



Town Council Meeting
March 19, 2015



A quorum being duly present, Council President Jessica Rapp Grassetti called the March 19, 2015, 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 Rapp Grassetti 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: Ann Canedy, Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Sara Cushing, Debra Dagwan Jessica Rapp Grassetti, Paul Hebert, John Norman, James Tinsley, Jr. Eric Steinhilber, Philip Wallace

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

PUBLIC COMMENT:

Laura Kelly representing Protect Our Cape Cod Aquifer (POCCA) asked the Council to write a letter to NStar protesting the use of herbicides on the vegetation under the power lines (Exhibit A)

Patrick Page spoke about the water issue flowing onto his property, which has caused serious mental health issues. Paige will continue to come before the Council to ask for help until he is dead.

Jane Saunders mentioned the problems with the water on her property, things have not changed. Why isn't that pipe being addressed in the 208 plan? We are not going to move under a rock, we have zero representation here.

Close public comment

COUNCILOR RESPONSE TO PUBLIC COMMENT:

None

TOWN MANAGER COMMUNICATIONS:

Uplifting event at the Youth Summit

Sandy Neck Meeting regarding Sandy Neck Beach Park

Hyannis Pump-out Station

Insurance Claims process

DPW is using a cold fill for the potholes

JFK Museum updates

Winter Assistance Recovery Program

Mark Milne gave a breakdown of the Governor's budget, and how it will impact our budgets.

Osterville Village Association

Cape Cod Chamber of Commerce-sports tourism study

Thank you note from Cape Space

Stewarts Creek Study contract signed
Barnstable Bulkhead work is underway
Hyannis Area Chamber of Commerce meetings
Hockey East Tournament
Meals on Wheels experience
Capital Improvement Plan

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

Marstons Mills Village visioning meeting at the Marstons Mills Community Church; West Barnstable Civic Association fundraiser at the Torino Restaurant; Thank you to all the Councilors that came to the Youth Commission Event; Wheldon Memorial Library fundraiser; Scholarships are available at the guidance offices at our schools; Francis Parks Trust Fund Advisory Committee, scholarships are available to seniors in all Barnstable schools; deferring the minutes of February 26th to the next meeting on April 2nd.

PAUL NIEDZWIECKI, EXECUTIVE DIRECTOR OF THE CAPE COD COMMISSION

Patty Daley has been working with the Growth Management Department regarding Route 132 and the four major retail plazas on that Route. Most of the stores that are in place are not looking to expand the property due to internet purchasing. Start to consider changes in zoning to make the improvements necessary to go forward into the future.

COUNCILOR QUESTIONS AND COMMENTS:

Barnstable is the hub of the Cape and would like it to stay that way; set back of 300 feet seems to be difficult; what is happening with the setback? [Barnstable is the regional hub, the zoning is problematic; two overlay districts in the same area; setbacks are disappearing from a design perspective] time sensitive commitments to stakeholders [reverse the thinking; make it less expensive to develop properties for businesses; less zones] Kmart Plaza lease what can be done [hard to attract stores in the plaza] Can you go back to the four lease holders, and develop a model with the plaza; and bring that to us [we would be happy to do that and work with the controlling interests of the plazas] how the four areas would complement each other; take it a step further to the tax base; the uncertainty of the Kmart plaza, can the Cape Cod Commission do any appraisal of the property; what is the value now as it is encumbered and additional as unencumbered [do you wait nine years; a vision for where you want to be] Could the Cape Cod Commission help with that vision [will work with the GMD, to develop a vision for the future] the term trend wondering what the stakeholders think of the trend; job growth [all four are uncertain about the future; projected decrease in population; need ways to overcome that; more demographically diverse population] making it pedestrian friendly and mixed use; [some of the densest areas on the Cape are right next to the mall] Festival Plaza is tenuous, what do you mean by that? [it has a lot of vacancies; occupants of new structures move from old structures which creates vacancies] the increase of commercial space, with a decrease population [needs to be a place for entrepreneurs, mini financial district; you have a location that is attractive to companies that will bring more people here] livable housing along with the business, we need more affordable housing [not enough focus on small affordable housing, you need better designed housing as well] year round jobs require year round housing; what type of mixed development are we thinking about; we have to talk about water and wastewater; where do we go from here [rotary is a mess; has to be pedestrian friendly; those are the connections that have to be made; deter design for retail; major asset of this time is the wastewater management] perhaps GMD, Cape Cod Commission and some Councilors could work on the directives; quick summation of the 208 [regional water quality update; filed a final draft Monday night; looks at a decade of waste water planning; prioritize the watersheds; streamlining regulations; get the regulatory reforms; make it less expensive to comply] how will you recognize our sewer plan [designating the 15 towns; Barnstable waste water facility is an asset; well run facility, competent management; what is in your rate payers best interest] discharge of ground water; not overbuild all our road runoff; need an adversary to speak with EPA to evaluate the actual number of streets; can you support us in the controlling of costs for waste water runoff [Yes we want to be helpful; nitrogen reduction piece] proper classification of the roads; technologies out there, can we show the technologies; [plan will be

