



**TOWN COUNCIL
MEETING
October 4, 2012**

A quorum being duly present, Town Council President Frederick Chirigotis called the October 4, 2012 Regular Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

PRESENT: Janice Barton, Ann Canedy, James Cote, Jennifer Cullum, Debra Dagwan, June Daley, Frederick Chirigotis, Jessica Rapp Grasseti, Michael Hersey, Janet Joakim, John Norman, Thomas Rugo, James Tinsley, Jr.

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

Barnstable Post 206 American Legion – State Baseball Champs

Jake O'Rourke, Commander
Mort Sable, Past Commander
Joe Fallon
Coach Shawn Walsh
Coach Andrew Nugnes,
Captain, Terrence Mudie, Senior at Barnstable High School

Mort Sable, Past Commander of Post 206 of the American Legion recognized the new state champion Barnstable Post 206 American Legion Baseball Team Coach Shawn Walsh. Coach Walsh stated of the 17 players, all but one are honor roll students. Walsh said he is very proud of the players as they raised the money to support the team, along with the donations from the American Legion.

Award presentation- -Massachusetts Shellfish Officers Association, Shellfish Constable of the Year, Douglas Kalweit

- Lynne Poyant, Director of Community Services, introduced Paul Bagnell from Edgartown, President of the Shellfish Association. Bagnell gave an overview of the purpose of the Massachusetts Shellfish Association and explained his group was here to honor a Town of Barnstable employee. Douglas Kalweit, Natural Resources Supervisor, was presented the Shellfish Constable of the Year Award.
- Douglas Kalweit stated it was with the support of the fantastic staff that he was being honored here tonight.

Update from Mark Ells, Barnstable Representative - Cape Cod Water Protection Collaborative.

Mark Ells, Assistant Town Manager, gave a slide presentation of the Cape Cod Water

Protection Collaborative. Ells stated he is looking for input from the Town Councilors for a list of priorities to take back to the next meeting of the Collaborative which is scheduled for November 14th.

The following discussion ensued with some concerns of the Councilors:

- Do you encourage towns to protect or better manage the land
- What is a good land management practice
- Is this a spring board for regionalization
- Equitable distribution of costs
- Stewarts Creek Sewer project, the residents felt left out on decisions
- Who is the current Chair
- Printed materials could be left at the libraries for those who do not have computers
- Are there any issues related to fertilizers under discussion
- Comprehensive wastewater initiatives
- When can we expect the estuary study for Cape Cod Bay
- Each Councilor will submit questions in writing to ask the Collaborative

PUBLIC COMMENT

Open to public comment, seeing no one

Closed public comment

ACT ON MINUTES

Upon motion duly made and seconded it was voted to approve the minutes of Sept. 20, 2012.

VOTE: 13 Yes.

ORDERS OF THE DAY

B. NEW BUSINESS

2013-025 APPROVAL OF A CONSERVATION RESTRICTION IN WEST BARNSTABLE ON MAP 197, PARCEL 016 TO BARNSTABLE LAND TRUST, INC. INTRO: 10/04/12

Postponed until October 18th, at the request of the proponents

2013-026 APPROVAL OF A CONSERVATION RESTRICTION IN SHALLOW POND, CENTERVILLE ON MAP 253, PARCEL 006, TO BARNSTABLE LAND TRUST, INC.

Postponed until October 18th at the request of the proponents

2013-021 APPROPRIATION OF \$135,315 COMMUNITY PRESERVATION FUNDS FOR HISTORIC PRESERVATION – HYANNIS PUBLIC LIBRARY INTRO: 09/20/12, 10/04/12

Rationale given by Lindsey Counsell, Chair of the Community Preservation Committee. The Hyannis Public Library is a truly historic building and important fixture in the town.

Open to public comment

- Joan Kenny stressed the importance of public access to the Library, the footing is unstable and we hope to get this job done if the council will vote for it
- Esther Colby spoke on behalf of the Garden Club that has done a tremendous amount of work beautifying the Library property, have donated bicycle racks, and donated to the sprinkler system. Please vote for this upgrade.

- Carol Saunders, Director of the Hyannis Public Library, stated we are proud of our historic building. We have had visitors from all over the globe tour our Library building. We just need to keep it going. Saunders said she would appreciate the council vote to preserve our history.

Closed to public hearing

Council discussion ensued as follows:

- Will there be an historic restriction on this building
- Is the Library seeking contributing funding sources
- Do you have any grant applications

A motion was made and duly seconded to move the question.

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Twenty Five Thousand One Hundred Forty Three and NO/100 (\$125,143.00) Dollars be appropriated and transferred from the Historic portion of the Community Preservation Fund and the sum of Ten Thousand One Hundred Seventy Two and NO/100 (\$10,172.00) Dollars be appropriated and transferred from the Undesignated portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the preservation of the historic Hyannis Public Library to include; document preparation, site work, building construction, sill replacements, window work, painting trim and storm windows, and rebuilding the chimney of the Hyannis Public Library located at 401 Main Street, Hyannis, Map/Parcel 326/013, to be secured by a historic restriction on behalf of the Town of Barnstable.

VOTE: 13 Yes, Roll Call Vote

2013-001 AMENDING C.240, ART III, §240-35.f (2) OF THE ZONING ORDINANCE

INTRO: 07/12/12, 10/04/12

Upon motion duly made and seconded it was voted to move this item to a public hearing on October 18th.

VOTE: Unanimous to move to a public hearing on October 18th.

