



Town Council Meeting March 6, 2008



A quorum being duly present, Council President Janet Joakim called the regular meeting of the Barnstable Town Council to order at 7:00 pm, on March 6, 2008, at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Richard Barry, Janice Barton, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., Leah Curtis, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., Thomas Rugo, James M. Tinsley, Jr., and Harold Tobey.

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

PUBLIC COMMENT:

- Mary Clements, Hyannis, stated that the Council President uses blogs inappropriately.
- Oliver Cippollini is planning to set up a college textbook scholarship for residents in memory of his good friend, Peter Doiron.
- John Julius, Hyannis, is disappointed that the open meeting request by petition is not on the evening's agenda. He said that the Civil Liberties Union has the council under a microscope.
- Lou Gonzaga wants the Council to bring the community together
- Bob Lewson, Centerville wants the council to make this the place they want it to be.
- Dave Barry, Hyannis, noted studies have been done since early 1900's on shellfish; we need to work together.
- Andre Sampou, spoke on the shellfish issue as well.
- John Alden, stated that all should be respectful and should not make personal attacks
- Sam Negus, Cotuit noted that the 2200 piers encroach on public access. Shellfish license holders want their rights protected
- Al Baker, Marstons Mills, stated that the previous speaker should not jeopardize public comment. He believes the vote for Charter Commission is down to an opinion. He thinks that the split tax rate was voted by the public, but voters were ignored
- Matt Ostrowski, West Barnstable, said the town purchased a marina, golf course, conservation lands, etc. and now pays for the upkeep and the loss of tax revenue. Shellfishing rights should be protected, which is no cost or expense to the town.
- Jonathan Taylor sees no evidence that docks affect shellfishing.

- Arlene Wilson, Marstons Mills explained that she designs docks and that shallow moorings are more problematic than piers. Ch.91 licenses issued by the town are more advantageous –control is kept by the town.
- Len Clark, West Barnstable noted that Mass DEP never disapproves a dock.
- Stuart Rapp, stated he wants shellfishers to have a voice, as property owners have a voice. The overlay district sunset clause should be tied to the harbor management plan’s completion.
- Scott Blazis, Centerville, said that he’s seen many cases come before the Conservation Commission where a dingy-dock turns into a large vessel dock

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Canedy: Noted that Mr. Doiron was a frequent attendee of council meetings with great wit and made many literary references. She gave her sincere sympathies to his wife Sylvia and his daughter.

Councilor Milne: Agreed with everything the speakers said regarding mutual respect.

Councilor Crocker: Observed that emotions are high at these last few meetings. He thanked Councilors Barry and Canedy for working toward solving a problem. There is one person here that could solve the problems and the problems could be over right now.

ACT ON MINUTES

Upon motion duly made and seconded, it was voted to approve the minutes of February 28, 2006.

VOTE: Unanimously Approved

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

- ◆ Councilor Munafo: Is pleased with the Main Street lights and wants to thank Cynthia Cole, Tom Burton and all those involved.
- ◆ Councilor Curtis: Noted that the Marstons Mills Village Association had the privilege of having Jo Anne Buntich attend its recent meeting. Paul Niedzwiecki outlined changes by the CCC coming over the next few years.
- ◆ Councilor Barton: Announced: River Day in Burgess Park this year, lots of fun for families; Multi-Cultural fair at CCCC with participation by the Youth Commission and the No Place For Hate group; on March 14, the Youth Commission will have another Mall-Night at the food court:
- ◆ Councilor Barry: Noted upcoming hearing for Cape Wind project at Mattakeese Middle School.
- ◆ Ann Canedy: Stated that Ms. Buntich had also made a presentation to the Hyannis Access Task Force. Sturgis Library has digitalized the Barnstable Patriot 1830 – 1930 using CPA funds. She attended an educational conference at Holy

Cross with ConCom members and has materials on flood plain enforcement and conservation regulations.

- ◆ Councilor Tobey: Stated the preview of the museum at the former Zion Church, far exceeded expectations. Thank you very much – it was a successful community outreach.
- ◆ Councilor Farnham: Noted the annual Red Cross Heroes breakfast. Andre Sampou is a past recipient of the award.
- ◆ Councilor Milne: Gave kudos to those who attended DCPC: He felt the Town did a very good job. Our Town Manager John Klimm and Senator Kerry were at the new veteran’s center.
- ◆ Councilor Tinsley: Announced that Hyannis East Elementary School is holding its 2nd annual wellness and nutrition fair this Saturday.

