERINTENDENT, CAPE COD REGIONAL TECHNICAL

Robert Sanborn, Superintendent and Erin Orcutt, Business Manager for Cape Cod Tech gave a presentation regarding the building process and budget for the Cape Cod Regional Technical High School.

Councilor Comments and questions:

How are you going to educate the members of our town regarding the funding aspect of this vote? You are not talking about how it will effect this community [No authority to do that, each town may be handling this differently; can be on a separate ballot on the same day, not our desire to impact the operating budget of any town] Could we have a discussion on the override? What will the new building offer to the students? [Dedicated cafeteria; all academic and technical classes to be conducted in appropriate space according to the MSBA, for instance the Marine mechanics program operates in a garage, which is very cold at this time of year] When was the last time you were accredited? [2012, we have had an ongoing share with the MSBA project] could we see the facility and where the upgrades are needed [open to that] was there an analysis of the savings if you got off the site to utilize what else is out there [yes] Clarify fiscal 2017 valuations [property values, will get back to you with those figures] projected costs and 30% return from MSBA [should go up about 4%] what will the maximum number of students be in the new building [650 students]. Quality of the education today [still delivering a high quality education]. Does this include all new equipment in the labs [some transfer of equipment, building cost include furniture] are you expanding programs [analysis of 17 current programs, we eliminated two programs] are you confident with the new model being flexible to get you to through the next 15 years. Are you looking at robotics [yes, engineering has the robotics program] [Most costly, Marine, Auto collision, electric] How often are you replacing equipment [case by case basis] what would happen if a town pulled out [all the other towns have to approve which is not likely to happen; home rule petition; then the town would have to go before the legislature] teachers part of collective bargaining unit [yes] how many total employees; how many teachers [about 120 total/70 teachers] can you fund raise? [we have to be very careful; MSBA would take a cut] Cost per student in Barnstable is a little over \$16,000. How does that compare with the Tech [around 21] how successful are the programs with special needs [vast majority are employable] what is the breakdown of students [females take traditional classes; we encourage non traditional classes] Did we do a budget for the new building; do you need more teachers for the new building; retirement fund issue; [fund our budget to cover the yearly insurance for retirees; trying to lower healthcare costs; to speak to the new budget, we are not looking at staff increases, hope is for a cost neutral budget]

2017-099 APPROPRIATION AND LOAN ORDERIN THE AMOUNT OF \$6,500,000 FOR THE CONSTRUCTION OF A CARBON TREATMENT SYSTEM AT THE MAHER WELLFIELD AND PILOT TESTING FOR 1, 4-DIOXANE TREATMENT INTRO: 02/16/17

DPW Director, Dan Santos gave the rationale utilizing a power point presentation (Exhibit D).

Open public hearing seeing no one close public hearing

Councilor questions and comments:

Town has shouldered the cost, how is this going to trickle down to the Hyannis rate payers

[the water system has to generate the funds to stay afloat] if we get the money back will the rates go down [yes] we have to approve this to provide clean water, there needs to be some approach to help the Hyannis residents; [we do not yet know what the eligibility is for CPC Funding] [Town manager, Mark Ells, for every 100 thousand dollars we spend it means about a percentage point; we need to keep a healthy amount in reserves as well; if we get any subsidies we will put it against the rates] Is this going to be a general fund expenditure; too much of a burden for one part of the town; we are all using the water in the public buildings in Hyannis, should not fall on the rate payers; West Barnstable doesn't have any pipes or town water; will not support! I use a well, but our water rates are pretty cheap; Cost for treatment and the piloting? What is being done to the waste water treatment plants to remove the contaminants? [Lot of work that needs to be done in the future, to put in regulations for us as we go forward] How recent was Yarmouth water tested [they do testing every year] Airport One, green treatment, what kind of money will that take [not a major issue] focus on treatment of everything.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$6,500,000** be appropriated for the purpose of constructing a carbon treatment system at the Maher wellfield and pilot testing for 1,4-dioxane treatment, including the payment of costs incidental or related thereto, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow **\$6,500,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager 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: PASSES 12 YES

<p>2017-102 AMENDMENT OF THE ZONING ORDINANCE AND MAP OF THE TOWN OF BARNSTABLE MASSACHUSETTS TO AMEND AND EXPAND THE MARINE BUSINESS A-1 DISTRICT TO INCLUDE PARCELS 093/024, 093/025 AND 093/028 INTRO: 03/02/2017</p>
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Opened and referred to the planning board

Upon a motion duly made and seconded it was

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

SECTION 1

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to rezone property from the Residence C Zoning District to the Marine Business A-1 Zoning District as shown on maps entitled;

- Proposed Amendment to the Town Zoning Map expanding the MB-A1 District in Osterville – Index Map and
- Proposed Amendment to the Osterville Zoning Map expanding the MB-A1 District in Osterville – Sheet 5 of 7 and

Dated February 24, 2017 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit.