2013-022 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION – INTRO:

9/20/2012, 10/04/2012

Upon motion duly made and seconded it was

RESOLVED, that the Town Council reappoint the following individuals to a multiple-member board/committee/commission:

AGRICULTURAL COMMISSION

William Plettner, 510 Willow Street, West Barnstable, as a member to a term expiring 6/30/2015

David Ross, 60 Widgeon Lane, West Barnstable, as a member to a term expiring 6/30/2015

COUNCIL ON AGING

Bridget Burke, 98 Brant Way, Hyannis, as a member to a term expiring 6/30/2015

L. Helen Stretch, 114 Baxter Road, Hyannis, as a member to a term expiring 6/30/2015

Barbara Cross, 290 West Main Street, Hyannis, as a member to a term expiring 6/30/2015

Charlotte Saunders, 148 Arrowhead Drive, Centerville, as a member to a term expiring 6/30/2015

Robert Burke, 98 Brant Way, Hyannis, as a member to a term expiring 6/30/2015

Ella Rollins, 205 Ebenezer Road, Osterville, as a member to a term expiring 6/30/2015

Angelo Tromba, 766 Putnam Avenue, Cotuit, as a member to a term expiring 6/30/2015

DISABILITY COMMISSION

Sheila Mulcahy, 9 Chippingstone Road, Marstons Mills, as a member to a term expiring 6/30/2015

Merrill Blum, 94 Waterview Circle, Centerville, as a member to a term expiring 6/30/2015

ELDERLY & DISABLED TAXATION AID COMMITTEE

William Garreffo, 22 Thornberry Lane, Centerville, as a member to a term expiring 6/30/2015

HOUSING COMMITTEE

Larry Gordon, 97 Loomis Lane, Centerville, as a member to a term expiring 06/30/2014

Paul E. Hebert, 142 Strawberry Hill Road, Centerville, as a member to a term expiring 06/30/2013

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION

David Colombo, 61 Marshview Lane, Marstons Mills, as a member to a term expiring 6/30/2015

JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE

Deborah Shiflett-Fitton, 282 Church Street, W. Barnstable, as a member to a term expiring 6/30/2015

Martin Flynn, 848 Santuit Newtown Road, Marstons Mills, as a member to a term expiring 6/30/2015

PUBLIC WORKS COMMISSION

Wolfgang Fattler, 629 Cedar St., West Barnstable, as a member to a term expiring 6/30/2015

RECREATION COMMISSION

Steven Mele, 56 Lakeview Drive, Centerville, as a member to a term expiring 6/30/2015

Kevin Turner, 202 Skunknet Road, Centerville, as a member to a term expiring 6/30/2015

SHELLFISH COMMITTEE

Richard Haskell, 96 Scudder Road, Osterville, as a member-at-large to a term expiring 6/30/2015

Robert Lancaster, 21 Hannah Circle, Cotuit, as a family-permit-holder member to a term expiring 06/30/15

TRUST FUND ADVISORY COMMITTEE

Timothy McNamara, 955 Main Street, Osterville, as a member to a term expiring 6/30/2015

Christopher Ward, 44 Fernbrook Lane, Centerville, as an attorney-at-law representative member to a term expiring 6/30/2015

WATER POLLUTION CONTROL BOARD

Wolfgang Fattler, 629 Cedar Street, W. Barnstable, as a member to a term expiring 6/30/2015

Councilor Dagwan stated that many of these people are great candidates, and we have interviewed people of color to volunteer for some of these committees.

VOTE: 13 Yes

2013-024 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION – INTRO: 9/20/2012, 10/04/2012

Councilor Joakim stated many great people came out for these positions. We are maintaining a list of the people interviewed for future committee openings

Upon motion duly made and seconded it was

RESOLVED, that the Town Council reappoint the following individuals to a multiple-member board/committee/commission:

COUNCIL ON AGING

Eleanor Letterie, 14 Janes Way, Osterville, from an alternate to a member, term expiring 6/30/2013

Josephine Melpignano, 35 Bay View Road, Barnstable, as an associate member, term expiring 6/30/2014

Lester Frank, 52 King Arthur Drive, Osterville, from an associate to a member, term expiring 6/30/2014

HOUSING COMMITTEE

Glen Anderson, 31 Captain Lumbert Lane, Centerville, as the Barnstable Housing Authority representative member, term expiring 6/30/2014

PERSONNEL BOARD (VOTED AT THE SEPT. 20, 2012 COUNCIL MEETING)

Nancy Newton, 101 Curlew Way, Cotuit, as a member, term expiring 6/30/2015

James Poplasky, 12 Edgewood Road, Hyannis, as a member, term expiring 6/30/2014

RENEWABLE ENERGY COMMISSION

Stephen Thomas, 535 South Street, Hyannis, as a member, term expiring 6/30/2013
Walter Henry, 464 Bay Lane, Centerville, as a member, term expiring 6/30/2014

VOTE: 13 Yes

Brief Recess...

President Chirigotis announced that next on the agenda is a possible Executive Session to consider strategy with respect to litigation against the town in the case of Marty vs. Town of Barnstable. An Executive session is requested at this time for the reason that I declare that an open meeting may have a detrimental effect on the litigating position of the Town. Following the Executive Session the Town Council will not re-convene in open session.

I would therefore entertain a motion to convene in Executive Session to consider strategy with respect to the litigating position of the Town in the Case of Marty vs. Town of Barnstable and not to re-convene in open session following the conclusion of the Executive Session

Vote: Unanimous (Roll Call) made at 8:25 p.m.

Respectfully submitted,

Ann M. Quirk, CMC
Assistant Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: October 18, 2012

EXHIBITS:

A. Cape Cod Water Protection Collaborative slide presentation