



TOWN COUNCIL MEETING April 5, 2007

A quorum being duly present, Council President Janet Joakim called the meeting of the Barnstable Town Council to order at 7:00 pm, on Thursday, April 5, 2007, in the 2nd Floor Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

PRESENT: Richard Barry, Janice Barton, Gary Brown, Ann Canedy, James Crocker, Jr., Leah C. Curtis, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., and Harold Tobey.
ABSENT: Frederick Chirigotis and Tom Rugo

Council President Joakim asked Vice President Gary Brown to lead the Council in the Pledge of Allegiance and moment of silence.

Town Manager John Klimm recognized and thanked Comcast for the grant which paid for the new lighting and several cameras for the Council chambers.

PUBLIC COMMENT

Jon Julius noted the land purchased at 725 Main St. a few years ago was for open space. He asked if this area is going to be used in any way as a sewer pump station or component. If it is used for that purpose he will take the issue to court to stop it.

Steven Shuman addressed the absence of the wind farm ordinance from the agenda. He said that the planning board had presented their report. He heard that the council wants to interview experts. Shuman noted that the subcommittee on zoning and planning discussed it with experts. Experts can give you information on windmills, but we have the answers as far as zoning. At some point, you need to rely on your committees to bring forward the information that you need.

John Alden noted the change in the way things are said and done and blamed computerization in part.

Robert Tucker noted that Bristol Ave. has a lot of houses for sale because people do not have jobs. Gasoline is close to \$3.00 a gallon – people are not going to come here. Have a nice Easter.

Peter Doiron said that Comcast giveth and Comcast taketh away. Feels that this is a waste of money (referring to the upgrade of the lights and communications in the council room.) Not sold on the windmills yet.

Lou Gonzaga said we need to get rid of the Cape Cod Commission and we need to create jobs.

Sylvia Doiron said greed not need made you grant yourself a raise. Think about running against the councilors she told the audience.

Carol Horgan noted that no one is objecting to harvesting oysters in the bay in Osterville, it was just the method. Be careful on the money that you are spending she cautioned.

Alan Burt thanked Leah Curtis and Janice Barton who appeared before the Assembly of Delegates. He also thanked the town of Barnstable for their support of the homeless.

John Fallon thanked everyone for the review process on placing oyster bags in West Bay. He appreciated the help and concern.

COUNCIL RESPONSE TO PUBLIC COMMENT

President Joakim said we do not have the windmill report yet which is why it was not on the agenda. (Clerk received a copy during the meeting and it is attached as Exhibit "A" hereto).

Vice President Brown said to Mr. Shuman that we had not received the report on the item when the agenda meeting was held, so since we did not have it, we postponed it.

Councilor Crocker said that there was an interview process for experts on the windmills, so he was surprised at a possible request. President Joakim said we might have a workshop after budget time.

Councilor Barton stated that she will meet with Sen. Robert O'Leary on the cost of gas.

Councilor Munafo said councilors cannot be reimbursed for expenses now. We don't receive any reimbursement and that has been the policy.

Councilor Milne asked if we are on a clock on the windmill ordinance (90 day clock). Milne questioned a letter to the assembly by the President (see Exhibit B) – and questioned from where the direction for the letter came. (It came from a directive from another meeting.) He pointed out if the county increased the assessments, we would be hit the hardest because we are the largest. Country Gardens will get a 4 year turn around in payback on their windmill. If we are going to regulate public comment – then we need to lead by example, he added.

Asst. Manager Paul Niedzwiecki said that a sewer pump station will be at 725 Main Street. We have had discussions with DEP and it is ok. The state says that it is ok. We are confident in our position. They have been in the plans for a long time.

ACT ON MINUTES

Upon motion duly made and seconded it was voted to approve the minutes of March 15, 2007, with the following correction:

Bottom of page 2 – President Joakim made the suggestion for the letter.

VOTE: 11 YES

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

President Joakim wants to meet with Councilor Crocker and others regarding the council committee and what is going to happen to the results.

