



TOWN COUNCIL MEETING

February 2, 2012

A quorum being duly present, Council President Frederick Chirigotis called the February 2, 2012, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

PRESENT: Janice Barton, Ann Canedy, Frederick Chirigotis, James Cote, Jennifer Cullum, Debra Dagwan, June Daley, Jessica Rapp Grasseti, Michael Hersey, Janet Joakim, John Norman, Thomas Rugo, James Tinsley, Jr.

The Pledge of Allegiance was led by President Chirigotis. Vice President Barton asked for thoughts and prayers for Kevin Galvin's family in this difficult time.

PUBLIC COMMUNICATION:

- Robert Tucker spoke of John Klimm taking the job of Town Manager in Rhode Island. Tucker asked to not let that happen to our new Manager. We need more affordable housing that will keep people here spending money.
- Roberta Mauch had three things. 1. Would like to see public comment be moved back to three (3) minutes. 2. My tax bill increase 22.4% 3. Would like to see clarity and control in spending in the Town. 4. Consider the following, each department track how you have cut costs, prioritize spending for necessities only, report monthly on the town website the progress, or at least annually. We deserve to be heard and our requests to be honored.
- John Alden said when he was on the Charter Commission changes were recommended, specifically some at large councilors which did not get implemented. He is a big fan of public comment, voters have a need to be heard, have public comment before the workshops.
- Maryann Barbosa said the Council can't stop public comment. Town Councilors have to listen to us. You are here for us. She stated we have not used the Cultural Center as it was originally intended. "If you can't handle the heat get out of the kitchen."
- Mimi McConnell said when you search for a new town manager look internally, ask searching questions, be very tough. Be open in looking for this new person and good luck.
- Warren Rutherford, Chair of the Hyannis Area Chamber of Commerce, he wanted to advise the Town Council that the Hyannis Chamber voted unanimously to support Resolve 2012-064.

- Bert Russo spoke to the Council regarding property he owns in Cotuit that has a separate cottage apartment. For twenty-four years the former owner rented the cottage. We have not been allowed to do the same. We have been to court and won our case. Please put an end to this craziness. (Exhibit A)

Closed Public Comment.

COUNCIL RESPONSE TO PUBLIC COMMENT

- Councilor Dagwan responded to the comment about the United Cultural room open at the HYCC. The room has moved forward good quality tutoring at no cost to the child. Two fund raising efforts called “Zoom-a-thons” have put the money back into the room. Some of the money has helped families who can’t afford memberships to the youth center.
- Councilor Dagwan would like to look into the issue Mr. Russo presented to the Council. The legal team’s job is to protect us, and we support them, but it is good for people to come forward to let us know what they have gone through. We need to know the costs involved and what is the most cost effective way for the for the Town to handle this issue.
- Councilor Canedy supports the legal department, but we should be advised about these issues. Public Comment should be at the beginning of every meeting.
- Councilor Cullum agrees that public comment is sacred and should be at the beginning of every meeting. She agrees with Councilor Dagwan and would like to take a look at the information on the Russo property in Cotuit.

ACT ON MINUTES (Includes Executive Session)

Upon motion duly made and seconded it was voted to accept the January 5, 2012 minutes as written.

VOTE: 12 Yes, 1 abstain (Norman)

Upon motion duly made and seconded it was voted to accept the January 19, 2012 minutes as written.

VOTE: 13 Yes, unanimous

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, Councilor Dagwan announced that this is Black History month, there are various activities going on throughout the month, and a “Zoom-a-thon” fund raiser at the youth center. Again this year the Senior Center is celebrating the heart and soul of Black History Month. Dagwan stated she is the new clerk of the Cape Cod Councilor and Selectman’s Association, and gave information for an upcoming meeting next Friday.

Councilor Canedy said she attended a Workshop by the Land Acquisition & Preservation Committee, the purpose of the meeting was to look for lands for future acquisition with a focus on water quality issues and protection of wells. She attended the Massachusetts Municipal Association. She picked up a lot of information at the Trade Show.

Councilor Cote announced that on Saturday, in Osterville, is the 7th the Annual Chocolate Festival, it should be a deliciously good time.

Councilor Joakim announced that once again Centerville is on the map. The Centerville Pie Company has become part of the Super Bowl bet.

