



**TOWN COUNCIL  
MEETING  
September 6, 2012**

**A** quorum being duly present, Council President Frederick Chirigotis called the September 6, 2012 Regular 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, Frederick Chirigotis, James Cote, Jennifer Cullum, Debra Dagwan, June Daley, Jessica Rapp Grasseti, Michael Hersey, Janet Joakim, John Norman, Thomas Rugo, **Absent:** Ann Canedy, James Tinsley, Jr.

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

**Renewable Energy Commission presentation:**

**Have had a lot of discussions and meetings and are excited to present tonight and have the Town Council moving forward on this issue.**

Paul Tilton Director of the Sandwich DPW and Dave Quinn Regional County Waste Coordinator are present to answer questions.

Bob Ciolek from CFAC has been helpful in process.

Mark Ells former Director of DPW made a presentation as well to bring us current Reasons for the study: The Town Council headed the charge for it. State waste ban, cost savings for the residents SeMASS tipping fees to increase significantly.

Environmental benefits to recycling

This is not the first time the Town Council has had discussions on Trash. 1992-93 the DPW did a curbside review. The was a recommended contracted town wide curbside 2002-03 there was a PAYT pilot program. There was a survey of over 200 residents. Recycling rates by the town of Barnstable 16%

Refer to Handouts from the Renewable Energy Commission

Questions from Councilors:

**Councilor Cullum expressed concern for the little trash haulers.**

One concern: Little trash haulers, I am a small business owner, can you give an idea from Sandwich (Paul Tilton) Town DPW director. Fees are cut; sticker fee in ½ 8 gallon and 15 gallon, sticker fee is balanced with the sticker fee, but balanced. Follow up, how do the residents get the bags. (Paul Tilton) the vendors sell the bags to stores and then the customer goes and buys them.

**Councilor Daley asked about people not knowing or following rules**

**Councilor Norman asked about gross tonnage numbers changing.**

- Someone comes with a bunch of bags that are not the right bags. What happens to them, Paul Tilton says the resident loses the privilege to throw, you need the correct bags? Stock the transfer station with the proper bags.

Norman- gross tonnage did you see a lot in the first year or did you see a drop, Paul- there was an overall drop, you will lose people along the way, residents do choose to compost at home, there are a lot of variable. How is the town involved in private haulers?

(Paul Tilton) we'd have the condition that the private haulers have to dump up at the transfer station

5500 sticker holder in the beginning of the year and has dropped to 500.

**Councilor Rapp-Grassetti asked about one-day passes and how tickets worked.**

- One day pass is granted according to (Paul Tilton) if they show up at the transfer station with a non proper bag. Did you look at the stickers, why did you go with the bag instead of stickers? The bags are easier to identify.

**Councilor Daley asked about limits**

- Do you have a limit per week (Paul) - No?

**Councilor Rugo asked if Sandwich did curbside.**

- Did sandwich use curbside? Paul said 2/3 uses the transfer for pay as you throw

**Councilor Dagwan asked about feedback from meetings with haulers.**

- you met with the haulers, what was there feedback? Some of the haulers have been her forever, how are they feeling? Renewable Energy said that they said 10percent that use the private haulers are recycling? How can we use the local haulers? They certainly expressed their concern. Elrick said they want to be able to give the private haulers competitive costs. It is a balancing act, but was interested and helpful. They were tight lipped on who their customers were and the cost for them, but it is important to regulate where they are disposing said Dagwan.

**Councilor Rugo**-he wants to thank the Commission on this issue and was fortunate to attend the process, and you have worked hard, and Barnstable only 1/3 of its residents and can't measure

**Elrick**- Private Trash haulers pay to do both pick up and recycling. No matter what type of system other towns had they were looking at a scale of economy.

**Councilor Rugo asked how cost of curbside would be assessed.**

-cost of curbside, how would it be assessed? What Elrick has seen in other towns, the bill is sent out like the tax bill, there would be a user fee said Elrick, no bags free you would have to require some payment for the bags. Is it a single stream asked Rugo? Elrick towns that are PAYT are moving to single stream. There is some harm done to the paper if it is not recycled properly. Education said Elrick is a key component. The commission did not recommend any of the ideas

**Councilor Rugo asked where the most users were from.**

Map about user's town wide, there was another map that was easier and it appeared to be the residents of the Mills that use the transfer station, not any of the other villages. You have o remember the haulers said Rugo. I think it is a positive step. The seven haulers are: Cassella, Maccomber, Nauset, Pina, Elrick- can't think of the others right now, but I can get you that information.

