



Town Council Meeting  
September 28, 2017



**A** quorum being duly present, Council President Eric Steinhilber called the September 28, 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, Eric Steinhilber, James Tinsley, Jr., Philip Wallace. Absent: Jessica Rapp Grasseti

The Pledge of Allegiance was led by President Steinhilber, followed by a moment of silence.

**PUBLIC COMMENT:**

John Alden asked the Council to vote against the 2018-025; it is a bad idea; will create more problems.

Maryann Barbosa brought the problems to the Council regarding the Barnstable Housing Authority (BHA); "it has gone beyond mold, there is a serious level of intimidation." The maintenance is currently emptying the sewage every day. Barbosa attended a meeting of the residents and the BHA and felt they tried to intimidate her. She asked the Council to set up a meeting with the housing authority.

Fred LaSelva spoke about item 2018-025 asked the Council to vote against opening businesses between the hours of 1 AM to 3AM. LaSelva stated this will negatively impact our safety personnel. Vote this change down.

Britt Beedenbender affordable housing is greatly needed in the Town of Barnstable, and she supports a new initiative, for affordable housing training. Beedenbender suggested the Councilors attend the training to help solve the housing shortages.

Close public comment

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

- Concerned about the BHA, we have to protect those that are less fortunate
- Many not in support of the extended hours
- Need an update from the Housing Authority.

- The BHA is a state agency
- Who is generating the change of the curfew hours
- Is it coming from the business community;
- Did not receive the rationale for 2018-025 before the meeting

**ACT ON MINUTES:** Upon a motion duly made and seconded it was voted to approve the minutes of the September 7, 2017 meeting.

**VOTE: PASSES UNANIMOUS**

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

- Casino night fundraiser; Children’s Halloween Parade;
- Town of Barnstable receiving a \$14,000 Grant from the Dept of Environmental Protection
- The House and Senate have passed the Charter legislation change; now on the Governor’s Desk for his signature.
- Hyannis Open Street on October 22nd

- **Joint Meeting Town Council/ Barnstable School Committee Update on the Town’s Financial Condition** Margeaux Weber introduced committee members, Mike Judge, Stephanie Ellis and Chris Joyce. Weber announced the School Committee has a quorum and are also in a public hearing.

Mark Milne, Finance Director, used a PowerPoint program to explain the budget forecast (Exhibit A)

**Councilor questions and comments:**

Health insurance covers all town employees and retirees, there must be other alternatives for health care; are we proactively looking at alternatives; [Milne the state has limited enrollment (GIS); 2<sup>nd</sup> alternative to find another insurance company that will work for us; our best alternative is Cape Cod Municipal Health] Is there anything in the works to redesign the Foundation Budget Formula [not at this time] Are special education monies available [all subject to availability from the State] number of students transferring out of Barnstable [will get the numbers for you] why are the students moving out of Barnstable [Margeaux Weber-some are simply family convenience, school committee is always looking at this] Does this also include students that go to Charter Schools and Cape Tech [Does include Charter School, not the Tech].  
Close School Committee part of this meeting at 8 PM.

- **Maintenance Dredge Permit Presentation, Daniel Santos, Director, Department Public Works-** Dan Santos covered the goals and objectives of the plan, the areas of interest, utilizing a PowerPoint program  
Mark Milne, Finance Director covered the Comprehensive Dredging Plan (Exhibit B).

**Councilor Comments and Questions:** Are you looking for feedback regarding the money [yes, were are looking for feedback] as I see it there are three buckets of usage, recreational, beach, and wastewater management, has there been any analysis, what are the numbers of boats, docking fees; what fees are other towns charging; looking to fill a million dollar gap to fund this; boating community needs to fill this gap; use our surplus, to help close the gap, before bumping up the prices. We need to know what is in the

sediment, sewerage has been going into the bays; what chemicals and materials; safety for the public health [Santos, we are required by the state to do testing of all materials we dredge] Cape Cod Commission wants to create a centralized processing system for permitting; [we will look into that] Essential services that we are ten years behind, work to find the 1.5 million in the next fiscal year, bring forward ideas to us in the next few months, more municipal dockage for our municipal workers. Limiting beach goer's additional fees; [Ells would like to bring in a schedule of recommendation, want to head in the right direction]

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

Mark Ells, Town Manager update

Korean War Memorial statue donated by Mrs. Albert Makkay

- Will Crocker has known Mr. Makkay through years in the radio business, he thanked the Makkay family, this is a fitting tribute for him and his family.

Budget Action Calendar

Future Water Supply Wells located on Fish and Wildlife property

Customer Services Policies and Survey

New Assessor will be before the Town Council on October 5<sup>th</sup>

With Paul Niedzwiecki discussed Hyannis Growth Incentive Zone (GIZ)

Transportation Investment Generating Economy Recovery (Tiger) Grant

1<sup>st</sup> time homebuyers program – Arden Cadrin

Hyannis Homebuyer Assistance Program

Income Limits

First time home buyer

**Councilor questions and comments:** this is crucial in Hyannis, what marketing strategies will you be using? [complete a first time home buyer program, through realtors, website, press releases; application will be available at several locations such as the HYCC] suggest you put it on Facebook; went before the CPC, moving this on to the application process; amount of money available, [\$150,00 to start in Hyannis; CPC funds will be available to all villages] what is the criteria [first come first serve, determine eligibility; pre approval from mortgage company; property standards for the property] how will the town be paid back [zero interest deferred payment until property sells] is there a set duration of residency, [no]