Councilor Canedy said there will be a forum on April 23 at 7 p.m. including many organizations. She also attended a meeting regarding alternative transportation modes.

Councilor Barry asked about updating the ZOC map. The Board of Health has asked for the council to approve the map. Ruth Weil, Dir. of Growth Management stated that it will be a simple amendment and will bring it forward shortly.

Councilor Crocker said the Jane Eshbaugh Community Service Award Committee is looking for nominees for this year's award.

Councilor Barton thanked the police and senior center for help at a recent workshop on health and human services. She made a few other announcements on upcoming events.

President Joakim went to the challenge day at BHS which was a conference on bullying. There were kids that were bullied and those that did bully and this was an effective way for the subject to be discussed. We have incredible kids. It is draining and emotional and very important.

ORDERS OF THE DAY

Upon motion duly made and seconded it was voted to take 2007-106 – 2007-113 out of order.

VOTE: Unanimous in favor

2007-106 - AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR BARNSTABLE WEST BARNSTABLE ELEMENTARY SCHOOL
INTRO.: 04/05/07

The School Committee Chairman, Ralph Cahoon, along with the Supt. Patricia Grenier, School Com. member David Lawler and Asst. Supt. Glen Anderson were present. Cahoon said that there has been a moratorium on applications and we need to look at the baby boomer schools and their needs. We need to get them on the list for consideration. There is no commitment by the town; this is just a request for them to look at the schools.

Supt. Grenier said there are 8 criteria and all applications will be reviewed at the same time. We selected priorities that will give us the best and most favorable stand for funding.

Councilor Canedy asked why the Barnstable-West Barnstable was not included for the growth issue. Grenier said that our enrollments are down and therefore it does not qualify as a growth school. Councilor Curtis confirmed that this will be the first step to help you create our plans regarding the elementary schools.

This is a yearly request and if we are not funded this year, said Supt. Grenier, we would have to reapply next year. They need the statements of interest from the town to include a vote of the council.

Upon motion duly made and seconded it was:

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Barnstable West Barnstable Elementary School located at 2463 Main Street, West Barnstable, MA 02668, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

Priority 1: Modernization of School Systems
Priority 5: Heating System Replacement; and
Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

VOTE: 11 yes

2007-107 - AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR CENTERVILLE ELEMENTARY SCHOOL INTRO.: 04/05/07

Upon motion duly made and seconded it was:

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Centerville Elementary School located at 658 Bay Lane, Centerville, MA 02632, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

VOTE: 11 yes

2007-108 - AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR COTUIT ELEMENTARY SCHOOL INTRO.: 04/05/07

Upon motion duly made and seconded it was:

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Cotuit Elementary School located at 140 Old Oyster Road, Cotuit, MA 02635, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

VOTE: 11 YES

2007-109 - AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR HYANNIS EAST ELEMENTARY SCHOOL INTRO.: 04/05/07

Upon motion duly made and seconded it was:

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Hyannis East Elementary School located at 165 Beare's Way, Hyannis, MA 02601, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 2: Elimination of Overcrowding
- Priority 4: Prevention of Overcrowding
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

VOTE: 11 YES

2007-110 - AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR HYANNIS WEST ELEMENTARY SCHOOL INTRO.: 04/05/07

Upon motion duly made and seconded it was:

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Hyannis West Elementary School located at 549 West Main Street, Hyannis, MA 02601, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

VOTE: 11 YES

2007-111 - AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR MARSTONS MILLS ELEMENTARY SCHOOL INTRO.: 04/05/07

Upon motion duly made and seconded it was:

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Marstons Mills Elementary School located at 2095 Main Street, Marstons Mills, MA 02648, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 2: Elimination of Overcrowding
- Priority 4: Prevention of Overcrowding
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

VOTE: 11 yes

2007-112 - AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR OSTERVILLE ELEMENTARY SCHOOL INTRO.: 04/05/07