**Councilor Cote asked about illegal dumping statistics.**

- Is there any information on illegal dumping (Paul Tilton) there has not been an increase?

**Councilor Norman asked about customer satisfaction with limited access to a variety of haulers.**

- Thanks for all you have done and the gratitude and hours you have put into it. If you break it down and leave as is and we re-negotiate, say the sticker goes to 260 a year, I go 2 times a week and the bags are 8.00 a week using the correct bags and the cost, so I am paying more to do PAYT but a lot of us do not have the space at home to recycle. Second, we need to keep the roads clear and not have a back up on the road to the transfer station. Norman feels that is not an issue because people have managed their time to fit in the dumping of the trash, He has a problem with using only 1 hauler, it limits the resident to being able to choose as they do know. If this contractor does not do a

good job we have no where to turn to get a better service. If we lock into one hauler, we have no choice after that. If we move to that we are telling residents we are changing your life style whether you like it or not.

**Councilor Cullum spoke in favor of taking some cars off the road.**

- It is an hour out of my day to go there; taking all the cars off the road is not a concern Councilor Joakim expressed support of PAYT for “empty nesters”.

as an empty nester we are subsidizing the people with large families, we do recycle, putting a cost on hauling, options for the residents that are not close to the transfer station. Elrick said a number of towns have set up a RFP and decided who the best vender was and the option was given based on location.

**Councilor Hersey will not support PAYT if there are different prices for different villages.**

**Councilor Rapp-Grassetti supports keeping the transfer station open.**

- I don't think the hauler is required to go to our transfer station, they can go anywhere.

When you do your outreach the different villages are not going to want to see the trash barrels in their neighborhoods, the trash will be all over the streets. Mr. Elrick thought it made sense to go curbside because over 2/3 of residents are doing it. Councilor Rapp- Grassetti said a lot of people do not haul their trash out to the end of the areas designated to be picked up. Transfer station to remain open is her plan.

**Councilor Rugo supports asking the town manager to pursue an RFP process.**

- We need to ask the Town Manager to start the RFP process to get this started as soon as possible. There are ordinances and tickets handed out if there is a violation.

**President Chirigotis expressed need for all to review material.**

-Wanted to thank the group for doing all they did to inform the council, we need to be able to look at all this material and absorb it and we will let you know.

**PUBLIC COMMENT: Robert Tucker 63 Pleasant Street, Hyannis**

**Mr. Tucker commented on voting, police telephone access, and caring for the elderly.**

He feels good today, he almost gave up the dream, but he went and voted for the man that came to his door and he voted for him because he said he is going to take care of the “un-legals” and excise tax, you're losing revenue, he doesn't mind paying. He would like the Chief to come to the podium he was trying to call the non emergency number because he had a “bad” problem on Pleasant Street and he could not get through to a police officer, he said he got all the recordings and he was told to push 8 for the front desk and he never got the front desk. He would like the Chief to give out the correct numbers for the people to call. One of the councilors he made him aware that Dennis is number one and we are not doing it, we should be number one, the councilor knows what I am talking about, we are not doing enough here in Barnstable, and we should. He wants to remind everyone to be nice to the old people, help the old people and smile to them we are all going to be eighty someday, we should have concerns.

**Tom Burgess 658 Main Street, Cotuit** commented on property at 671 Main Street – health and safety concerns.

(Secretary for the Cotuit Civic Association) I am here representing the abutters of 671 Main Street owned by Bay Point LLC (Stuart Bornstein bought the property in 2004) he wanted to develop into condo under 403B . ZBA decision after (3) three years of meetings made a decision to let go (1) one acre to a perpetual easement for \$275,000. In May of 2009 the Cotuit Fire District voted to spend \$137,500 which is half of the sum and in September 3 2009 this body of the Town Council voted the same after it was vetted by the LAPC. Housing appeals settlement 8/10) no money has passed. He would like some one to look into the

house. House in poor condition, He took pictures and door is wide open, lots of animals inside, he would like to ask the Town Council to please do something about the house. He would like to know where it stands.

