



TOWN COUNCIL MEETING

February 3, 2011

A quorum being duly present, Council President Frederick Chirigotis called the February 3, 2011, Town Council meeting to order at 7:00 p.m. in the 2nd Floor Hearing Room of Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Richard Barry, Janice Barton, Frederick Chirigotis, James Crocker, Jr., Debra Dagwan, Janet Joakim, J. Gregory Milne, James Munafo, Jr., John Norman, and James Tinsley.

Absent: Ann Canedy, Henry Farnham & Thomas Rugo

President Chirigotis led the hall in the Pledge of Allegiance, followed by a Moment of Silence.

PUBLIC COMMENT

Mr. Robert Tucker, talked about the addition to BJ's and wanted to know if there was any way they could put in gas pumps when they do their new addition.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Milne said that BJ's is not dealing with gas pumps in order to protect the water and sole source aquifer.

Vice President Barton stated that the homeless is a regional issue and each town should be involved.

Councilor Munafo made a motion to accept the minutes of January 20th. It was seconded and unanimously approved.

PUBLIC COMMENT

COUNCIL RESPONSE TO PUBLIC COMMENT

The HYCC will have a hockey game between the women's Canadian and Boston Olympic hockey teams on Saturday, February 5. Fees are \$5 for adults and \$3 for children.

Councilor Dagwan spoke about the Barnstable Senior Center's 12th annual Heart & Soul celebration for Black History month on Feb 5. The entertainment is by Delaware Floyd.

Councilor Milne made notice of Selectmen's and Councilors' breakfast on Friday, February 11th at 7:30 am at the Orleans Inn and it will focus on the budget and the "Antics on Beacon Hill".

ORDERS OF THE DAY

A. OLD BUSINESS

2011-045 AMEND THE GENERAL ORDINANCES, ART 1 §1-6 CHAPTER 1, GENERAL PROVISIONS AND CHAPTER 237, §237-1 WETLANDS PROTECTION
INTRO: 01/20/11, 02/03/11

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing this item.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was voted to go out of the public hearing.

VOTE: Unanimous in favor

Councilor Munafo questioned what provisions there are for fines should they be issued and what would be the process. Conservation and Natural Resource officers can issue tickets.

Councilor Tinsley talked about the implications of removing the public trust rights, would it have any affect that we should look at.

Chairman Houle of ConCom stated that public trust rights belong to the Commonwealth and not to the cities and towns.

A motion was made, seconded and unanimously voted to move the question.

Upon motion duly made and seconded it was

ORDERED: That the General Ordinances of the Code of the Town of Barnstable be amended as follows:

Section 1 By adding the following to Article I, § 1-6 Chapter I, General Provisions

Fines for Violations of Conservation Commission Regulations

SECTION § 1-6. By adding to § 1-6, Schedule of Fines of the General Ordinances of the Code of the Town of Barnstable after "Land Use Regulations (Ch. 702) Defacing or destruction of any structure, sign or gate \$200" the following in the appropriate columns: "Shooting Range (Ch 702), Violations of Shooting Range Regulations, Fine \$150."

Section 2 By deleting the following FROM § 237-1 Chapter 237 – WETLANDS PROTECTION

"public trust rights", and

By deleting the definition of public trust rights FROM § 237-13 Chapter 237 – WETLANDS PROTECTION.

VOTE: Roll Call: Unanimous

Councilor Joakim read a letter from Terry Duenas, the Chairperson of the Golf Advisory Com. (See exhibit A).

Councilor Milne questioned the etiquette of process for the committee as a body not just the chairman to recommend the change. He questions whether there would be a change if the entire committee responds.

Vice President Barton said the committee was invited and were not able to attend, but feels the letter covers the whole committee.

Councilor Crocker voted to move the question and it was seconded. **Vote: 8 Yes, 2 No**

The Barnstable Town Council does hereby amend the Administrative Code of the Town of Barnstable by striking Section 241-19 in its entirety and substituting the following therefore:

241-19 Golf Committee

A. Composition. There shall be a Golf Committee consisting of at least seven (7) members appointed through nominations by the Appointments Committee.

B. Authorities and responsibilities. The Golf Committee is advisory to the Town Manager relative to the operation of the municipal golf courses. The Committee advises on the establishment of course policies, rules and regulations. The Town Manager retains authority over the personnel and financial matters for the proper operation of the courses, including the setting of the rates; however, the Town Manager seeks the Committee's recommendations on rates. The Committee provides advice to the Town Manager in the preparation of the operating and capital budgets for the municipal courses. The Golf Committee is an advisory committee of the Town.

C. Interrelationships.

- i. Town Council: The Golf Committee interacts with the Town Council in order to discuss matters of municipal golf course policies, rules, and regulations.
- ii. Town Manager: The Golf Committee interacts with the Manager for the purposes noted herein, seeking to ensure that the Manager remains apprised of the needs of the municipal golf courses. The Manager provides staff support to the Committee through the Golf Section of Community Services Department, Recreation Division.

D. Term of office. Terms are three years, staggered dates of expiration so that no more than three expire each year.

VOTE 6 Yes, 3 No, 1 Abstention (Milne)

A motion was made by Councilor Crocker, seconded and voted to move the item to February 17, 2011.

VOTE: 8 Yes, 2 No

B. NEW BUSINESS

**2011-052 AMEND THE FEE ORDINANCE -TOWN CLERK FEES & TOWN COLLECTOR FEES –
INTRO: 02/03/11**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on February 17, 2011.

VOTE: Unanimous in favor

**2011-053 AUTHORIZING THE TOWN MANAGER TO EXECUTE A SUBSTANTIAL
AMENDMENT TO 89 LEWIS BAY, LLC FORMERLY GREENERY
DEVELOPMENT, LLC REGULATORY AGREEMENT – INTRO: 02/03/11**

Attorney David Lawler spoke on behalf of Lewis Bay LLC, the applicant. The new building has approximately 20,000 sq feet on the ground floor and was to be approved for all uses within that district, also allow for office use and any other uses allowed. Request is to allow a culinary school. The Cambridge School of Culinary Arts is the proposed tenant and is a very successful business. (See exhibit B). They plan to have different programs and sessions to utilize the building at different times. Atty. David Lawler thinks this is a nice element for Barnstable citizens. It will have three commercial kitchens for the benefit of the programs and will be great for culinary arts students. They have had two meetings with the planning board and it has been unanimously recommended this proposal be adopted by the town council.

Councilor Dagwan wanted to know how many students would be involved.

Atty. David Lawler said approximately 14-17 students for each class and there will be approximately 45 students at different times. It will create 30 jobs.

Councilor Crocker said there are 5 major issues he had questions on.

Elizabeth Wurfbein of the Hyannis Main St. Improvement District is behind this and stated that this will be a great mix and it will bring a sophisticated component to Hyannis

Councilor Tinsley thinks it's great and told his wife and thinks it will be received very well in the community.

Vice President Barton thought samples would be nice and asked about the impact on traffic and parking in that area.

Atty. David Lawlor said they met with the neighbors and all are on track with it. The traffic plan was very well thought out.

Councilor Norman asked if, down the road, the school did not succeed, could it open up to any for-profit educational use.

Upon motion duly made and seconded it was voted to refer this item to a second reading.

VOTE: Unanimous

ADJOURNMENT

Upon motion duly made and seconded it was voted:

TO ADJOURN. Unanimous

ADJOURNED: at 7:55

Respectfully submitted,

Linda E. Hutchenrider
From Notes of Barbara Ford
And Susan Maffei

NEXT MEETING: February 17, 2011