Upon motion duly made and seconded, it was

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Osterville Elementary School located at 350 Bumps River Road, Osterville, MA 02655, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 2: Elimination of Overcrowding
- Priority 4: Prevention of Overcrowding
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

VOTE: 11 yes

2007-113 - AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR BARNSTABLE HORACE MANN CHARTER SCHOOL INTRO.: 04/05/07
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Upon motion duly made and seconded it was

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Barnstable Horace Mann Charter School located at 730 Osterville-West Barnstable Road, Marstons Mills, MA 02648, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

Priority 1: Correction to School Systems; and
Priority 5: Additional HVAC Equipment Installation;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

VOTE: 11 yes

Supt. Grenier thanked Joe Slominski for his help on the project.

OLD BUSINESS

2007-081 - APPOINTMENTS INTRO.: 03/15/07; 04/05/07

Upon motion duly made and seconded, it was voted:

That the Barnstable Town Council appoints the following individuals to a multiple member board/committee/commission:

HUMAN SERVICES COMMITTEE APPOINTMENTS:

Estelle Fritzing, Exec. Dir., CACCI, 115 Enterprise Rd., Hyannis, MA 02601, term expires 06/30/2010

Claire Goyer, Exec. Dir., Duffy Health Center, 105 Park St., Hyannis, MA 02601, term expires 06/30/2010

Coreen Brinckerhoff, Cape Organization for the Rights of the Disabled, 1019 Iyanough Rd. #4, Hyannis, MA 02601, term expires 06/30/2010

Marie Segersten, DMH/Tri-City, 77 High School Ext, Hyannis, MA 02601, term expires 06/30/2010

Joseph DaLuz, NAACP, Mitchell's Way, Hyannis, MA 02601, term expires 06/30/2010

Rev. Deacon Richard Murphy, St. Francis Xavier, 30 Arborway, Hyannis, MA 02601, term expires 06/30/2010

Kathy Quatromoni, Dir. of Community Programs, District Attorney's Office, Box 455, Barnstable, MA 02630, term expires 06/30/2010

Nancy Bacher, National Alliance for the Mentally Ill/Cape Cod, 5 Mark Lane, Hyannis, MA 02601, term expires 06/30/2009

Roy Fogelgren, Cape Cod Council of Churches, Box 758, Hyannis, MA 02601 term expires 06/30/2010

Paul Hebert, President, Champ Houses, 82 School St., Hyannis, MA 02601, term expires 06/30/2009

Len Stewart, Dir., Barnstable County Health and Human Services, Box 472, Barnstable, MA 02630, term expires 06/30/2009

David B. Reidy, Exec., Dir., Mid-Upper Cape Community Health Center, 30 Elm Avenue, Hyannis, MA 02601, term expires 06/30/2009
 Cynthia Cole, Exec. Dir., Hyannis BID, Box 547, Hyannis, MA 02601, term expires 06/30/2009
 Chief Paul MacDonald, Barnstable Police Dept., Box B, Hyannis, MA 02601, term expires 06/30/2009
 Rick Brigham, NOAH Shelter, HAC, 460 W. Main St., Hyannis, MA 02601, term expires 06/30/2008
 Mary Pat Messmer, CEO, Cape Cod Child Development, 83 Pearl St., Hyannis, MA 02601, term expiration 06/30/2008
 Bill Doherty, Barnstable County Commissioner, PO Box 427, Barnstable, MA, 02630 term expires 06/30/2008
 Merrill Blum, Veterans Transition House, PO Box 2873, 565 Main Street, Hyannis, MA 02601, term expires 06/30/2008
 Kim Kalweit, VINFEN Corp., 310 Barnstable Rd., Hyannis, MA 02601, term expires 06/30/2008
 Roy Richardson, CHIPs Homes, 9 Park Avenue, Centerville, MA 02632, term expires 06/20/2008
VOTE: 11 YES

<p>2007-083 - AMEND THE ZONING ORDINANCE TO EXTEND THE BOUNDARY OF THE HYANNIS GATEWAY ZONING DISTRICT - INTRO.: 02/15/07; 03/01/07; 03/15/07; 04/05/07</p>
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Upon motion duly made and seconded it was voted to go into a public hearing with the planning board for the purpose of discussing this item 2007-083.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was also voted to go into a public hearing by the planning board. (Felicia Penn, Roy Fogelgren, Marlene Weir, Steve Shuman and David Munsell)

VOTE: Unanimous in favor - 5 Members present

Vice President Brown noted the background and that the abutters are in support of changing the zoning in the area. He said that there is opposition and attorneys for both sides are present.

