

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
November 15, 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, November 15, 2007, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

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

Vice President Brown led the Council in the Pledge of Allegiance and a moment of silence.

LAW ENFORCEMENT ACCREDITATION

Police Chief Paul MacDonald announced that Barnstable was one out of three municipalities in the Commonwealth to receive a Certificate of Recognition from the Commission on Accreditation for Law Enforcement Agencies. In addition, Barnstable is one of fourteen municipalities to be awarded a Certificate of Certification from the Massachusetts Police Accreditation Committee. Patrol Officer Ralph Cahoon, Accreditation Manager, also gave some history on the accreditation process. Patrol Officer Jean Evans, Detective Valerie Hemmila, Records/Evidence Supervisor, Kathy Hinckley, and Deputy Chief, Craig Tamash, were recognized for their efforts in preparing the documentation. Former Chief Finnegan, initiated this effort, and Chief MacDonald supported the effort to its successful completion.

BARNSTABLE WATER COMPANY EMERGENCY UPDATE

DPW Director Mark Ells updated the council on the contaminated water issue over the weekend that resulted in a need to boil water for Barnstable Water Company users in Hyannis. He explained how the system functions, the nature of the contamination and the precautionary actions taken. He is researching why it occurred and how to prevent a reoccurrence.

Council questions involved the level of contamination found, the ability to communicate to the public, and the availability of bottled or uncontaminated water. It was generally felt that communication to the public and businesses (especially food service) could have been better and faster. Even though proper state protocols of contacting newspapers, radio stations, etc., were followed, it is hard to reach a large community as this in short time. In the future, resources through NEMA be activated immediately and response will fall under Civil Defense rather than DPW. The Chief of Police is the head of CD and will oversee drafting and formalizing appropriate protocols.

Some suggestions were that councilors should be “high on the communications tree;” the chamber, the BID and other groups that communicate with the business community should be included; the town TV station and the Reverse 911 phone system should be fully utilized; investigate procedures that other water districts might have in place that could be harnessed; develop an emergency response protocol with the private water companies for the safety of the entire town.

The discussion also turned to the storm of one weekend earlier, in itself a wake-up call. All had concerns with the extremely slow response from NStar. President Joakim has been in contact with NStar and will meet to discuss future responses. The bottom line for some is that all residents need to be prepared for a storm independent of the town.

Town Manager John Klimm said that there is consensus that fire and police are historically better at emergency communications than a department head. Protocols will be formalized. The town is committed to trying out the emergency phone system but it is still experimental and being used on a limited basis prior to signing a long-term commitment with the company. Staff training had just begun

and is on-going. Use of the school emergency phone system was not an option because it is proprietary and they are prohibited from any municipal use by contract. At some point, if the council opts to permanently fund an emergency phone system, the contract could be renegotiated or another company could be found. It would save money if the entire county were to agree on a common emergency phone system.

There was a brief discussion of how to fund the water system repairs and upgrades without impacting the rate payers. Ells explained that they have done an hydraulic assessment of the tanks and the distribution system, as well as set priorities. The addition of a water tank to replace one that is 100 years old as well as replacing various lines from the fields to increase the flow could cost in the \$6 M range. The siting and design could take from 12 – 24 months. Money for this is already included in the current rate structure. Councilor Munafò suggested looking into selling the Barlaco land and use proceeds for the water company. The Attorney General will need to be approached for final determination on the Barlaco land. The water board has been tasked with looking at the lands to see if any is surplus and could be sold.

PUBLIC COMMENT

- John Julius spoke about the stealing of the Barlaco land and the SEA Associates report which was filled with indications of what has just occurred.
- Robert Tucker spoke about keeping people in town who are hard workers and suggested raises to cover the cost of gasoline.
- Cynthia Cole read a letter on behalf of the Hyannis Main Street Business District thanking Councilor Brown for his service.
- Peter Doiron spoke about the passage of the charter commission and gave them some advice.

COUNCIL RESPONSE TO PUBLIC COMMENT

- Councilor Munafò said the council was proactive, bringing in the SEA Consultants to evaluate the water system. The council has done and will continue to its job, but just can't act fast enough for some citizens.
- President Joakim explained that the Hyannis Fire District did not purchase the water company. It would have been bought by a private company that would have charged higher rates. The town is prepared to do the work without raising the rates.
- Councilor Brown thanked Cynthia Cole. He then explained that in the 1950s wells were open to the air until President Kennedy noticed, while in an airplane flying over some wells, that ducks were swimming in the drinking water. After that, the wells were all capped.