Councilor Barton announced several upcoming meetings in Marstons Mills. Barton attended the MMA trade show workshops where very often Barnstable is cited as “best practices.” She is proud to be from Barnstable.

Councilor Tinsley spent some time with Hyannis Water and Sewer representatives and , toured all the wells and tanks. It was very impressive to see the effort to protect our water. Tinsley thanked them very much.

ORDERS OF THE DAY

A. OLD BUSINESS

2012-035 – AMENDING THE ZONING ORDINANCE, CHAPTER 240, ARTICLE II

INTRO: 11/17/2011, 02/02/2012

Upon motion duly made and seconded it was voted to refer this item to a public hearing.

VOTE: Unanimous, refer to February 16th.

2012-060 APPROPRIATE & TRANSFER \$365,000 FOR ASBESTOS ABATEMENT SERVICES & REMOVAL AT THE OLD BARNSTABLE AIRPORT CONTROL TOWER BUILDING. INTRO: 01/19/2012, 02/02/2012

Mr. Sanchez gave the rationale, which is seeking the approval to transfer \$365,000 from the Enterprise Funds to cover the cost of the asbestos removal in anticipation of 100 percent reimbursement by the FAA.

President Chirigotis opened the meeting to a public hearing.

Seeing now one come forward, President Chirigotis closed the public hearing.

- Councilor Canedy asked how much does this deplete the reserve? Is this a project oversight? Is it not reasonable to assume that asbestos would be found in a building of this era?

Mr. Sanchez responded that we have over \$6 million in reserves. During the demolition more asbestos was found behind the walls and the cinder block.

- Councilor Tinsley stated his concern on when will we be reimbursed? Tinsley's concern is the amount of money. We need to know we will be reimbursed.
- Councilor Norman understands the issues regarding the asbestos. Asbestos was mixed in with many building products in that era. When you are going through a project, you do the best you can for an assessment, and make a good faith estimate.
- Councilor Dagwan stated that asbestos was used in the 60's and no one knew how bad it was until the 70's.

- Councilor Cullum said this isn't nearly the same thing as the generator. This seems structural in nature, and we need to clean it up. Cullum supports this item.

Upon motion duly made and seconded it was

ORDERED: That the sum of Three Hundred Sixty-five Thousand Dollars and No Cents (\$365,000.00) be appropriated for the purposes of funding the costs associated with asbestos abatement monitoring services, and the removal of additional asbestos containing materials (ACMs) identified within the old Air Traffic Control Tower building; and that to meet this appropriation, \$365,000.00 be transferred from available funds within the Airport Reserve Fund and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose.

VOTE: 12 yes, 1 no (Tinsley)

2012-061 ACCEPTANCE OF \$10,000 WILDFIRE ASSESSMENT & PREPAREDNESS GRANT. INTRO: 02/02/2012
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Acting Town Manager Tom Lynch gave the rationale.

Councilor Canedy supports the rationale; however she is concerned about the method used to clear the land. Canedy is opposed to the mechanical method of clearing anything in its way.

Acting Town Manager, Tom Lynch agreed with Councilor Canedy and will explore a clear cutting method which is more manual.

Upon motion duly made and seconded it was voted to move the question

Vote: 13 Yes

Upon motion duly made and seconded it was

RESOLVED, That the Town Council hereby accepts a Cape Cod Cooperative Extension Wildfire Assessment and Preparedness Program Land Management and Wildfire grant in the amount of \$10,000, for mechanical, clearing 10' buffers along connecting trails between the safety zones #1 and #2 and the installation of a gate on Aunt Hatch Lane.

VOTE: 13 yes, unanimous

2012-062 ACCEPTANCE OF \$50,000 MA GATEWAY CITIES PARKS PROGRAM GRANT INTRO: 02/02/2012
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Joanne Miller Buntich, Director of Growth Management gave the rationale. We have to spend this money by June 30th.

Councilor Canedy asked what we appropriated for Ridgewood Park we are not going to be able to spend because we didn't get a match?

Acting Town Manager Tom Lynch stated that the appropriation stands, we are not spending any money at this time.

Upon motion duly made and seconded it was voted to move the question.

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED, That the Town Council does hereby accept the grant award in the amount of \$50,000 from the Commonwealth of Massachusetts Gateway Cities Parks Program.