Patricia Austin owns 72 Grove Street and is in favor of the change. She feels it will create a buffer and better the area.

Attorney Bruce Gilmore represented the Madden and Medeiros families. This is the Gateway to Charles St. The uses that are permitted are not remotely close to what is happening. It will benefit one owner who owns the property on the corner. This area is a contractor's yard (he showed large photos with trucks and other materials present). It is a contractor's yard. The district that you want to put it in does not allow this either. Put yourself in the position of the neighbors. There are 7 residential abutters.

Michael Princi represented Northern Heritage, the one who owns the property on the corner. If the zoning change happens, he can then proceed with a plan and bring the standard of that area up to a better level. He is willing to put in a buffer.

Craig Medeiros said we have a land court right of way and nothing has happened there but the business parking in the right of way. He explained that the Lahteines built most of the homes on Grove. There are people doing things illegally – it is not right.

Sylvia Doiron said, come down on the side of the residents and don't put another business in the area.

Upon motion duly made and seconded it was voted by the town council to go out of the public hearing at: 8:43 p.m.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was voted by the planning board to go out of the public hearing at 8:43 p.m.

VOTE: Unanimous in favor

Planning Board Chair Felicia Penn asked about the “for sale” sign. Princi said the business owner needs the space – so he might sell if he can’t get approval.

Councilor Crocker noted that neither of these “roads” are improved. Burke (Northern Heritage owner) owns to the middle of Washington Ave and Mr. Medeiros has a right of way over the road.

Councilor Curtis has an issue since this is residential and he is now parking his trucks where he shouldn’t. He could park his trucks elsewhere. There are residents who have lived there for a long time and they have had easements.

Attorney Princi said that if this passes the owner would review the lots and park the vehicles. He may possibly house the vehicles in a structure. He would have to go to site plan review first.

Councilor Canedy asked aren’t we rewarding illegal and bad behavior if we change the zoning. How can we be assured that he will provide a buffer to improve the area.

Councilor Barton asked if the buffer and parking could take place in the same area. There is a commercial vs. residential buffer of 50 feet.

Councilor Tobey said it is a problem. It is blighted and the residences are not separated from the business. There is a mound of dirt back there.

Councilor Munafo asked if there is a permitted use. Attorney Smith said that there has been a pushing of the envelope on the uses. Tobey feels it is an eyesore. He is having a difficult time. We are looking at commercial encroaching on residential. This needs more time before we can move forward.

Councilor Milne asked about who owns the adjacent properties and what is the status. We should force the attorneys to get together and write an order of conditions so that everyone can win. There are easements, etc. Some people will benefit financially on this.

Councilor Crocker noted that we have the rights to legislate; we are not the planning board.

Councilor Farnham knows the site. We need some guidance from the planning board to help the residents.

Vice President Brown addressed the good work that the business does and the fact that 45 people work there. Councilor Curtis asked if this changes from residential to business, what does it do to the taxes.

Councilor Munafo noted that we have 90 days to act after we close the hearing.

Penn asked if anyone had questions. It was asked if there has been any preliminary plan created that will assist us in the decision. Princi said no. It would have to be architecturally approved. Marlene Weir asked if he would work with the neighbors to bring consensus on how it would be designed.

David Munsell said the planning board is concerned about changing the boundary lines; maybe we should take a little time and look at possibly other area properties. A change would have to benefit everyone in the area.