• LOCAL COMPREHENSIVE PLAN PRESENTATION – Jo Anne Miller Buntich

Ms. Buntich stated that this is an informal presentation before the formal process, which will begin with the Planning Board in December. She gave a PowerPoint presentation. (See Exhibit A) additional information is contained in the following exhibits: Exhibits B, C, D, and E attached hereto.

The public may view maps in the council office or in the growth management office. They will also be put on the website. This LCP does for the surface of water what is done for land use: watershed zoning - what can and cannot be done in water. Lois Andre, Chairman of the Barnstable Economic Development Commission explained the organizational value of the implementation plan relating to funding, staffing and timeline. In response to a comment about adding some cross-referencing to avoid having to look through the entire document, the speaker felt it was more user friendly without lots of cross-referencing.

Draft plans are in the libraries and there have been many televised meetings on the subject for reviewing it. Anyone who has participated in the plan writing should get a copy of what has been presented. The most important action items will be bumped up in the implementation plan. Marlene Weir of the Planning Board identified what had and had not been done in the current plan and defined the hot button issues. Percentages of the different defined areas of maps would be helpful. Curbside

recycling was also discussed. The committee tried to tap expertise regionally and within the community. With any kind of marketing budget, they would gladly send the draft out to the entire community.

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to approve the minutes of November 1, 2007, as submitted.

VOTE: Unanimous

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

- Barton reported on the school committee meeting and thanked David Lawler for his service and welcomed Tom McDonald, the newly elected member.
- President Joakim recognized Councilor Brown on the occasion of his last meeting as a councilor. He received several framed photographs from the council. All councilors thanked him for the wide variety of ways he was helpful to each of them as well as sharing memorable stories. Brown said "it has been quite a ride." He spoke about some of his unique experiences as a councilor. Town Manager Klimm also made some comments about the meaning of true friendship, real leadership, honor and public service. On behalf of the town Klimm gave Councilor Brown a candid photo of him with Bob Smith.
 - Councilor Canedy updated her constituents on several village issues and meetings, including forming a Rte. 6A tree committee. She reported on the Hyannis Task Force Committee meeting and announced that the Isaac Crocker Homestead has been named one of the ten state historic resources.
 - Councilor Munafo reported that his daughters, who were in an auto accident on Election Day, are well.
 - Councilor Milne reminded all of the Falmouth-Barnstable football game on Thanksgiving.
 - Councilor Farnham announced the annual pep rally is Wednesday at 1 PM.
 - Councilor Barton gave an update on Operation In From The Streets.

ORDERS OF THE DAY

OLD BUSINESS

2008-050 APPOINTMENTS

Upon a motion duly made and seconded it was

RESOLVED, that the Barnstable Town Council appoints the following individuals to a multiple member board/committee/commission.

AGRICULTURAL COMMISSION:

J. Timothy Friary, 241 Commerce Road, Barnstable 02630 to a term expiring 06/30/2008
Mary M. Knoble, 40 Asa Meigs Road, Marstons Mills 02648 to a term expiring 06/30/2008
William Plettner, 510 Willow St, West Barnstable 02668 to a term expiring 06/30/2009
David M. Ross, 60 Widgeon Lane, West Barnstable 02668 to a term expiring 06/30/2009
Hilary A. Sandler, 604 Cedar Street, West Barnstable 02668 to a term expiring 06/30/2010
Leslie B. Spencer, 151 Main Street, Cotuit 02635 to a term expiring 06/30/2010

VOTE: Unanimous

2008-052 APPROPRIATION COMMUNITY PRESERVATION FUND – PLEASANT STREET, HYANNIS

Lindsay Counsell gave the rationale and made a PowerPoint presentation (See exhibit F)

Upon a motion duly made and seconded it was voted to open a public hearing at 10:20 PM.

VOTE: No objections

Upon a motion duly made and seconded it was voted to close the public hearing at 10:20 PM.

