

TOWN OF BARNSTABLE

TOWN COUNCIL MEETING

October 21, 2010

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:04 PM, on Thursday, October 21, 2010 at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

PRESENT: Richard Barry, Janice Barton, Frederick Chirigotis, James Crocker, Jr., Debra Dagwan, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., John Norman, Thomas Rugo, and James M. Tinsley, Jr. **Absent:** Ann Canedy.

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

YOUTH COMMISSION PRESENTATION

Sally-Ann Imes, Youth Services Coordinator, introduced the PowerPoint presentation given by student members of the Barnstable Youth Commission: Senior Lauren Logan, Chairman; Freshmen Kristen Mullaly and Elizabeth Ells, committee members. Logan coordinated the presentation among the three members. (See Exhibit A)

Logan also explained the activities of the Governor's Youth Council of which she is a member. Common issues for the members included youth violence.

Sally Imes spoke on behalf of Annemarie Iaiennaro, Eighth Grade, who was unable to attend. She attended the Leadership Enrichment Cluster at the Middle School. For their project, students researched issues with the lunch period and were successful in having the lunch time extended. They did excellent research and made a credible presentation to the Principal.

PUBLIC COMMENT

Paul Revere, Centerville, spoke about breast cancer from which his wife suffers. He presented information of possible health risks found in the Boston University report and information from Silent Spring. (See Exhibit B) No mention was made by DPW of knowledge of this report. Either they did not know or made a conscious decision not to put it forward.

John Julius said the BU report has references to the issue of wastewater contamination of public drinking water. He is surprised that no town official knew of it. Speaking on behalf of every single resident, he suggested voting the sewer question down. He will not believe that DPW Director Ells or Town Manager Klimm had no knowledge of this report.

Cheryl Osimo, Coordinator for Silent Spring, has had breast cancer. She spoke about the issue as well, thanking the town for finding solutions. She also thanked Dr. Veronica Vieira, Associate Professor at BU's School of Public Health, who was in attendance. Silent Spring knows the high quality of town leadership.

Professor Vieira stated that the bloggers have misinterpreted the information. Her paper mentions historic studies having been done 40 years ago. At that time they didn't know what was in the water, only that a high number of cancers occurred in the area. The paper does not make any conclusions on drinking water today. Whatever was in the water is no longer affecting people today; it has long dissipated. The breast cancer data used was from cases appearing from 1983 to 1993 with exposure periods going back 10 to 20 years before the cancer data. The report shows a relationship to historic breast cancer not what may occur in the present.

Eric Schwaab, who authors the Cape Cod Living BLOG, writes about issues. Contaminants are still in the water, and, according to the report, can last for 30 years. He suggested considering elected water commissioners for Hyannis because such a board will be active. He made several suggestions on how the town could interact with the COMM water department: buy water from them, sell them some of the swappers, etc. He feels the plant cannot be expanded because there is too much unproved science. And he encouraged a NO vote on Question 5.

Milton Berglund said he could not recommend a yea or a nay vote on the sewer financing proposal. He reviewed several studies on water quality since 2008 – all confirmed that 75 to 85 percent degradation of the waters is due to septic systems. The town needs to reduce the use of Title 5 or other septic systems. Denial of the issue or ignoring it is not a solution.

President Chirigotis reported that the Council is still waiting for approval to publish an informational pamphlet on wastewater from the State Ethics Commission, the Office for Campaign and Political Finance and the Secretary of State's Office. It will be distributed whenever it is printed.

Richard Tucker spoke about homes and apartments that are being lived in by too many people. Something needs to be done.

Dr. Vieira stated that wastewater effluent is bad; however it is better to have the regulation and monitoring at a centralized location than not doing so.

Al Baker encourages all to vote. He thanked the multiple candidates for running to avoid only one candidate running for a position and winning by default.

COUNCILOR RESPONSE

Councilor Barton thanked the experts who wrote the article. Dates in study are not newer than 1998. (BU school of Public Health) Argument by way of education is an argument for voting to support the sewer article.

Councilor Milne was disappointed to hear that the educational pamphlet on wastewater will not be available before the election. He also thanked the two guests on wastewater suggesting they both be invited to an expanded program as feature speakers. Milne also suggested that councilors be better informed when issues arise in their precincts so they can respond to constituents.

Councilor Munafo asked if we are looking for the same chemicals that were studied back then. Vieira said no one has an idea what was in the water back then. What was there is no longer present and regulations have changed over the years. Now, however, there are so many more and different compounds including medicinals, etc. to keep track of and worry about. Silent Spring's efforts should be supported. The co-location of the plume with the drinking water suggests that there might have been an issue. Munafo feels the information should have come to the council before now. Chirigotis pointed out that the information was relevant years ago but may not be applicable now. Vieira agreed that the study was retrospective. It was the best science available to give women answers.

Councilor Barton feels science was fine but currently has been manipulated by some people.

Councilor Joakim feels the town is better off treating the effluent in a treatment plant due to better control. Areas with Title 5 septic systems have different issues and cannot be easily treated. Dr. Vieira agreed that it was better to sample from a single source than multiple sources. As the science gets better the treatment in a plant is better.

Councilor Crocker said he would drink water from any of the public supply systems. The regulatory processes are extreme. Extreme testing for water quality is required before the water can go into a public water system unlike what occurs with a private septic.

Councilor Tinsley also put in a new tap for water and is confident that the water quality is fine. He would like to see all the information from a study not just several pages.

Councilor Milne asked for a chronology from the DPW Director of the thresholds of material from the beginning to today.

Councilor Norman thanked the president for allowing expert testimony – not residents. He thanked the guests. On the over population of houses, etc., he said the proper authority needs to be notified where this is happening. The proper department will follow up on it.