Penn said she suggests that the boards hear both items and then go out.

No vote was taken on the item at this time.

2007-101 - ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF CRITICAL PLANNING CONCERN (PVDCPC) INTRO.: 03/15/07; 04/05/07

Upon motion duly made and seconded it was voted to go into a public hearing with the planning board for the purpose of discussing this item 2007-101 at 9:12 p.m..

VOTE: Unanimous in favor

Upon motion duly made and seconded it was also voted to go into a public hearing by the planning board.

VOTE: Unanimous in favor

Planning Director Tom Broadrick explained about the DCPC and its history from June 28, 2004 to the present. At a meeting of the residents, a core group saw too much building going on. Lots were being split and it was creating a density issue. A DCPC was brought forward as a possible answer. There was a draft nomination on this in 2005 that went to the planning board. They have 1 acre zoning. The lack of 2 acre zoning is hurting them. Cape Cod Commission did accept the original and revised applications. Votes of approval followed. They now have a drop dead date of May 7.

Broadrick reviewed the proposed zoning changes.

Ted Theodores resides in this area and is in strong support of the DCPC and the 2 acre zoning that it includes. He compared the fact that this area and West Barnstable are very similar with the adjacency to the shoreline but are not alike due to the size of the lots.

Patrick Butler represents two property owners in the DCPC. (See memo attached as C along with other emails and a map). Take this under consideration, but there are a few things that might need to be amended. Butler asked that it not be voted on tonight.

Steve Berglund lives in the area and spoke in favor of the DCPC. He asked for support as he felt it would assist them in protecting the water resources.

Eliza Cox also represented the individuals that Attorney Butler addressed. They would like to delete the properties east of Scudder Lane. They have concerns about the 100 foot wetland setback as far as duplicate jurisdictions, as well as a few other things that they would like to have considered.

Susan Rohrbach spoke on behalf of Senator Rob O'Leary. She read a letter from him. The Paul Tsongas Environmental Award has been given to the Pond Village Association – they have done extensive work and tried to protect their own neighborhood.

Edie Vonnegut Squibb is now the oldest original resident of Pond Village. It was a beautiful sensitive plan when people used to just live in the home. Now people are looking at the homes as a building site and chop up the lands. This just serves their own end. We must have 2 acre zoning at the very least.

Bill Cook said this will benefit the Town of Barnstable. It will reduce additional homes in the area from 40 to 12, which will help protect the water and scenic quality of the area

Jeff Goldstein read a letter from his mother, Frances E. Cirrito, (see attached). She was supporting the DCPC except for a couple of things. They have subdivided and will not be able to build the home they want.

Tony Cook fully supports the DCPC and is very concerned about the development of this area. Part of the road was damaged by the recent construction of a building.

Sylvia Doiron asked if it is necessary to get dimensional relief. She would like to get that removed. Will this impact the shellfishing on Scudder Lane?....No.

John Squibb supports the DCPC. Two acre zoning is in most of the Town already. The pond is under stress. The 100 foot no build buffer would help to protect the assets of the area.

Michael Murphy supports 2-acre zoning and appreciates the efforts to make it a better place. He abuts Mr. Patrick's clients. He feels you can take the proposal and pass it, but don't give special provisions at the expense of the rest of the neighbors. It should apply to all.

Paul Shoemaker said this is a valuable resource for shellfishing – any protections to the waterways will benefit us all. He supports it.

Susan Bloom also lives in the area and is concerned about the views and public access to the pond. How can you have access without going through private property, so she can't support it as written.

We are not closing the public hearing, President Joakim announced.
The planning board is not closing this at this time either, confirmed Ms. Penn..

Councilor Canedy thanked all who came and she appreciated the issues raised. She would like to have the steering committee meet one more time and review the attorneys' and other concerns, then report at the next town council meeting. The steering committee meeting will be open.

Broadrick wanted the emails included in the public record (they are attached as well). He asked councilors to make comments in writing. President Joakim said Canedy will notify all councilors when the steering committee will meet.