available on line tomorrow] Is there a time table for the EPA to approve the plan [September]

2015-048 AMENDMENT OF THE ZONING MAP OF THE TOWN OF BARNSTABLE TO EXTEND THE HB HIGHWAY BUSINESS DISTRICT ALONG ROUTE 132 (YANNOUGH ROAD) TO ATTUCKS LANE AND ADJUST THE B BUSINESS DISTRICT TO FOLLOW PROPERTY LINES INTRO: 12/04/2014, 03/19/2015

Councilor Jim Crocker recused himself and left the dais.

JoAnne Miller Buntich, gave the rationale and read the report of the Planning Board into record (Exhibit B)
Open public hearing seeing no one closed public hearing

COUNCILOR QUESTIONS AND COMMENTS:

Discuss the difference between highway district and highway office [very few uses by right; not a good match for this; no flexibility; mini financial district] support this HO is too restrictive, HB seems to be a good buffer; enables the bank to get a special permit for drive through; urge support:

Upon a motion that was duly made and seconded it was

ORDERED: That Chapter 240, Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to extend the HB, Highway Business Zoning District along Route 132 and to adjust the B Business Zoning District to follow property lines as shown on maps entitled;

- “Proposed Amendment of the Zoning Map of the Town of Barnstable Massachusetts - Index Map – to Extend the HB Highway Business District along Route 132 and Adjust the B Business District to Follow Property Lines” and
- Proposed Amendment of the Zoning Map of the Town of Barnstable Massachusetts - Barnstable – Sheet 1 of 7 – to Extend the HB Highway Business District along Route 132 and Adjust the B Business District to Follow Property Lines” and
- Proposed Amendment of the Zoning Map of the Town of Barnstable Massachusetts – Hyannis - Sheet 3 of 7 – to Extend the HB Highway Business District along Route 132 and Adjust the B Business District to Follow Property Lines” and
- Proposed Amendment of the Zoning Map of the Town of Barnstable Massachusetts – Centerville - Sheet 4 of 7 – to Extend the HB Highway Business District along Route 132 and Adjust the B Business District to Follow Property Lines”

Proposed maps dated July 22, 2014 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit

VOTE: PASSES 12 YES, I RECUSED (J. CROCKER)

2015-073 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$72,711 FROM THE MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH FOR THE TRAINING AND TECHNICAL ASSISTANCE CENTERS, CIT PROGRAMS AND OTHER BEHAVIORAL HEALTH JAIL DIVERSION PROGRAMS INTRO: 03/19/15

Patrol Officer, Jennifer Parkas Ellis from the Barnstable Police Department Community Impact Unit gave the rationale

COUNCILOR QUESTIONS AND COMMENTS:

Thanked everyone for going after this grant; thank you for your commitment; you have made a difference; impressed at the improvement in our community; and the human services aspect in the Police Department

Upon a motion that was duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept a grant in the amount of \$72,711 from the Massachusetts Department of Mental Health entitled: Training and Technical Assistance Centers, CIT Programs and Other Innovative Police-Based Behavioral health Jail Diversion Program Grant.