Business Barnstable - Mike Trovato, Economic Development Specialist; we have just redeveloped the website to provide businesses with one stop, Barnstable is open for Business; provided a walk thru of the updated website; Business Permitting Guide (Exhibit C)

#### **Councilor questions and comments;**

Good to see we are pro-business; this guide is excellent is there a number assigned to this so they can reach someone; [both have contact information] Permits are down, do we know why, how are building permits tracked [metrics that do not directly come through me are not tracked, a lot go straight through the regulatory process; will be part of future newsletters] how many people did you assist this year, did you assist 15 or 25 [fairly steady, getting a higher visibility]

[Mark Ells, whole host of reasons of why people don't follow through; we are putting in place more proactive tools, asking if people have spoken to Mike Trovato, how do we serve you] Would like to see the success of Mike's office, we want to understand how it is going to work; how are we marketing ourselves; many people have come before the Town Council regarding BHA, it is a state agency; what is our role with the BHA; who at the state level is our person to address these issues; how they are accountable? [Will ask the Town Attorney to bring forward how all this works; we do follow up with each of the complaints] Addressed quite a few issues this year, had the opportunity to connect with the state, a new program at the state level is starting in January; would be happy to share the information with you [would like that contact's name]

<b>2018-025 REPEAL OF CHAPTER 115 OF THE GENERAL ORDINANCES, HOURS OF OPERATION OF BUSINESSES INTRO: 09/07/17, 09/28/17</b>
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Rationale given by Mark Ells, Town Manager provided an overview; purpose was to protect public safety and the noise level, this has been reviewed in previous years. Police Chief is here tonight to answer any questions  
Open public hearing

Andre King: would like the Town Council to allow businesses to be open; added revenue for the businesses for those in our town who may like a place to stop and eat or pick up items at a convenience store.

Fred LaSelva: spoke to this item previously; minimal amount of people are out during the hours of 1 AM to 3 AM. This is a quality of life issue. Gives us a sense of responsibility, lets not foster that again.

Britt Beedenbender: have not seen anyone from the business community come up to speak at public comment, so why has this item come forward.  
Close public hearing

**Councilor Comments and Questions:**

No members of the business community here to support this request; do you have the number of requests; not much financial gain in those few hours [some have included this in their regulatory agreements; black Friday there are many businesses that are open] Businesses are allowed to open if they come before the Town Manager; won't be supporting this; chance to review, we should agree that it is a great success; this is a great tool that we need to leave in the hands of our Police Dept. will not be supporting this item; this is so important to the communities that abut the businesses; for noise and safety reasons, not much financial gain during those hours; ask your support to keep this ordinance on the books; we have had the opportunity to hear from the residents; I am not in favor of this item; major concern no effort from the business community to open between 1 and 3 AM, will not support; what happens on the roadways when the people leave Hyannis; the burden is on Hyannis, will not support; the 24 hour stores they are closing at 1 AM and not opening again until 5 AM. There are people working at night road/sewer repairs; or plowing. We could modify this item to businesses that are on Route 132 not near any residences;

We have an obligation to review this item as a Council, so I would make a motion to amend this ordinance by removing the word repeal and replace it with the word review of Chapter 115 of the general ordinance hours of its continuance, motion made and

seconded,

We would replace the word repeal with review, what happens if we vote yes;

Town Attorney, Ruth Weil gave her opinion this was advertised as a repeal and we can have the minutes reflect that it was a review; but we can't change the wording of the ordinance as it does not fit in the "four corners" of what was advertised.

It doesn't meet the four corners? The vote would be a review of the ordinance as it stands as is; rule on the amendment of the four corners:[Weil: It doesn't meet the four corners] After a lengthy discussion the amendment motion was duly withdrawn and seconded.

Upon a motion duly made and seconded it was:

**ORDERED:** That the Town Council amends the General Ordinances of the Town of Barnstable by repealing Chapter 115, Hours of Operation of Businesses

**VOTE: 12 NO, DOES NOT PASS**

<b>2018-028 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 09/28/17</b>
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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: **Cultural Council**; Cheryl Powell, Centerville, as a regular member to a term expiring 06/30/2020; **Historical Commission**: Cheryl Powell, Centerville, as a regular member to a term expiring 06/30/2018; **Renewable Energy Commission**; Peter Doyle, Osterville, as a regular member to a term expiring 06/30/18; **Youth Commission**: Ethan Sirhal,(Sturgis East High School) c/o Hyannis Youth and Community Center, as a regular member to a term expiring 06/30/18

**VOTE:** to a second reading on 10/5/17-unanimous

<b>2018-029 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 09/28/17</b>
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Upon a motion duly made and seconded it was:

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Comprehensive Financial Advisory Committee**: Robert Ciolek as a regular member to a term expiring 6/30/20; **Disability Commission**: Paul Logan as a regular member to a term expiring 6/30/20; **Sandy Neck Board**: Peter Sampou as a regular member to a term expiring 6/30/20; Nason King as a regular member to a term expiring 6/30/20; **Shellfish Committee**: Albert Surprenant as a regular member to a term expiring 6/30/20; **Public Works Commission**: Barry Gallus as a regular member to a term expiring 6/30/20;

**VOTE:** to a second reading on 10/5/17-unanimous

**VOTE: ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn:**

**Adjourned at 9:55 PM**

Respectfully submitted,

Ann M Quirk, CMC/CMMC  
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: October 19, 2017

EXHIBITS:

- A Joint Meeting of the Town Council and School Committee
- B Comprehensive Dredging Plan
- C Barnstable Business & Permitting Guide