Upon motion duly made and seconded it was voted to postpone this item (2007-101) until after the budget hearings on April 26, 2007

VOTE: 10 Yes 1 No (Tobey)

Planning Board - - Felicia Penn announced that the board has had a lot of public hearings, so she asked for a motion to close their public hearing (which was made and seconded).

VOTE: Unanimous to close.

A motion was duly made and seconded to postpone item 2007-083 to April 26, 2007 after the budget hearings.

VOTE: Majority in favor

Recess taken from 10:12 p.m. to 10:18.p.m.

2007-089 - ORDER AUTHORIZING SALE OF LAND SHOWN ON ASSESSORS MAP 194 PARCEL 035, 0 CAP'N CROSBY ROAD, WEST BARNSTABLE INTRO.: 03/15/07; 04/05/07

Town Manager Klimm gave the rationale and stated that there was only one interested party who gave a bid. He said it is a good deal for the town and there will be a better subdivision because of it.

Councilor Munafo asked what is the present assessed value and will it be added to all the properties for tax value. Ruth Weil said it is assessed at \$4,100.

Upon motion duly made and seconded it was

RESOLVED: Notwithstanding the price of \$100,000.00 authorized under agenda item number 2007-054, the Town Manager is authorized to dispose of all right, title and interest in surplus Town land having a street address of 0 Cap'n Crosby Road, West Barnstable, shown on Assessors Map 194 as Parcel 035 for a price not less than \$25,000.00, being the highest and only bid received, and to execute and deliver any and all documents necessary in accordance with the terms of this Order.

VOTE: Roll Call – 11 yes unanimous

2007-102 - RESOLVE THAT THE TOWN COUNCIL CREATE AN RFP COMMITTEE TO SET PARAMETERS FOR A COMPREHENSIVE STUDY OF THE FIRE SERVICES FOR THE FIVE FIRE DISTRICTS IN THE TOWN OF BARNSTABLE INTRO.: 03/15/07; 04/05/07

Councilor Crocker was not present during this discussion.

Upon motion duly made and seconded it was voted to go in to a public hearing at 10:28 p.m.

VOTE: Unanimous

Councilor Barton gave the rationale and said the study committee recommended this be approved.

John Brennan, Chair of the West Barnstable Prudential Committee, asked a series of questions to the councilors that dealt with the cost for an RFP; do the councilors think the public wants one, etc. He looked at issues. The districts are consolidated as far as mutual aid and they purchase from the county. He reviewed a lot of statistics from many communities.

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

VOTE: Unanimous

Councilor Curtis said this item is simply to go forward with an RFP. She said this is not about consolidation, but are we getting the best services in the most efficient way. Councilor Barry

said Cotuit would say yes regarding the service and we are happy. He thinks one of the elephants in the room is benefits. He is against wasting money on this.

Councilor Munafo said they did not have an RFP before; we sent it back and still did not receive one. They were charged with creating an RFP on this committee. So why doesn't the committee do it? Apparently they can't do the job. Does the job need to be done? This needs to be put to bed.

Councilor Milne felt there was confusion in the rationale regarding the composition of the RFP committee. Who picks them? What is the criteria? It is too vague.

Councilor Barton said this is as complex as it seems – we did not feel that we had enough people on the committee who could do it justice. The last study was done in 1991.

Councilor Canedy suggested that we ask the manager to create the committee in a manner similar to the way he created the Hyannis Water Board. Attorney Smith said the council can ask for expert help to do things. He would hope that it would comply with the law, and assumed that you would contact the procurement division.

Councilor Farnham reminded all that there was a Committee of 150 and the #1 priority was consolidation of the fire districts yes or no. Does it make sense? If not put it to bed. He said there are no cost parameters here and some other items are not identified.

President Joakim is going to suggest that maybe this could be re-written.

Vice President Brown moved the question, which was seconded.

