



**Town of Barnstable  
Town Council Meeting  
June 5, 2008**



**A** quorum being duly present, Council Vice President Frederick Chirigotis called the regular meeting of the Barnstable Town Council to order at 7:03 pm, on June 5, 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, J. Gregory Milne, James Munafo, Jr., James M. Tinsley, Jr. and Harold Tobey **ABSENT:** Janet Joakim, Thomas Rugo

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

**Recognition of Robyn Pitera, Barnstable Youth Commission**

Councilor Janice Barton presented Robyn Pitera, Senior from BHS who was given an award. She has been on the Youth Commission for four years and worked on various projects throughout her tenure. She received a certificate for dedicated service to the Town of Barnstable. Sally Ann Imes, the Youth Services Coordinator noted that they are going to miss her. Chris Barber and Mark Raymond were also present and agreed. Robyn said it has been fun but a lot a work and it gave her a chance to share her voice.

**Barnstable Youth Commission Annual Update--Presented by Mark Raymond**

Mark Raymond gave an update and also thanked Robyn. He gave a power point presentation in which he noted the structure of the commission and stated that they strive for a safe community as well as to make sure their ideas are heard. He announced that they now have a Youth Services Coordinator. He said they are involved with: Youth at Mall Nights; Peace Week; were part of Barnstable County's Youth, Summit; and are looking to beginning relationships with the Middle School students, to name a few.

Councilor Canedy asked how many people make up the core group. Raymond said there are 5 official commissioners, and 10 or 15 who attend meetings on a semi-regular basis.

Councilor Curtis asked what the top 3 issues are for the youth. Raymond said they want more to do, and we try to make more for them to do. Another thing is lack of transportation, which makes it difficult for many to get around. There are also school issues such as school lunches, (lines etc.) Some students are just looking for an outlet to voice their concerns. They have had various forums on themes such as: diversity, drug and alcohol use, etc.

Councilor Tobey feels that Mr. Raymond should be commended for his work and stated that what he has done is great. Tobey said that he is honored to be able to see him grow.

Councilor Milne echoed Councilor Tobey. He asked about the issue of the start of the school day with early starts for high schoolers being a negative. Raymond said that the high schoolers talk about this – but there are sports and after school activities to consider too. We see it as an issue but it may not have an immediate solution. Milne asked if they were going to have a stronger role in the new Youth and

Community Center. Raymond said they hope to have a role in this; the YSD would like to play a large role. Milne asked why the young people do not come back after college and what can we do to have more return. Raymond stated that lack of jobs, other than service industry positions, as being the problem.

### **Craigville/Centerville DCPC Presentation--Jo Anne Miller Buntich**

Ms. Buntich gave a full presentation on the DCPC, which started Feb. 12, 2008. She had a power point presentation complete with maps that identified the actual area of the DCPC. She stated that an outreach began to the village of Centerville in 2006. The priorities from the village included such items as: architectural and design guidelines, the desire to protect historic character and a need for sidewalk upgrades.

There were many concerns on building height and other issues such as wastewater and waterfront management

Vice President Chirigotis said that this grew out of the visioning sessions and he thanked the Town and its various departments for their cooperation. He thanked Buntich and said we need to move forward slowly.

Councilor Crocker said the pace is good. He noted that the real estate value has not declined in this area as fast as other areas. He also questioned the new proposed health regulations that will cover a wide area. Buntich is aware of the health regulations and they will not undermine or compete with those regulations. They will work together. They are also looking at the height restrictions and replacement requirements of laws. They are working with the landowners.

Councilor Canedy reminded the council that another DCPC came forward with similar issues.

### **Cape & Vineyard Electric Coop Update—Presented by Maggie Downey & Charles McLaughlin**

See exhibit A of the power point presentation.

Charles McLaughlin opened the update by introducing Mark Zylinski, Joseph Soares as well as Maggie Downey. He noted that the cooperative was one for our former Town Attorney Robert Smith's visions.