### **COUNCIL RESPONSE TO PUBLIC COMMENT**

Norman- asked to get a response from our Legal or Zoning Department regarding that property.

### **ACT ON MINUTES**

6/12 Barton to Accept, Seconded Unanimous

**Minutes Approved: 11 yes**

8/2 Barton to accept Seconded Councilor Cote Abstain Norman

**Minutes Approved: 10 yes 1 Abstain**

**Executive Session Minutes:** 04/16/98; 06/21/01; 10/08/01; 02/21/02; 06/06/02; 12/01/05; 08/21/08; 02/05/09; 02/05/09; 02/26/09; 09/17/09; 11/19/09; 03/03/11; 06/21/12

**Minutes Approved: 11 yes**

**Executive Session Minutes approved and reviewed but not released:** 08/17/12 (determined continued non disclosure warranted) 06/19/08 (Litigation Strategy Marty) 01/07/10 (LAPC litigation strategy in Stewart's Creek area) 05/02/10 (litigation strategy Cape Wind) 09/02/10 (litigation strategy Cape Wind) 02/16/12 (litigation strategy Lemoncelli)

Upon motion duly made and seconded, it was voted to approve the minutes of  
With the following corrections: **NONE**

### **COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**

Vice President Barton: Village Day is this Sunday and there will be a Family Fest September 15 at the Cape Cod Mall.

**Marstons Mills Village Day:** Sunday September 9, 2012 from 12:15 to 4pm. The Annual Chicken Barbeque takes place at 4pm at the Liberty Hall. It is lots of fun and I hope everyone can come, Also on Saturday September 15, 2012 the **Cape and Islands Family Festival** sponsored by the Youth and Community Services is being held at the Cape Cod Mall from 12pm to 4pm there will be performances and lots of informational tables.

Councilor Daley: **Lobster Fest** this Saturday at the fire station in West Barnstable.

Come and support our mostly volunteer fire fighters at the West Barnstable Fire Station for their. Hope you can all attend.

### **ORDERS OF THE DAY**

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#### **OLD BUSINESS:**

<b>2013-015 APPROVAL OF A CONTRACT FOR BARBARA A. FORD TO SERVE AS ADMINISTRATOR TO THE TOWN COUNCIL AND ITS EXECUTION – INTRO: 8/2/2012, 9/6/2012</b>
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The rationale was given by Councilor Joakim; contract was given to Human Resource Director William Cole and graded, not a union position, but similar, same contract and grade as previous Administrator to the Town Council. The contract is for 2012-2015.

Council discussion ensued: Councilor Hersey wanted to know if the grid was available showing the Grade 14 pay and the steps, grid was produced.

Councilor Norman had a question regarding the "carry over" term and its meaning with regards to the benefits section.

William Cole Human Resource Director clarified the "carry over" with an annual carry over of the 4 weeks vacation plus 2 weeks carry over was explained for a total maximum of 6 weeks for employment tenure.

Councilor Rugo asked what the past practice has been on these jobs regarding a contract.

Councilor Rugo also asked about the termination clause.

William Cole Human Resource Director responded that there is several positions non-union that has contracts that are signed. The "at will employee" is correct; the contract allows for a 90 day severance pay upon termination at will.

Upon motion duly made and seconded to move the question

Councilor Daley moved Vice President Barton seconded

**RESOLVED:** That the Town Council approves a contract for Barbara Ford to serve as Administrator to the Town Council and authorizes the Council President to sign on behalf of the Council and the Town of Barnstable.

**VOTE: Unanimous 11 yes**

## **B. NEW BUSINESS**

<b>2013-016 ACCEPTANCE OF A GIFT OF FIVE LIFEGUARD CANOPIES FROM THE GLENNA KOHL FUND FOR HOPE TO THE RECREATION DIVISION INTRO: 9/6/2012</b>
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The rationale was given by Lynne Poyant Director of Community Services. This completes the Kohl's Foundation gifts.

Upon motion duly made and seconded to move the question

Vice President Barton moved Councilor Cote seconded

**RESOLVED:** That the Town Council does hereby accept a gift of five lifeguard tower canopies from the Glenna Kohl Fund for Hope, to be used by the Barnstable Recreation Division for Hathaway's Pond, Wequaquet Lake and Sandy Neck Beach Park.