VOTE: Majority

Upon motion duly made and seconded it was:

RESOLVED: That the Town Council creates an RFP Committee that mirrors the composition of the Fire District Study Preparation Committee with its geographic and occupational diversity. The purpose of this RFP Committee is to set the parameters for a comprehensive and objective study of the fire services of the five fire districts to answer the question: "Is the Town of Barnstable receiving the services currently provided by the Fire Districts in the most efficient and effective manner possible?"

**VOTE: 5 and 5 – did not pass (No votes by: Barry, Brown, Milne, Munafo & Tobey
Councilor Barton thanked Chief Crosby and all the committee members who helped.**

2007-103 APPOINTMENTS	INTRO.: 03/15/07; 04/05/07
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Upon motion duly made and seconded it was voted:

That the Barnstable Town Council appoints the following individuals to a multiple member board/committee/commission:

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE APPOINTMENT:

Robert H. Temkin, 294 Millway, PO Box 255, Barnstable, MA 02630, term expires 06/30/2009

WATER QUALITY COMMITTEE APPOINTMENT:

Sheila Mulcahy, 9 Chippingstone Road, Marstons Mills, MA 02648, term expires 06/30/2009

VOTE: 11 YES

**2007-105 - AMEND THE GENERAL ORDINANCE TO EXTEND THE BOUNDARY OF THE
HYANNIS REGULATORY AGREEMENT DISTRICT INTRO.: 03/15/07; 04/05/07**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-105.

VOTE: Unanimous in favor at 10:55 p.m.

(See map attached as D)

Councilor Tobey read the rationale. Vice President Brown moved and it was seconded to continue this meeting beyond 11 p.m. until it was finished.

Steve Shuman and Felicia Penn addressed the council. They said the subcommittee on zoning has several problems with this item. The Regulatory Agreement zone should be in Hyannis and one parcel is outside of that zone. If you want to do this you have to do it by another vehicle. Shuman said he has serious concerns about the regulatory agreement and what will happen. If we can exempt ourselves from the CCC by creating little areas around the town, this is not what should be happening. Penn said there are two parcels and one is in the industrial park.

Patty Daley from Growth Management said this is a map amendment to add new areas that could adopt regulatory agreements. You don't remove CCC review – this ordinance would not affect that.

Councilor Milne asked who owns this and what are they doing. Sprinkles owns the building and there might be a possible residential development. Daley said that this would add 7,000 feet to the area. The Independence Park parcel might possibly have a coordinated development.

Councilor Curtis has trouble with the way this is written. She sees it as two separate items and is not comfortable voting on these together. Daley asked for this to be divided and vote for the Sprinkle lot.

Councilor Canedy doesn't like residences in the Independence Park, and said this will be senior living. This was to be just for Hyannis Downtown Zoning.

A motion was made to vote on each item. Attorney Smith suggested that a motion be made to amend this item by striking out in Section 1 of the proposed general ordinance amendment, as printed in the agenda, any reference to the IND zone.

Manager Klimm said two owners want to develop or redevelop. The Sprinkles have been extraordinary with their work. We now will give them the mechanism to do their project, the same way as the project in the industrial park.

Councilor Canedy withdrew the amendment

Councilor Munafo moved and it was seconded to postpone this item and have it come back as two separate items.

VOTE: Unanimous

**2007-090 THROUGH 2007-099
CAPITAL IMPROVEMENT PLAN BUDGET APPROPRIATIONS INTRO.: 03/15/07; 04/05/07**

**2007-090 - APPROPRIATION ORDER
Marina Enterprise Fund Reserve Capital Improvement Plan**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-090 at 11:27 p.m..

VOTE: Unanimous

Upon motion duly made and seconded it was voted to continue the public hearing.

VOTE: Unanimous

**2007-091 - APPROPRIATION AND LOAN ORDER
Sewer Enterprise Fund Capital Improvement Plan**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-091.

VOTE: Unanimous at 11:27 p.m.

Upon motion duly made and seconded it was voted to continue the public hearing.