VOTE: No objections

- Ruth Weil, Director of Growth Management, said the grant was applied for in June 2007.
- Councilor Canedy said it felt like a “done deal” because the grant was applied for before the council was able to vet the project or suggest other projects. Weil explained that this is part of the harbor planning project which is several years old. This and Bismore Park were part of a larger plan and part of an ongoing and LPC planning process. Canedy would like more time to review such things on the front end rather than at the end.
- Councilor Munafo agreed that a full vetting would give the council an opportunity to look at the project.
- Councilor Milne asked about the fund-raising aspect. Counsell said there will be a reserved area for a shanty-style building for bicycle rental place or an approved CPA purpose compatible to a park setting. Finance Director Mark Milne explained that any revenue generation would go to maintain the park, so it will be a wash. Councilor Milne pointed out that this will be the first time that Hyline and the Steamship Authority are connected by a pedestrian path. He suggested that Hyline should be asked to complete the last connection by creating a wooden walkway and getting rid of the sea shells.
- Councilor Farnham supports the downtown and the harbor. He feels the acquisition and development costs are high. This has direct access on the harbor and is a good proposal, but not great. Counsell said the SSA will create an improved sidewalk. There will be future discussion of priorities

Substitute Text

2008-052 APPROPRIATION COMMUNITY PRESERVATION FUND – PLEASANT STREET, HYANNIS

Upon a motion duly made and seconded it was

ORDERED, that sum of \$807,964.00 is appropriated for the acquisition and creation of open and recreation space, to wit, a parcel of land located at 115 Pleasant Street, Hyannis, MA on parcel 058 of map 326; that in order to meet this appropriation, the sum of Five Hundred Fifty One Thousand One Hundred Thirty Two and No/100 (\$551,132.00) Dollars be appropriated and transferred pursuant to the provisions of G. L. c. 44B from the amount set aside for Open Space Funds in the Community Preservation Fund on June 21, 2007 under agenda item number 2007-162, subject to reimbursement of up to \$294,300.00 from the proceeds of the Urban Self-Help grant to be accepted herewith; the sum of \$256,832.00 be transferred from mitigation funds; and that the Town Manager is authorized to contract for and expend the amount appropriated and accept any gifts and grants in relation thereto.

VOTE: Unanimous (Roll Call)

NEW BUSINESS

2008-055 APPROPRIATION/TRANSFER \$30,000 FOR PRESIDENTIAL PRIMARY

Upon a motion duly made and seconded this item was referred to a public hearing on December 6, 2007.

VOTE: Unanimous

2008-056 RESOLVE ACCEPT \$294,300 SELF-HELP GRANT FOR PLEASANT STREET

Upon a motion duly made and seconded it was

ORDERED, that the Town Council does hereby accept the Urban Self-Help Reimbursement Grant award in the amount of \$294,300.00 from the Executive Office of Energy and Environmental Affairs.

In answer to Councilor Munafo, Weil said the funds are accepted on behalf of the town. In answer to a question by Councilor Farnham, Weil replied that some portions of the grant language contain purposeful qualifiers to protect the town.

VOTE: Unanimous

2008-057 AMENDMENT TO ZONING ORDINANCE – CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT – Substitute Text

Upon a motion duly made and seconded and using the substitute text, this item was referred to a joint public hearing with the Planning Board on December 6, 2007.

VOTE: Unanimous

LATE FILE:

2008-058 APPROPRIATION AND TRANSFER ORDER CAPITAL TRUST FUND

Upon a motion duly made and seconded this item was referred to a public hearing on December 6, 2007.

VOTE: Unanimous

LATE FILE:

2008-059 MOORING CAPACITY ANALYSIS FOR THE TOWN OF BARNSTABLE

Upon a motion duly made and seconded it was

ORDERED, that the Chairman of the Barnstable Waterways Committee in cooperation with the Town Manager convene a meeting to determine current usage of moorings in the Town of Barnstable and the appropriateness of increasing the number of moorings and that this information be documented in a helpful and usable form.

Further, that following the gathering of this information, the Town Manager shall consult with his staff and make recommendations to the Town Council for its inconsideration and action.

Brown gave the rationale. This involves no money. The Waterways Committee will provide the moorings data. (See Exhibit G)

- Councilor Canedy asked about involvement by the Shellfish Committee or the Harbormaster. Brown said only after the Waterways Committee provides the report. Canedy felt it might be a better way to deal with mooring lists.

- Councilor Chirigotis said it has been frequent issue of Waterways Committee.
- Councilor Barry said a neighbor with 2 moorings would give one up if they had a raft. It was suggested the ideas should be submitted to the Waterways Committee

VOTE: Unanimous

Upon a motion duly made and seconded it was voted adjourn the meeting at 10:50 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk