



Town Council Meeting
December 15, 2016



A quorum being duly present, Council President Jessica Rapp Grassetto called the December 15, 2016, 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 Grassetto 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, Jessica Rapp Grassetto, Paul Hebert, John Norman(7:10), Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

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

PUBLIC COMMENT:

Seeing no one close public comment

TOWN MANAGER COMMUNICATIONS:

Update:

- o Traffic Study completed and presented
- o Cape Cod Commission would like a focus groups for planning the redevelopment of Downtown Hyannis
- o Housing Production Plan awaiting input from the Town Council
- o JoAnne Miller Buntich is retiring
- o Proposed changes to Shellfish, Eel, Herring and Aquaculture rules and regulations (Exhibit A)

Councilor comments and questions:

How are we progressing for appointing a new director for OML, (Town Clerk is the designee, from the Clerk to all Directors for compliance) Whitehall short term actions what are the long term actions (part of another project, still in discussions) Overview for the cold snap (wind chill advisory until Saturday, 60 mile and hour gusts) Regarding the commercial harvesting (proposal is to extend this through December of next year and to waive the thirty days)

Jump to a Consent Agenda:

**CONSENT AGENDA
RATIFICATION OF VOTES TAKEN AT DECEMBER 1, 2016 TOWN COUNCIL
MEETING**

The following items and actions are approved by Consent of the Town Council

**2017-038 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
11/17/16, 12/01/16, 12/15/16**

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:** Ellen Cliggott, 6 Tidal Lane, Hyannis, MA as a regular member to a term expiring 06/30/19.

VOTE: Approved by consent

2017-039 APPROPRIATION ORDER IN THE AMOUNT OF \$1,710.00 FROM THE GENERAL FUND RESERVES FOR THE ACQUISITION OF A TEMPORARY EASEMENT (3 YEAR) OVER A PARCEL OF LAND LOCATED ALONG STRAWBERRY HILL ROAD, IN BARNSTABLE (CENTERVILLE), BARNSTABLE COUNTY, MASSACHUSETTS INTRO: 12/01/16, 12/15/16

Upon a motion duly made and seconded it was to refer to a public hearing on 12/15/16

ORDERED: That the Town Manager be authorized to acquire by purchase or eminent domain for the purpose of constructing a public sidewalk, a temporary (three-year) easement over a parcel of land located along Strawberry Hill Road in Barnstable (Centerville), Barnstable County, Massachusetts, as follows: Parcel No. TE-1, containing 746± square feet of land as shown on a Plan of Land entitled Easement Plan of Land Falmouth Road (Route 28) & Strawberry Hill Road Barnstable, MA prepared for: McMahon Associates Scale 1"=20' Date: October 13, 2016," a copy of which plan is on file in the Town Clerk's office; and to appropriate the sum of **\$1,710.00** for the purchase or taking of said easement and associated costs and that the Town Manager is authorized to contract for and to expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

VOTE: Approved by consent

**2017-040 ACCEPTANCE OF GRANT IN THE AMOUNT OF \$11,000 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION INTRO:
12/01/2016, 12/15/16**

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council hereby accepts a grant in the amount of **\$11,000.00** from the Massachusetts Department of Environmental Protection, and that the Town Manager is authorized to expend the grant monies for the purpose specified therein

VOTE: Approved by consent

2017-041 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$15,300 FROM THE GENERAL FUND RESERVES TO THE FISCAL YEAR 2017 POLICE DEPARTMENT OPERATING BUDGET TO FUND REPAIRS TO A POLICE BOAT INTRO: 12/01/2016, 12/15/16

Upon a motion duly made and seconded it was **to refer to a public hearing on 12/15/16**

ORDERED: That the Town Council hereby appropriates and transfers from available funds, the sum of **\$15,300** from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget for the purpose of funding the significant repairs on a police boat

VOTE: Approved by consent

2017-042 RESOLVE ACCEPTING TWO WATER LINE EASEMENTS FOR THE HYANNISWATER SYSTEM INTRO: 12/01/2016, 12/15/16

Upon a motion duly made and seconded it was

RESOLVED: That the Town accept the grant of two (2) permanent easements for water mains, lines and associated facilities as follows: the first 20 feet wide and approximately 448 feet long along the rear boundary of property belonging to JM Burke Properties, LLC, 105 Ferndoc Street, Hyannis; and the second 20 feet wide and approximately 60 feet long from the first easement across adjacent property belonging to Mill Pond Village Condominium, 121 Camp Street; that the easements be held under the care, custody and control of the Water Supply Division of the Department of Public Works and the second co-held with the Town of Yarmouth; and that the Town Manager is authorized to deliver, receive, execute and record any and all documents necessary for the acquisition of the easements described herein.