VOTE: PASSES UNANIMOUS

2015-074 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$3,500 FROM THE CAPE COD HEALTHCARE FOUNDATION, INC. AND THE CAPE AND ISLANDS DISTRICT ATTORNEY'S OFFICE TO FUND THE SEVENTH GRADE YOUTH SUMMIT INTRO 03/19/2015

Councilor Cullum gave the background on this item; Councilor Cushing recused and left the dais.

Upon a motion that was duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept a joint grant awarded by the Cape Cod Healthcare Foundation, Inc. and the Cape and Island's District Attorney's Office in the amount of \$3,500 for the purpose of funding the Seventh Grade Summit to be held on March 19th and March 20th 2015 at the Hyannis Youth and Community Center

VOTE: PASSES 12 YES, 1 RECUSED (CUSHING)

2015-075 AUTHORIZING THE TOWN COUNCIL PRESIDENT AND THE TOWN MANAGER TO SIGN THE GRANT ASSURANCES OF \$7,000 AWARDED TO THE BARNSTABLE MUNICIPAL AIRPORT INTRO: 03/19/2015

Airport Manager, Bud Breault, introduced Katie Servis, Assistant Airport Manager and gave the rationale using a power point presentation.(Exhibit C)

Upon a motion that was duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager and the Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated July 7, 2014 to the Barnstable Municipal Airport in the amount of Seven Thousand Dollars and No Cents (\$7,000.00), to replace mandatory airfield guidance signs at the Barnstable Municipal Airport.

VOTE: PASSES UNANIMOUS

2015-076 AUTHORIZING THE TOWN COUNCIL PRESIDENT AND THE TOWN MANAGER TO SIGN A GRANT ASSURANCE IN THE AMOUNT OF \$2,089,425 FROM THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION AERONAUTICS DIVISION INTRO: 03/19/15

Airport Manager, Bud Breault gave the rationale using a power point presentation

COUNCILOR QUESTIONS AND COMMENTS:

Thank you to you and your group for the underground; where does the balance of the twenty percent come from [from our reserves not from taxpayer monies] condition of the ramp; what is that smudge; [dirt]

Upon a motion that was duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager and the Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated June 12, 2014 to the Barnstable Municipal Airport in the amount of Two Million Eighty-Nine Thousand Four Hundred Twenty-Five Dollars and No Cents (\$2,089,425), for **Phase II** of the engineering design and reconstruction costs to rehabilitate the East Ramp and other associated airfield improvements at the Barnstable Municipal Airport.

VOTE: PASSES UNANIMOUS

2015-077 AUTHORIZING THE TOWN COUNCIL PRESIDENT AND THE TOWN MANAGER TO SIGN A GRANT ASSURANCE IN THE AMOUNT OF \$28,850 FROM THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION AERONAUTICS DIVISION INTRO: 03/19/15

Airport Manager, Bud Breault gave the rationale using a power point presentation

COUNCILOR QUESTIONS AND COMMENTS:

Can you share this equipment with the DPW once your runways are cleared [once we have met our FAA responsibility; if we can, we will use our equipment outside] are you still required to plow the runways during a storm; were you in a position to help the DPW [a couple of emergency access roads were cleared by the airport personnel] would you have been able to extend beyond that area [difficult because we had to use our bucket move the heavier snow] does the FAA require that the airport use the equipment only for the airport [FAA state funds are dedicated to the Airport for Airport use]

Upon a motion that was duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager and Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated July 7, 2014 to the Barnstable Municipal Airport in the amount of Twenty-Eight Thousand Eight Hundred Fifty Dollars and No Cents (\$28,850.00), for the purchase of Snow Removal Equipment (SRE) (Front End Loader and Truck with Plow) for use at the Barnstable Municipal Airport.