VOTE: Unanimous

**2007-092 - APPROPRIATION ORDER
Capital Trust Fund Capital Improvement Plan**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-092.

VOTE: Unanimous at 11:28 p.m.

Upon motion duly made and seconded it was voted to continue the public hearing.

VOTE: Unanimous

**2007-093 - APPROPRIATION AND LOAN ORDER
Capital Trust Fund Capital Improvement Plan**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-093.

VOTE: Unanimous at 11: 28 p.m.

Upon motion duly made and seconded it was voted to continue the public hearing.

VOTE: Unanimous

**2007-094 APPROPRIATION AND LOAN ORDER
Capital Trust Fund Capital Improvement Plan**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-094.

VOTE: Unanimous at 11:28 p.m.

Upon motion duly made and seconded it was voted to continue the public hearing.

VOTE: Unanimous

**2007-095 - APPROPRIATION AND LOAN ORDER
Capital Trust Fund Capital Improvement Plan**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-095.

VOTE: Unanimous at 11:28 p.m.

Upon motion duly made and seconded it was voted to continue the public hearing.

VOTE: Unanimous

**2007-096 APPROPRIATION AND LOAN ORDER
Capital Trust Fund Capital Improvement Plan**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-096.

VOTE: Unanimous at 11:29 p.m.

Upon motion duly made and seconded it was voted to continue the public hearing.

VOTE: Unanimous.

**2007-097 - APPROPRIATION AND LOAN ORDER
Capital Trust Fund Capital Improvement Plan**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-097.

VOTE: Unanimous at 11:29 p.m.

Upon motion duly made and seconded it was voted to continue the public hearing.

VOTE: Unanimous

(NOTE: The Council noted that the amount on this item is \$250,000 and that figure was corrected in one location on the actual order.)

**2007-098 - APPROPRIATION AND LOAN ORDER
Capital Trust Fund Capital Improvement Plan**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-098.

VOTE: Unanimous at 11:30 p.m.

Upon motion duly made and seconded it was voted to continue the public hearing.

VOTE: Unanimous

**2007-099 - APPROPRIATION AND LOAN ORDER
Capital Trust Fund Capital Improvement Plan**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2007-099.

VOTE: Unanimous at 11:30 p.m.

Upon motion duly made and seconded it was voted to continue the public hearing.

VOTE: Unanimous

CONSENT VOTE TO REFER THE FOLLOWING TWO ITEMS

2007-114 - STRIKING SECTION RELATIVE TO LAUNCHING OF JET SKIS FROM BOAT RAMP ON SHOOT FLYING HILL ROAD INTRO.: 04/05/07

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

VOTE: Unanimous to refer.

2007-115 - ORDER AUTHORIZING RESTRICTION OF INTEREST IN THE CREATION OF GOLF COURSE OR ATHLETIC FIELD WITHIN THE WILLIAM AND HILMA DANFORTH RECREATION AREA (DANFORTH PROPERTY) ASSESSORS MAP /PARCEL 84/2, 83/7, 104/2 INTRO.: 04/05/07

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

VOTE: Unanimous to refer

2007-116 - ACCEPTANCE OF AN FY2007 GRANT FROM THE BILEZIKIAN FAMILY FOUNDATION IN THE AMOUNT OF \$14,232.00. INTRO.: 04/05/07

Upon motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts the grant award in the amount of \$14,232.00 from the Bilezikian Family Foundation for the purpose of purchasing a new Boston Whaler motorboat that will support the John F. Kennedy Memorial Sailing Program.

VOTE: Unanimous

LATE FILE

2007-117 - COMMUNITY PRESERVATION FUND APPROPRIATION FOR HISTORIC PRESERVATION INTRO.: 04/05/07

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

VOTE: Majority in favor

Councilors commented on late file.

ADJOURNMENT

Upon motion duly made and seconded it was voted to adjourn.

ADJOURNED: at 11:33 p.m.

Respectfully submitted,

Linda E. Hutchenrider, MMC/CMMC

Town Clerk/Town of Barnstable