Ms. Downey stated that she was present to look forward and update the council on the progress of the formation of the coop. The concept began due to the fact that towns are unable to borrow or finance electric generation projects without special legislation; they wanted to stabilize electric rates for all ratepayers with renewable energy projects; and, develop renewable energy projects as well as public policy. They studied the best alternatives. This will be tax exempt.

- Councilor Canedy asked if there are potential liabilities. Ms. Downey said if you develop capital projects there is a potential for financial liability. The projects will be evaluated and will not be brought forward unless the business plan can stand on its own. She was asked if the council would have a chance to vote in on projects. McLaughlin said the bylaws were drawn so that any town's exposure is limited to the exposure that they accept by the council. Projects that

need financial support will have to be brought to each town's legislative body for approval. It is the hope that some of these projects will be self-funding through grants and projected revenue.

- Councilor Crocker asked who of the members have net worth. Zylinski said the benefits will be distributed by the municipal load – the idea is to do it based on the pro rata share of the load. If they hosted the project they might take a larger percentage. Downey said the projects have to be permitted, have to have good wind and have to have a good revenue output. These will be 20 year power purchase agreements.
- Councilor Farnham stated that we are obligated to participate, but if we withdraw from a project, then we can't go forward anymore. So you can't pick and choose. McLaughlin said we did not want a structure where municipalities could cherry pick. This is a complex subject. The net metering could be of great benefit to the communities who choose to take advantage of this. It is complex and we need a lot of education.
- Councilor Canedy said the goals are good, but she is concerned about the provision that if you don't want to go along with a project, you then have to leave the coop. The idea that you can't cherry pick bothers her. McLaughlin said it needs to be in there in order for the cooperative to continue forward. Canedy says that it appears to be a punishment – go along or you are gone.
- Councilor Curtis asked if this concept is new or has it been done elsewhere. McLaughlin said that this cooperative legislation came into being in the late 90's. There is only one other cooperative. They too are pursuing it for renewable energy. Curtis wanted to know how that cooperative is doing.
- Councilor Milne asked if we don't go forward, what would a consumer see in the market of the future. Downey said she can't predict that. This is not about a single solution. You need to look outside of the box.
- Councilor Munafo asked about the deferred 42%. Downey said we can defer the regulated portion – the Town of Barnstable wouldn't pay, but what we don't pay will be spread out to other consumers.
- Councilor Crocker asked about this deferred portion. McLaughlin said there is a cap on the deferred amount. If Barnstable and the Cooperative produce all of the power – no one else can participate.
- Councilor Canedy asked about who benefits. Downey noted it would be the municipality that would benefit most.

## **PUBLIC COMMENT**

None

## **ACT ON MINUTES**

Upon motion duly made and seconded it was voted to approve the minutes of May 15, 2008 with the following corrections: - page 10 change it to "tax funded CPA money".

**VOTE: 9 Yes 2 Abstain. as amended**

Upon motion duly made and seconded it was voted to approve the minutes of May 22, 2008 with the following corrections on the bottom of page 6 change the item number to read as the header - 2008-145; do the same change on page 8 to 2008-148.

**VOTE: 9 yes 2 Abstain as mended.**

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

- ✓ Councilor Curtis – chair of appointments committee took exception to remarks made about the appointments committee at a recent meeting. We have an active and conscientious group on the committee. We follow council principles on listening and respecting one another. She made a statement that they look at all the individuals who do come forward to serve. She gave an overview of what the committee does in its deliberations. The committee recommends and the council approves.
- ✓ Councilor Farnham said he had asked the ZBA appointments to be tabled, and he asked for a detailed listing of the expiration dates and who are those that are serving. He would like to see it before we act on this. He also announced the Father’s Day Car show on June 15<sup>th</sup>.
- ✓ Councilor Chirigotis also noted that the in-the-water boat show will be held on the same day.
- ✓ Councilor Barton noted there was a Pond’s Report given recently. The Shirley Blair Flynn Art Center has studio artists and they are currently working there.
- ✓ Councilor Crocker announced the Board of Health meeting on the 16<sup>th</sup> of June to review the proposed regulations for the overlying watershed areas.
- ✓ Councilor Milne asked if the meeting could be televised. He also announced the Selectmen’s meeting.