VOTE: PASSES UNANIMOUS

2015-078 AUTHORIZING THE TOWN COUNCIL PRESIDENT AND THE TOWN MANAGER TO SIGN A GRANT ASSURANCE IN THE AMOUNT OF \$2,500,000.00 FROM THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION AERONAUTICS DIVISION FOR PHASE I OF THE ENGINEERING DESIGN AND RECONSTRUCTION COSTS TO REHABILITATE THE EAST RAMP AND OTHER ASSOCIATED AIRFIELD IMPROVEMENTS AT THE BARNSTABLE MUNICIPAL AIRPORT INTRO: 03/19/2015

Upon a motion that was duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager and the Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated March 28, 2014 to the Barnstable Municipal Airport in the amount of Two Million Five Hundred Thousand Dollars and No Cents (\$2,500,000.00), for Phase I of the engineering design and reconstruction costs to rehabilitate the East Ramp and other associated airfield improvements at the Barnstable Municipal Airport.

VOTE: PASSES UNANIMOUS

2015-079 TRANSFER ORDER OF \$25,000 FROM FY15 DPW PERSONNEL BUDGET TO THE FY15 DPW OPERATING EXPENSE BUDGET FOR THE REMEDIATION OF CONTAMINATED SOIL AT THE HIGHWAY DIVISION YARD INTRO 03/19/2015

DPW Director, Dan Santos gave the rationale

COUNCILOR QUESTIONS AND COMMENTS:

Was insurance considered for a possible payment option; [not considered]

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of \$25,000.00 be transferred from the FY15 DPW personnel budget to the FY15 DPW Operating Expense budget for the remediation of contaminated soil at the Highway Division Yard

VOTE: PASSES 13 YES

2015-080 ACCEPTANCE OF GIFT OF DEED, ACCESS EASEMENT AND CONSERVATION RESTRICTION OVER LAND ADDRESSED 0 HIGH STREET, WEST BARNSTABLE (ASSESSOR'S MAP 110 PARCEL 007) AS SUBDIVISION 820 "WAYSIDE LANE EXTENSION" (ASSESSOR'S MAP 110 PARCEL 008) INTRO: 03/19/15

JoAnne Miller Buntich, gave the rationale (Exhibit D)

COUNCILOR QUESTIONS AND COMMENTS:

Fiscal impact for the town; [\$915. a year in taxes] can we change the restrictions of the lots [topography and wetlands issues] is this a cluster development [no] who worked out the restrictions [Rob Gatewood said most of input was from the state] Who worked on the restrictions [David Houghton, Assistant Town Attorney, said the original documents were drawn by the owners and we had input]

Upon a motion that was duly made and seconded it was

RESOLVED: That the Town accept the following gifts: a deed to a 0.94-acre parcel of land to be held by the Conservation Commission for conservation purposes pursuant to G. L. c. 40 § 8C to offset priority habitat loss addressed 350 Wayside Lane (Assessor's Map 110 parcel 009) further described on a plan entitled; "Plan of Land in West Barnstable Mass as Surveyed for and Claimed by Carl H. & Henry H Lampi", recorded at the Barnstable County Registry of Deeds in Plan Book 289 page 98; an easement to access adjacent town conservation land over land addressed 0 High Street (Assessor's Map 110 parcel 007), shown on the subdivision plan entitled; "Definitive Plan of Land in West Barnstable, MA "Wayside Lane Ext." prepared for Stephen E. Wallace et al., dated January 11, 2013, revised August 12, 2013 as prepared by Daniel A. Ojala Registered Land Surveyor and recorded at the Barnstable County Registry of Deeds in Plan Book 651, page 42; and a declaration of conservation restriction jointly with the Commonwealth of Massachusetts Division of Fisheries and Wildlife on land within Subdivision No. 820 "Wayside Lane Extension" identified as "Vegetation & Wildlife Conservancy" on said plan recorded in Plan Book 651, Page 42; and authorize the Town Manager to accept, execute, deliver and record any and all documents necessary to complete the conveyances hereby accepted.