**VOTE: Unanimous 11 yes**

<b>2013-017 ACCEPTANCE OF A \$177,282 FY13 911 DEPARTMENT SUPPORT AND INCENTIVE GRANT FROM THE MA EOPS, STATE 911 DEPT. – INTRO: 9/6/2012</b>
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The rationale was given by Police Chief Paul MacDonald. This grant will place qualified staff in a communication center and provide adequate staff with undue overtime expenses. This is a reimbursement grant for overtime and equipment.

Councilor Norman asked about availability of dispatch. Police Chief Paul MacDonald said the dispatch is staffed 24hrs a day (3 on the day shift) (2 on the evening 2 on nights) 508-

775-0387 gets a phone tree, and 508-775-0812 is a direct line to dispatch, or you can call 911 for an Emergency.

Upon motion duly made and seconded it was

**RESOLVED:** That the Barnstable Town Council does hereby accept fiscal year 2013 911 Department Support and Incentive Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety, State 911 Department in the amount of \$177,282.00.

**VOTE: 11 yes Unanimous**

**2013-018 ACCEPTANCE OF \$56,022 GRANT FROM THE US DEPT. OF JUSTICE -  
INTRO: 9/6/12**

The rationale was given by Police Chief Paul MacDonald.

Upon motion duly made and seconded it was

**RESOLVED:** That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local from the U. S. Department of Justice amount of \$56,022.

**VOTE: 11 yes Unanimous**

**2013-019 ACCEPTANCE OF \$14,000 FFY10 EMERGENCY MANAGEMENT  
PERFORMANCE GRANT FROM MA EMERGENCY MANAGEMENT AGENCY -  
INTRO: 9/6/2012**

The rationale was given by Police Chief Paul MacDonald.

Vice President Barton thanked Anne Spillane for writing this grant and all the grant work she does for the police department.

Upon motion duly made and seconded it was

**RESOLVED:** That the Barnstable Town Council does hereby accept the FFY10 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency in the amount of \$14,000.

**VOTE: 11 yes Unanimous**

**2013-020 AUTHORIZATION FOR SALE OF LAND SHOWN ON MAP 327, LOT 067, 58  
WILLOW AVENUE, HYANNIS, MA - INTRO: 9/6/2012**

The rationale was given by Town Manager Thomas K. Lynch.

Councilor Rapp-Grassetti asked about other properties in a similar situation.

Councilor Daley asked about auctioning off properties.

Councilor Norman asked if we need a 21E with this property.

Town Attorney Ruth Weil looked into this and there was no need for it.

Upon motion duly made and seconded it was

**RESOLVED:** That the Town Council hereby authorizes the Town Manager to dispose of all rights, title and interest in surplus Town land having a street address of 58 Willow Avenue, Hyannis, MA, shown as Assessors Map 327, Parcel 067, for a price of \$195,500.00, being the highest and only bid received, and to execute and deliver any and all documents necessary to effectuate the disposition

**VOTE: 11 yes Unanimous**

**TOWN MANAGER COMMUNICATIONS:**

- Hyannis Armory request for interest is out and due back by October 5, 2012. There have been a couple of inquiries, as to who may apply for that, any for profit and non profit is allowed to use it. Any groups that may be interested please call with all interest. All ideas welcome.
- Budget action calendar for 2014 has been approved and will be sent out next week.
- Marstons Mills Elementary School is being given back to the town by the School Committee.
- We have been notified by Rep. Demetrius Atsalis we now have an act passed and signed by the Governor establishing a sewer construction fund for the Town of Barnstable.
- Mr. John Reed who is the Chair of the Barnstable Human Rights Commission is requesting an appointment of a Barnstable Town representative to the Human Rights Commission.
- Received notification again for the Certificate of Achievement for excellence in financial rewarding. Awarded to Barnstable by the Governing Finance Association for our financial reporting, also individually to Finance Director Mark Milne.
- Upcoming events - the Wings of Freedom is a tour of the World War II and vintage planes to honor Veterans.

**ADJOURNMENT**

Upon motion duly made and seconded it was voted to

**ADJOURNED: at 8:51 p.m.**

Respectfully submitted,

Cindy Lovell  
Acting Administrative Assistant to the Town Council

NEXT REGULAR MEETING: September 20, 2012