### **OLD BUSINESS**

**2008-156 APPROPRIATION OF \$50,000 FOR THE REVISED COST ESTIMATES FOR DESIGN, PERMITTING AND A FEASIBILITY STUDY FOR THE PROPOSED SANDY NECK BATHHOUSE, COASTAL INTERPRETIVE CENTER AND PARKING LOT IMPROVEMENTS**

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

**VOTE: Unanimous in favor**

Asst. Town Manager Tom Lynch gave the rationale as printed in the agenda.

- Sandy Neck Mgr, Nina Coleman, said they had designed a new bathhouse along with the possibility of an interpretive center. Because of the sensitivity of the area, our initial plans must be reviewed in great detail by various agencies.

- Councilor Curtis asked how long it may be before a determination. Coleman said we don't know when we can come up with a plan per se. We need to proceed.
- Councilor Canedy asked why don't you separate out bathhouse from the project and get it fixed. The parking and the center may or may not happen and to tie it in with the bathhouse makes both fail. Coleman said we have to fund the bathhouse – it is very poorly located – it needs to be razed and rebuilt. She said the center is further down the road. Canedy said if you went forward on just the bathhouse – could you go through faster on the bathhouse. Coleman does not know if separating the project would do it.
- Councilor Farnham noted that they are going to propose the bathhouse be placed in the upper parking lot but you lose parking. He said the Natural Resource people are passionate about their cause; but, we need to continue.

Upon motion duly made and seconded it was voted to go out of the public hearing at 9:28 p.m.

**VOTE: Unanimous in favor**

Councilor Crocker thinks that it is absurd. He would like to see Tom Lynch or someone go to the table. Crocker said we need to end it – solve the problem or walk from the project.

*Councilor Crocker made a motion which was seconded to ask the manager to assign someone to assist and advance this program.*

Councilor Farnham agreed with Crocker. Coleman said that we have been trying to get everyone to the table and have to get everyone involved. The neighborhood is positive on the project and something needs to be done. It has been going on for about 6 months.

**VOTE: On motion to make a request to the manager – Unanimous in favor**

**Upon motion duly made and seconded it was**

**ORDERED:** That the sum of \$50,000 be appropriated for the purpose of funding additional design and permitting for the proposed Sandy Neck bathhouse, Coastal Interpretive Center, and parking lot improvements; and to meet the appropriation that \$50,000 be transferred from the Sandy Neck Enterprise Account Surplus funds.

**VOTE: 11 Yes**

<p><b>2008-158 TRANSFER FROM THE FY08 DPW OPERATING BUDGET TO THE DPW OPERATING CAPITAL BUDGET</b></p>
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Asst. Town Manager Lynch gave the rationale as printed in the agenda.

DPW Director Mark Ells – said that we have put in more efficient systems and had savings – and we want to use the savings to put it towards additional upgraded boilers.

Councilor Munafo asked if we have guidelines regarding green and asked about the degree of efficiency. (Ells said it is 97% efficient). Councilor Milne asked if this is doing the old part of the police station only, and the answer was yes.

Upon motion duly made and seconded it was voted to move the question.

**VOTE: Unanimous in favor**

**Upon motion duly made and seconded it was**

**ORDERED:** That the sum of \$80,000 be transferred from the FY 2008 Department of Public Works operating expense budget to the FY 2008 Department of Public Works operating capital budget.

**VOTE: Unanimous in favor**

Vice President Chirigotis announced how glad everyone was to have Councilor Tobey here with us.

#### **TOWN MANAGER COMMUNICATIONS**

Asst. Town Manager Tom Lynch said that Patty Machado had complimented the DPW on their work on the bathhouses at the beaches.

#### **ADJOURNMENT**

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

**ADJOURNED: at 9:44 p.m.**

Respectfully submitted,

Linda E. Hutchenrider, MMC/CMMC  
Town Clerk/Town of Barnstable