VOTE: PASSES 12 YES, 1 NO (NORMAN)

2015-081 TRANSFER ORDER OF \$88,060.00 PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING LOOMIS LANE CENTERVILLE INTRO: 03/19/15

DPW Director, Dan Santos gave the rationale

COUNCILOR QUESTIONS AND COMMENTS:

Is this the actual cost of upgrading Baxter Neck Road [based on actual cost not transferring of funds] fairly long list at this time for upgrading; we need to have some dedicated employees to focus on this issue; it appears we may have a labor issue; perhaps you should come to the Council for extra money for the labor; [we are not holding up the roads due to labor, delays are individual issues] how long a time frame from when the homeowners started this inquiry has this take [unknown] there is no surplus; the public is paying only for actual cost; small repairs for private roads; minor issues [many residents handle smaller repairs, if public safety can't get by, we do the work]

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of \$88,060.00 be appropriated for the purpose of making temporary repairs to Loomis Lane, Centerville, a private road within the Town of Barnstable, and that to meet this Appropriation that \$29,865.00 be transferred from the balance remaining in Council Order 2011-092 and that \$58,195.00 be transferred from the balance remaining in Council Order 2013-066 and the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and that betterments be assessed, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

VOTE: PASSES 13 YES

2015-082 ACCEPTANCE OF A GIFT OF UP TO \$234,300 FROM HY-LINE CRUISES FOR THE CONSTRUCTION OF A HYANNIS HARBOR BOAT PUMP-OUT FACILITY INTRO: 03/19/15

DPW Director, Dan Santos gave the rationale

COUNCILOR QUESTIONS AND COMMENTS:

Is it a holding tank or is it pumped up to the sewer system [underground system that pumps to our sewer system; completely sealed tank] is there a cost to boat owners [no] repair agreements; [agreements with Hy-Line that they will maintain the pump-out and pay for the usage at the treatment plant]

Upon a motion that was duly made and seconded it was

RESOLVED: That the Town Council does hereby accept a gift from Hy-Line Cruises of up to Two Hundred Thirty Four Thousand Three Hundred Dollars (\$234,300), for the construction of a stationary marine pump-out facility to serve commercial vessels which operate out of Hyannis Harbor and that the Town Manager is authorized to expend the gift monies for the purpose specified herein.

VOTE: PASSES UNANIMOUS

2015-083 APPROPRIATION AND TRANSFER ORDER – APPROPRIATION AND TRANSFER OF \$110,000 FROM THE MARINA ENTERPRISE ACCOUNT SURPLUS FOR THE BARNSTABLE HARBOR MARINA PILE REPLACEMENT INTRO: 03/19/15

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of one hundred and ten thousand dollars and no/100 (\$110,000.00) be appropriated and transferred from the Marina Enterprise Account Surplus funds for the purpose of funding the repair and replacement of the winter damaged piles at the Barnstable Harbor Marina

VOTE: REFERRED TO A PUBLIC MEETING ON APRIL 2ND-UNANIMOUS

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED to adjourn:

Unanimous

Adjourned at 9:42 PM

Respectfully submitted,

Ann M. Quirk, CMC
Town Clerk – Town of Barnstable

NEXT REGULAR MEETING: April 2, 2015

Exhibits:

- A. POCCA Protect our Cape Cod Aquifer
- B. Planning Board Letter/Proposed HB Zone
- C. Barnstable Municipal Airport PowerPoint
- D. Map-Wayside Lane Extension