VOTE: Approved by consent

▪ **Town Council Meeting Calendar 2017**

Upon a motion duly made and seconded to accept the amended Town Council Meeting Calendar

VOTE: Approved by consent

▪ **Town Council Nominations for the Election of Officers**

Nominations for the Office of President:

- | | |
|-------------------------------|-----------------------------|
| 1. Vice President Steinhilber | Seconded: Councilor Wallace |
| 2. Councilor Cullum | Seconded: Councilor Tinsley |

Nominations for the Office of Vice President:

- | | |
|----------------------------------|-----------------------------|
| 1. Councilor James H Crocker, Jr | Seconded: Councilor Tinsley |
|----------------------------------|-----------------------------|

Upon a motion duly made and seconded to accept the Town Council Nominations for the Election of Officers

VOTE: Approved by consent

END CONSENT AGENDA

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the December 1, 2016 meeting.

VOTE: PASSES 12 YES, 1 ABSTENTION (CUSHING)

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

Announcements of a Polar Plunge January 1st and a Play

Performance by the Barnstable High School Chamber Choir with Marcia J. Wyrwal, Choral Director

2017-039 APPROPRIATION ORDER IN THE AMOUNT OF \$1,710.00 FROM THE GENERAL FUND RESERVES FOR THE ACQUISITION OF A TEMPORARY EASEMENT (3 YEAR) OVER A PARCEL OF LAND LOCATED ALONG STRAWBERRY HILL ROAD, IN BARNSTABLE (CENTERVILLE), BARNSTABLE COUNTY, MASSACHUSETTS INTRO: 12/15/16

Opened and continued to a meeting on January 19, 2017

ORDERED: That the Town Manager be authorized to acquire by purchase or eminent domain for the purpose of constructing a public sidewalk, a temporary (three-year) easement over a parcel of land located along Strawberry Hill Road in Barnstable (Centerville), Barnstable County, Massachusetts, as follows: Parcel No. TE-1, containing 746± square feet of land as shown on a Plan of Land entitled Easement Plan of Land Falmouth Road (Route 28) & Strawberry Hill Road Barnstable, MA prepared for: McMahon Associates Scale 1"=20' Date: October 13, 2016," a copy of which plan is on file in the Town Clerk's office; and to appropriate the sum of **\$1,710.00** for the purchase or taking of said easement and associated costs and that the Town Manager is authorized to contract for and to expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

VOTE: to continue to 1/19/17-unanimous

2017-041 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$15,300 FROM THE GENERAL FUND RESERVES TO THE FISCAL YEAR 2017 POLICE DEPARTMENT OPERATING BUDGET TO FUND REPAIRS TO A POLICE BOAT INTRO: 12/15/16

Rationale presented by Chief Paul MacDonald

Open to a public hearing seeing no one close public hearing (Debra Dagwan off dais)
Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby appropriates and transfers from available funds, the sum of **\$15,300** from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget for the purpose of funding the significant repairs on a police boat

VOTE: 12 Yes, (Dagwan off dais)

2017-043 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF FUNDING THE GOLF COURSE ENTERPRISE FUND FISCAL YEAR 2017 OPERATING EXPENSE BUDGET INTRO 12/15/16

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$20,000** be appropriated and added to the amount of **\$3,282,041** under Town Council order number 2016-126 for the purpose of funding the Fiscal Year 2017 Golf Course Enterprise Fund Operating Budget; and that to meet this appropriation, that \$20,000 be transferred from the Golf Course Enterprise Fund reserves

VOTE: Refer to a public hearing on 1/19/2017 Unanimous

Jump to 045

**2017-045 AMENDING THE CODE OF THE TOWN OF BARNSTABLE PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING BY ADDING A GATEWAY
MEDICAL DISTRICT INTRO: 12/15/16**

Upon a motion duly made and seconded it was

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

By amending Section 240-6 the Zoning Map, to create a new zoning district known as "Gateway Medical District" which includes the area shown on the reference map entitled "Gateway Medical District", dated _____, prepared by the Town of Barnstable GIS Department.

SECTION 2

By amending Section 240-5, Establishment of Districts, by adding under the heading "Hyannis Village Zoning Districts" the term "Gateway Medical District"

SECTION 3

These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article III of the Zoning Ordinance, by adding a new Section 240-24.1.9.1 Gateway Medical District as follows:

§ 240-24.1.9.1 GM Gateway Medical District.