SECTION 2

By amending Article III, Section 240-23 MB-A1, MB-A2, and MB-B Business Districts, subsection (A)(1) Principal Permitted uses to include:

- (7) Craft boat building, including the berthing, sale, rental, storage and repair of boats, including the storage of boats on racks within the MB-A1 and MB-A2 Business Districts, subject to the provisions of subsection A(6), and the installation and maintenance of docks, piers, ramps, floats, and moorings.

SECTION 3

By amending Article III, Section 240-23 MB-A1, MB-A2, and MB-B Business Districts, subsection (G) Bulk Regulations, "NOTE" to include a 50 foot side/rear yard landscape setback requirement from residential lot lines as follows:

NOTE: Front yard landscaped setback from the road lot line:

MB-A1 and MB-A2 Business District: 10 feet.

MB-B Business district: 10 feet.

Side/Rear yard landscaped setback from residential lot lines:

MB-A1 Business District: 50 feet.

Existing trees and shrubs shall be retained within the road right-of-way and within the required landscaped setbacks and supplemented with other landscape materials, in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the landscaped setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three inches shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives and road intersections. All landscape areas shall be continuously maintained, substantially in accordance with any site plan approved pursuant to Article IX herein.

VOTE: Opened and referred to the planning board

<p>2016-103 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$15,000 FROM THE LYNDON PAUL LORUSSO CHARITABLE FOUNDATION TO SUPPORT THE 2017 SEVENTH GRADE YOUTH SUMMIT AND COMMUNITY PREVENTION FORUM INTRO: 03/02/2017</p>

Patti Machado, Recreation Department, gave the rationale

Councilor questions and comments

Will you have enough grant money to cover all the costs [yes, we believe so] If someone wants to make a donation how do they do that [make a check out to the Town of Barnstable] remarkable group, doing a great job

Upon a motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a grant in the amount of **\$15,000** from the Lyndon Paul Lorusso Charitable Foundation to support the Barnstable Youth Commission's 2017 Youth Summit and Community Substance Abuse Prevention Forum and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

VOTE: PASSES UNANIMOUS

2017-104 PETITIONING THE GENERAL COURT OF THE COMMONWEALTH TO FURTHER AMEND CHAPTER 248 OF THE ACTS OF 2012 AS AMENDED BY CHAPTER 355 OF THE ACTS OF 2014 (SEWER CONSTRUCTION AND PRIVATE WAY MAINTENANCE AND IMPROVEMENT FUND) TO ADD COMPREHENSIVE WATEWER MANAGEMENT INTRO: 03/02/2017

Rationale given by Vice President, James Crocker, Jr.

Upon a motion duly made and seconded it was

ORDERED: that the Town Manager submit a petition to the General Court of the Commonwealth to further amend Chapter 248 of the Acts of 2012 as amended by Chapter 355 of the Acts of 2014 by striking the first paragraph of Section 1 and substituting the following first paragraph of Section 1; to take effect upon passage of the further amendment.

“Notwithstanding Section 53 of Chapter 44 of the General Laws or any other general or special law to the contrary, the town of Barnstable may establish a Sewer Construction and Private Way Maintenance and Improvement Fund to receive revenue under section 3A of Chapter 64G of the General Laws, in the manner set forth in Section 2, and may appropriate monies in the fund for planning, designing and construction of sewers and other means of comprehensive wastewater management and maintenance and improvement of private ways.”

VOTE: PASSES UNANIMOUS

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED to adjourn:

Adjourned at 10:35PM

Respectfully submitted,

Ann M Quirk, CMC/CMMC
Town Clerk

NEXT REGULAR MEETING: March 23, 2017

EXHIBITS:

- A. Rebound The Chris Herren Story
- B. Endangered Species Act
- C. Mark Ells Update
- D. Water Supply Division