Councilor Rugo also thanked Dr. Vieira. The conversation is timely due to the upcoming ballot question.

President Chirigotis agreed that groundwater was the most important resource and needed to be protected. There is an impact on the ecology and on the people who drink the water that comes from the ground. A centralized system can be better regulated. If the water becomes contaminated, it will be expensive to get clean water from elsewhere. The cost should be spread as far as possible.

Director Mark Ells commented on some of the issues raised on water quality and gave some history on the Hyannis plant, which was built in the late 1930s for basic separation of solid matter. Today's challenge is in managing and keeping up with emerging contaminants. The town teams with Silent Spring. All the information is available on all public supply wells and all the wells meet federal drinking standards.

Recess 8:38pm – 8:50pm

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to accept the minutes of October 7, 2010 as written.

VOTE: Unanimous

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

Councilor Barton thanked the speakers from the Youth Commission. This has become a very extensive program with one part-time paid employee. She also thanked them for selecting her to receive the Community Partner Award.

Councilor Munafo thanked the Growth Management Department for information on photovoltaics. He would like a report on the chemical spill. Manager Klimm and President Chirigotis apologized for not contacting the entire Hyannis delegation on the spill. DPW Director Ells explained that the ball valve of the sodium hydroxide tank was leaking into a secondary tank at the Smith street pumping station. Protocol was followed and all contingency systems worked as designed. The drinking water was not affected.

ORDERS OF THE DAY

OLD BUSINESS

2011-025 APPROPRIATION & TRANSFER FROM COMMUNITY PRESERVATION FUND FOR COMMUNITY HOUSING

Upon a motion duly made and seconded the public hearing was opened at 9:01 PM.

VOTE: No objection

Lindsey Counsell gave the rationale and stated that the CPC voted to support this item. Patricia Belden and Thatcher Tiffany from the Preservation for Affordable Housing (POAH) made a PowerPoint presentation. (See Exhibit C)

Councilor Barton asked if they are public or private. They are non-profit and are the project managers; Callahan Construction will be general contractor. When completed, the units will be rented out by them with the present housing management overseeing.

Councilor Tinsley asked about the time frame. Work should begin in mid-December. Callahan Construction will be using local Cape Cod constituents. Current tenants will need to go through a new application or recertification process. The idea is that all will stay.

Councilor Milne asked about current occupants while the property is under construction; expiration of affordable covenants; and use of renewable energy. Residents will be able to remain during construction. Those who require handicap accessible apartments will have to move to another apartment while theirs is fixed. As for the affordable covenants to expire 2016, since CPA money will be used for the project, the project will remain affordable in perpetuity. Without that piece of funding, the project would have another expiration date. When grants are available, if appropriate, they will look at opportunities for solar. The facility is heated by gas. Many heaters have been replaced and other more efficient ones will replace the remainder. Windows are good. They will seal around pipes, etc.

Councilor Norman asked about code compliance. The egress is not code compliant and not safe; that will be addressed. Mr. Tiffany mentioned a list of other issues that will be brought up to code. Violations are pre-code and grandfathered. The current owner is State Street Management.

Councilor Munafo asked why use CPC funds. Counsell said he had outlined it in his presentation. Having 124 units make sense.

Councilor Farnham said the Housing Committee voted unanimously to support. He also supports this item..

Councilor Dagwan asked how the contractor will let locals know about the sub opportunities. The bid is not out yet. They will find out.

Councilor Crocker asked about the relationship between POAH and the affiliate. The affiliate is wholly owned by POAH as a 'for profit'. They collect rents, pay bills, pay the mortgage. Proceeds annually are split between the affiliate and POAH. Other questions on sprinklers, access, egress, etc. were addressed. One window in each bedroom has to be sized for a firefighter to enter.

No one from the public had any questions.

Upon a motion duly made and seconded the public hearing was closed at 9:37 PM.

VOTE: No objection

2011-025 APPROPRIATION & TRANSFER FROM COMMUNITY PRESERVATION FUND FOR COMMUNITY HOUSING

Upon a motion duly made and seconded it was

Ordered That, pursuant to the provisions of G.L. c. 44B, the sum of Five Hundred Thousand and NO/100 (\$500,000) Dollars be appropriated and transferred from the amount set aside for Community Housing in the Community Preservation Fund on June 17, 2010 under agenda item number 2010-149; and that the Town of Barnstable, Growth Management Department, with the approval of the Town Manager is authorized to expend the amount of \$500,000 for the purpose of preserving affordable housing in the extension of 124 units on the property located at 168 Barnstable Road, Hyannis located on map / parcel 328 / 013; and that the Town Manager is authorized to execute, deliver and record instruments to secure the units' continued affordability

VOTE: 12 Yes (Roll Call)

NEW BUSINESS - None

TOWN MANAGER COMMUNICATIONS

Manager John Klimm asked the council to hold the joint Council and School Committee meeting earlier than in the past; maybe at the next meeting or as soon thereafter. He needs to know if there will be issues on the budget.

He would like to hear from the Council regarding their on preference on a capital budget and an expedited schedule.

Councilor Farnham would like to also meet with CFAC earlier.

Councilor Crocker made a motion to go into Executive session to comply with the provisions of any general or special law, (here, the public records law) and not to reconvene in Open Session at 9:40 PM.

VOTE: Unanimous (Roll Call)

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk

EXHIBITS:

A. Barnstable Youth Commission Presentation

B. Breast Cancer and Barnstable Water Pollution Control Facility

C. Preservation of Affordable Housing (POAH) Presentation

OTHER DOCUMENTS:

CPA Fund Balances to date – submitted by Alisha Stanley, Project Coordinator

Charter Amendment – submitted by Linda Hutchenrider, Town Clerk