A. Permitted uses. The following principal and accessory uses are permitted in the GM District. Uses not expressly allowed are prohibited.

(1) Permitted principal uses.

- (a) Business and professional offices
- (b) Banks
- (c) Restaurants
- (d) Business support services
- (e) Dental and medical clinics
- (f) Retail uses
- (g) Personal Services
- (h) Mixed-use development
- (i) Multifamily housing with a density up to 30 units per acre

(2) Permitted accessory uses.

- (a) Automated banking facilities (ATM)

B. Special permits.

(1) Permitted principal uses as:

- (a) Nonresidential development with a total floor area greater than 10,000 square feet.
- (b) Mixed use developments with a total floor area greater than 20,000 square feet or greater than 10,000 square feet of commercial space.

(2) Multifamily housing with a density more than 30 units per acre.

C. Dimensional, bulk and other requirements.

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Yard Setbacks			Maximum Building Height		Maximum Lot Coverage	FAR
			Front (feet)	Rear (feet)	Side (feet)	Feet	Stories		
Gateway Medical Services	10,000	50	20 ¹	10	20	40	3	80%	-

NOTES:

¹See also setbacks in Subsection C (1) below.

(1)Setback. Front yard landscape setback on Route 28 is 60 feet. For lots with less than 10,000 square feet of lot area, front yard landscape setback on Route 28 shall be 10 feet.

(2)Site access/curb cuts.

- (a) Driveways on Route 28 shall be minimized. Access shall not be located on Route 28 where safe vehicular and pedestrian access can be provided on an alternative roadway, or via a shared driveway, or via a driveway interconnection.
- (b) Applicants seeking a new curb cut on Route 28 shall consult the Town Director of Public Works regarding access on state highway roadways prior to seeking a curb cut permit from the Massachusetts Highway Department, and work with the Town and other authorizing agencies such as the MassDOT on a site access plan prior to site plan approval. The applicant shall provide proof of consultation with the listed entities and other necessary parties.
- (c) All driveways and changes to driveways shall:
 - [1] Provide the minimum number of driveways for the size and type of land use proposed.
 - [2] Provide shared access with adjacent development where feasible.
 - [3] Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road where feasible.
- (d) To the extent feasible, existing parking located on the front of the lot shall be removed and relocated to the rear and/or side of buildings, consistent with this section.
- (e) The SPGA may provide relief from required parking where the applicant:
 - [1] Permanently eliminates and/or significantly reduces the width of existing curb cuts in a manner that improves the through flow of traffic on Barnstable Road and/or Route 28; and/or
 - [2] Provides an agreement for one or more driveway interconnections that will alleviate traffic on Barnstable Road and/or Route 28.
 - [3] Availability of shared parking

D. Site development standards. Site development standards set forth in § 240-24.1.10 shall apply. All site plan and special permit applications shall stamped by a Massachusetts registered landscape architect.

VOTE: to a public hearing on 1/19/2017 - unanimous

2017-046 ACCEPTANCE OF A FISCAL YEAR 2017 TRAFFIC ENFORCEMENT GRANT IN THE AMOUNT OF \$9,000 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION INTRO: 12/15/16

Rationale presented by Chief Paul MacDonald

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of \$9,000 from the Executive Office of Public Safety and Security, Highway Safety Division

VOTE: Passes Unanimous

2017-047 ACCEPTANCE OF A GIFT OF SIX DOORWAY METAL DETECTORS FROM HY-LINE CRUISES TO THE BARNSTABLE POLICE DEPARTMENT TO BE USED AS PART OF A SECURITY SCREENING SYSTEM IN ENTRYWAYS IN VARIOUS TOWN BUILDINGS THROUGHOUT THE TOWN OF BARNSTABLE INTRO: 12/15/16

Rationale presented by Chief Paul MacDonald

Upon a motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept a gift of six doorway metal detectors from Hy-Line Cruises to the Barnstable Police

VOTE: Passes Unanimous

2017-044 RESOLVE TO ALLOW FOR THE COMMERCIAL HARVEST OF RAZOR CLAMS IN CERTAIN AREAS (MID-SECTION) OF BARNSTABLE HARBOR INTRO: 12/15/16

Substitute motion:

2017-044 RESOLVE TO ALLOW IMPLEMENTATION OF AMENDMENT TO SECTION 407-36 (C) (2) OF THE SHELLFISH, EEL, HERRING AND AQUACULTURE RULES AND REGULATIONS PROMULGATED BY THE TOWN MANAGER ON DECEMBER 13, 2016

Rationale given by Town Manager, Mark Ells, and Liz Lewis is here to answer any questions you may have; the amendment allows commercial harvesting of razor clams in certain areas until December 30, 2017.