Upon motion duly made and seconded, it was voted to refer Agenda Item **2008-068** to the April 3 Agenda.

Vote: Unanimously approved

ORDERS OF THE DAY

A. OLD BUSINESS

2008-091 - CREATING A TEMPORARY RECREATIONAL SHELLFISH AREA AND SHELLFISH RELAY OVERLAY DISTRICT

Due to a lack of a quorum, this hearing was continued by members present to the Planning Board’s meeting on March 10, 2008.

Planning Board Members present: Ray Lang, Patrick Princi, and David Munsell

Upon motion duly made and seconded, it was voted by the members present of the Town Council to go in to a public hearing for the purpose of discussing the substitute text presented for 2008-091.

VOTE: Majority vote in favor by Town Council

Discussion by Council members of the substitute text submitted to amend 2008-091.

Councilor Barry suggested to include as part of the ad hoc committee appointed by the town manager, a holder of an aquaculture grant and to change the end date to 18 months.

Councilor Canedy stated that the “Harbor Management Study” paragraph should be identified by the letter “H” for continuity of the format.

Councilor Chirigotis stated that the ad hoc committee is to include a representative of the shellfish district, an aquaculture grant holder and a planning board subcommittee person on zoning.

Councilor Curtis stated that "Barnstable Harbor and all estuaries" should be included.

Upon motion duly made and seconded it was voted by the members present of the Town Council to go out of a public hearing on 2008-091.

VOTE: Majority vote in favor by Town Council

Councilor Chirigotis made the motion, which was seconded, to accept the aforesaid amendments to the substitute text of item 2008-091 as discussed above., and to continue the hearing until March 20, 2008 since the Planning Board did not have a quorum; and to allow the Planning Board to hold its hearing and forward its recommendations to the Town Council.

VOTE: Majority vote in favor by Town Council

OLD BUSINESS

2008-093 – APPOINTMENTS TO BOARD/COMMITTEE/COMMISSION

Upon motion duly made and seconded, to refer Item 2008-093 to a second reading on March 20, 2008 meeting.

VOTE: Majority vote in favor

2008-094 - APPROPRIATION AND TRANSFER ORDER FOR COSTS INCURRED FOR EMERGENCY RESPONSE TO TROPICAL STORM NOEL

Upon motion duly made and seconded, it was voted to go in to a public hearing for the purpose of discussing 2008-094.

VOTE: Majority vote in favor by Town Council

Rationale given.

Upon motion duly made and seconded, it was voted to go out of the public hearing on 2008-094.

VOTE: Majority vote in favor by Town Council

Upon motion duly made and seconded it was:

ORDERED, That the Town Council hereby appropriate \$124,700 for emergency response to Tropical Storm Noel and to meet the appropriation that \$124,700 be transferred from available funds.

VOTE: Unanimous vote – Roll Call: 13 Yes

2008-095 - APPROPRIATION & TRANSFER ORDER FOR CONSTRUCTION OF AN ADMINISTRATION BUILDING AT THE MARSTONS MILLS SOLID WASTE TRANSFER STATION

Upon motion duly made and seconded, it was voted to go in to a public hearing for the purpose of discussing 2008-095.

VOTE: Majority vote in favor.

Rationale given.

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

VOTE: Majority vote in favor.

Upon motion duly made and seconded, it was voted:

That the sum of \$87,500 be appropriated for the purpose of constructing a new administration and staff support building at the solid waste transfer station in Marstons Mills, and to fund this appropriation, that \$87,500 be transferred from the Department of Public Works Solid Waste Enterprise Fund Reserve account as presented to the Town Council by the Town Manager.

VOTE: Majority vote in favor - Roll Call: 8 Yes 5 No (Barry, Canedy, Crocker, Curtis, Milne)

2008-096 – APPOINTMENTS TO BOARD/COMMITTEE/COMMISSION

Upon motion duly made and seconded, it was voted to refer this item to a second reading on March 20, 2008.

VOTE: Majority vote in favor.

TOWN MANAGER COMMUNICATIONS

None

Councilors Crocker and Milne recused themselves from the meeting at 10:30 PM

Council President Joakim brought a discussion to the Council members of when to hold an open town meeting as requested by the petitioners.

ADJOURNMENT

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

VOTE: Majority vote in favor.

ADJOURNED at 11:00 PM

Respectfully submitted,