VOTE: Unanimous

**2012-063 AUTHORIZATION – THE ISSUANCE OF REFUNDING BONDS BY
TREASURER INTRO: 02/02/2012**

Upon motion duly made and seconded it was voted to refer to a public hearing on 2/16/2011

VOTE: Unanimous, referred to a public hearing.

**2012-064 RESOLVE TO CREATE A STATE-AUTHORIZED CULTURAL DISTRICT INTRO
02/02/2012**

Acting Town Manager, Tom Lynch gave the rationale and introduced Director Joanne Miller Buntich. Director Buntich wanted to recognize Melissa Hersh and Elizabeth Jenkins who have done an amazing job on this process. Director Buntich handed out a new map version number seven (7). Exhibit B

Councilor Canedy pointed out an error on the resolve, made a motion to strike Barbara Ford's name as Acting Town Administrator from underneath Council President Frederick Chirigotis.

A motion was made and seconded amend this item by striking Barbara Ford's name.

VOTE: UNANIMOUS

Councilor Cullum said she is so impressed with Growth Management, you do a great job.

Councilor Tinsley agreed with Councilor Cullum Growth Management is very impressive, and he encourages everyone to support this resolve. Such a win-win.

Councilor Rapp Grassetti asked how will this include Cultural assets outside of the map?

Director Buntich said they took an additional step in the application process, and listed all the cultural organizations throughout the town, and that they would be participants in this endeavor.

Councilor Dagwan noticed that it involves the possibility of doing something regionally. Will we be working with other towns?

Director Buntich responded that at this time it is just a small walk-able area.

Upon motion duly made and seconded it was voted to move the question.

VOTE: Unanimous

Upon motion duly made and seconded it was voted that:

A resolution by the Town of Barnstable to create a state-authorized cultural district for at least (5) years and to be named the HyArts District

WHEREAS, the town wishes to pursue a state-authorized cultural district through the enabling legislation (M.G.L. c. 10, § 58A); and

WHEREAS, the town has a mixed-use geographical area that has a concentration of cultural facilities and assets; and

WHEREAS, the town has held a public hearing and adopted a resolution proclaiming its interest in establishing a state-designated cultural district; and

WHEREAS, the town has created a broad and diverse partnership of stakeholders committed to cultural, community and economic development to provide oversight of the district; and

WHEREAS, the Massachusetts Cultural Council will be petitioned in accordance with its guidelines and criteria to designate said cultural district.

NOW THEREFORE BE IT RESOLVED that the Town of Barnstable Town Council does hereby recognize the articles for the HyArts Cultural District:

- Article 1. Endorses the submission of this application and agrees to foster the development of a cultural district.
- Article 2. Endorses the state-sponsored cultural district goals: attracting artists and cultural enterprises, encouraging business and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural development.
- Article 3. Has appointed a town official to represent the city within the district partnership of said cultural district. This official is the Growth Management Economic Development Program Arts & Culture Coordinator.
- Article 4. Encourages all who own property or businesses within said cultural district to involve them and participate in the full development of the cultural district.
- Article 5. Directs town agencies to identify programs and services that could support and enhance the development of the cultural district and ensure that those programs and services are accessible to the cultural district.

Adopted on this _____ day of February 2012

Frederick Chirigotis, President
Barnstable Town Council

VOTE: 13 yes Unanimous

TOWN MANAGER COMMUNICATIONS

- Received the Adams Grant in the amount of \$34,000 this is the seventh year in a row
- Mass Cultural Council visited yesterday, Cape Cod Chamber of Commerce will be marketing Cape Cod as a cultural destination.
- The Edward M Kennedy Institute was the recipient of the Ambassador and Rose Kennedy's home.
- We have been working on improving the permit process for annual events that take place here in the Town. The Building Dept. has agreed for the not for profits to utilize a single application.
- The Memorial tree bench and plaque ordinance is in process
- We are putting up six (6) new questions for the I forum.

ADJOURNMENT

Upon motion duly made and seconded it was

VOTED: To adjourn.

ADJOURNED: at 8:30 p.m.

Respectfully submitted,

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

Attachments:

Roll Call Sheet

Exhibit A-Letter from Albert Russo

Exhibit B-Version 7 Map-proposed HyArts Cultural District

NEXT REGULAR MEETING: February 16, 2012