Councilor questions and comments:

Can the Commercial shellfishermen work in sub zero temperature, [if it gets really cold they would not be able to dig however they can use a salt solution and the razor clams will jump out]. If they are not harvested [they will die] why are they dying off [reached life expectancy - old age] where are they going [not sure except they are selling them to restaurants]

Upon a motion duly made and seconded it was

RESOLVED: To allow implementation of amendment to section 407-36 (c) (2) of the shellfish, eel, herring and aquaculture rules and regulations promulgated by the town manager on December 13, 2016

VOTE: PASSES UNANIMOUS

Good Evening Councilors, I wish to open the Election of officers for the Barnstable Town Council for the year 2017.

We will first hold the election for the office of President.

- I will announce the names of the candidates,
- then nomination speeches by and for the candidate for President will be allowed
- Upon completion of the speeches, the vote will be taken by roll call for President all that is necessary is a majority

The same procedure will then be repeated for the office of Vice President.

Election for the office of President

The nominees are:

- Councilor Steinhilber
- Councilor Cullum

Do the candidates wish to make a statement at this time?

Eric R. Steinhilber

- Honor to be nominated
- Honor to serve as Vice-President this past year
- Looking forward for the opportunity to continue in the leadership role
- Would like to continue to bring a unity of purpose to the Council
- Would like to work collaboratively with all Council members
- Great deal of respect for all Council members
- Mentioned there are many issue to be addressed by the Council: housing, homelessness, addition, wastewater, water well issue, and economic development

Jessica Rapp Grassetti

- Pleased to nominate Eric Steinhilber
- Has been a supportive and loyal Vice-President
- Will be honor to the position

Jennifer Cullum

- She felt everyone has a right to run
- The President position is an administrative position
- The position can be either be a full time or be kept as a part time
- Two requests for her take her hat out of the ring - this was disappointing
- Liked the idea of a united Council however her constituents elected her to bring their voice to Town affairs
- Council is not always meant to agree but rather to be a deliberative body

Fred Chirigotis

- Pleased to nominate Jennifer Cullum
- She is a hard worker and at the forefront of many issues
- Already has shown the leadership skills needed for the position
- Fully support her

James Crocker Jr.

- Grateful for the two candidates with sincerity and hopefulness for our Town were committed and stepped forward
- Believes the seats should be changed and everyone should have the right to run

Nomination speeches for President are now closed.

Voting will begin for the President of the Barnstable Town Council. When I call your name please state the name of the candidate for whom you wish to cast your vote.

Crocker J – Eric Steinhilber

Crocker W- Eric Steinhilber

Cullum – Jennifer Cullum

Cushing - Jennifer Cullum

Dagwan - Eric Steinhilber

Flores – Eric Steinhilber

Rapp Grasseti – Eric Steinhilber

Hebert – Eric Steinhilber

Norman – Eric Steinhilber

Steinhilber – Eric Steinhilber

Tinsley – Jennifer Cullum

Wallace – Eric Steinhilber

Chirigotis - Jennifer Cullum

The President for 2017 is: Eric Steinhilber

Election for the office of Vice-President

The nominee is:

- Councilor Crocker Jr

Does the candidate wish to make a statement at this time?

James Crocker Jr

- Thankful to be nominated
- Am here to serve the constituents, this body and this board
- One of the finest board I have worked on
- Happy to serve with all of you and you are all great stewards of our Townships

Nomination speeches for Vice-President are now closed.

When I call your name please state the name of the candidate for whom you wish to cast your vote.

Crocker W- James Crocker Jr

Cullum – James Crocker Jr

Cushing - James Crocker Jr

Dagwan - James Crocker Jr

Flores – James Crocker Jr

Rapp Grasseti – James Crocker Jr

Hebert – James Crocker Jr

Norman – James Crocker Jr

Steinhilber – James Crocker Jr

Tinsley – James Crocker Jr

Wallace – James Crocker Jr

Chirigotis – James Crocker Jr
Crocker J – James Crocker Jr

The President for 2017 is: Eric Steinhilber
The Vice-President for 2017 is: James Crocker Jr

I declare the Election of officers for the Barnstable Town Council for the year 2017 closed.

ADJOURNMENT:

Upon a motion duly made and seconded it was
VOTED to adjourn:

Adjourned at 8.00 PM

Respectfully submitted,

Ann M Quirk, CMC/CMMC
Town Clerk

NEXT REGULAR MEETING: **January 5, 2017**

EXHIBITS:

- A. Town Manager update for period December 1 through December 15, 2016