



Town Council Meeting

January 21, 2016



21, **A** quorum being duly present, Council President Jessica Rapp Grassetti called the January 2016, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Rapp Grassetti regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: Frederick Chirigotis (7:05 p.m.), James Crocker, Jr.(7:08 p.m.), William Crocker, Jr., Sara Cushing, Debra Dagwan, John Flores, Jessica Rapp Grassetti, Paul Hebert, John Norman, Eric Steinhilber, James Tinsley, Jr., Philip Wallace. **Absent:** Jennifer Cullum.

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

PUBLIC COMMENT:

John Julius spoke about the 2000 Beach Act and the 2008 dredging of Barnstable Harbor. He noted the dredging sediment materials had been relocated to the Charles property in Dennis, MA. He mentioned cesspools containments and felt they were running into the harbor.

John Crow, President of the Osterville Village Associates discussed his letter dated January 4, 2016, gave a history of the property; requested a status update on the Bay School and wanted the concerns addressed in the letter answered. (Exhibit A)

COUNCIL RESPONSE TO PUBLIC COMMENT:

Biological materials from dredging dissipate once they are exposed to sunlight. Cesspools have been outlawed since 1973 and all new buildings must participate in the septic system.

TOWN MANAGER COMMUNICATIONS:

Osterville Bay School
Dog Park
Homeless Issue
E-Permitting
Annual Massachusetts Municipal Association Conference
Barnstable Public School module
Dredging Barnstable harbor
Founders Court
Open Budget Website
Snow/ice brochures
Fire Training Academy

Councilor questions and comments:

Sand trucked to Sandy Neck Point is tested for containments. The cost for the proprietary licensing software for Open Budget is \$750.00 per month, which is paid annually. The Osterville Bay School needs direction and help from the Town Manager's office. The Homeless Site review needs more open communications – the item was withdrawn before the site review.

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the January 7, 2016 meeting as written

VOTE: PASSES UNANIMOUS

COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements:

Councilor Dagwan read aloud Deborah Krau's letter dated January 21, 2016. (Exhibit B)

Councilor Hebert expressed his concerns regarding Kappy's Fine Wine & Spirits and traffic safety on Spring Street.

- **Joint Meeting Town Council/ Barnstable School Committee Fiscal Year 2017 Budget Planning**

Mark Milne, Finance Director, gave an overview of the PowerPoint Presentation which highlighted 2015 budget performance, cash, reserves and expenses. He mentioned ideas regarding all areas of funding revenue. (Exhibit C)

- **Demonstration of Town of Barnstable Open Budget Website**

Mark Milne, Finance Director explained the Open Budget website. He mentioned the different levels and how to navigate those levels within the software program.

Upon a motion that was duly made and seconded the agenda was reorder to take agenda item # 2016-065 after agenda item Demonstration of Town of Barnstable Open Budget Website.

VOTE: Passed Unanimous

2016-065A ACCEPTANCE OF A FISCAL YEAR 2016 COMMUNITY COMPACT GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE IN THE AMOUNT OF \$5,000 FOR THE IMPLEMENTATION OF THE TOWN'S OPEN BUDGET WEBSITE INTRO: 01/21/16

Mark Milne, Finance Director gave the rationale. He explained the grant will help offset the cost of the annual software license.

Upon a motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept an Fiscal Year 2016 Executive Office for Administration & Finance Grant in the amount of \$5,000 for the purpose of implementing an Open Budget Website for the Town of Barnstable.

VOTE: Passed Unanimous

- **Review and approval of profile for Town Manager recruitment**

There were concerns from Council members regarding the profile. (Exhibit D)

Upon a motion duly made and seconded it was

APPROVAL: That the profile for Town Manager recruitment be accepted.

VOTE: 9 YES 3 NO (Chirigotis, Hebert and Tinsley) 1 Absent (Cullum)

2015-005 APPROVAL OF THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001 INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15, 01/21/16

Clarification is needed from the State regarding the land and if it included 27 acres plus an additional 10 acres.

Upon a motion duly made and seconded it was

ORDERED: SECTION 1: That, having received notice that the conservation commission determined that the following parcel of land is no longer needed for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, the care, custody, management and control of said parcel be transferred to the Town Manager to be held for general municipal purposes, namely a 16.3 acre, more or less, portion of Tract I of the West Barnstable Conservation Area having a street address of 875 Service Road shown on Assessors Map 86 as Parcel 1 taken by eminent domain pursuant to chapter 79 for purposes of said section 8C by order dated December 21, 1978 and recorded in the Barnstable County Registry of Deeds Book 2846, Page 129, which said 16.3 acres are further described on plan entitled "Plan of Land in Barnstable (West Barnstable) MA Prepared for the town of Barnstable Prepared By: the Town of Barnstable - D. P. W. Survey Division Date: July 28, 2014 Scale: 1" = 80'" on file with the Town Clerk; and

SECTION 2: That, having received notice that the Town Manager determined that the following parcel of land containing 17 acres, more or less, is no longer needed for general municipal purposes, the care, custody, management and control of said parcel be transferred to the conservation commission to be held for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, namely the land having a street address of 145 Breed's Hill Road shown on Assessors Map 314 as Parcel 027001 acquired by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300; and

SECTION 3: That the aforesaid transfers take effect upon recording of an instrument or instruments by the Town Manager in the Barnstable County Registry of Deeds following the effective date of legislation enacted by the General Court approving the transfer under section 1 of this order.

VOTE: CONTINUED TO A JULY 21, 2016 TOWN COUNCIL MEETING - PASSES UNANIMOUS

2015-006 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001 INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15, 01/21/16

Upon a motion duly made and seconded it was

ORDERED: That the Town Manager submits a petition to the General Court of the Commonwealth for a special act approving the change in care, custody, management, control and purpose of two parcels of land in the Town as follows.

"AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO TRANSFER TWO PARCELS OF LAND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: The conservation commission of the town of Barnstable shall transfer the care, custody, management and control to the Town Manager for general municipal purposes of a certain 16.3 acre portion, more or less, of a larger parcel of land identified on assessors' map 5 as parcel 4, which was acquired by the town and held by the conservation commission for conservation purposes pursuant to section eight "C" of chapter forty of the General Laws and has been declared by the conservation commission to no longer be appropriate to be held by the conservation commission for such purposes. Upon the transfer as provided in Section 3 the Town of Barnstable shall be authorized to use the 16.3 acres, more or less, for general municipal purposes. The 16.3 acres more or less declared surplus in order to be transferred as provided in this section 1 are also shown on a plan entitled "Plan of Land in Barnstable (West Barnstable) MA Prepared for the town of Barnstable

SECTION 2: To ensure a no net loss of lands protected for conservation purposes under section 1, the Town Manager of the town of Barnstable shall transfer the care, custody, management and control to the conservation commission for conservation purposes pursuant to section eight "C" of chapter forty of the General Laws of a certain 17 acre, more or less, parcel of land identified on assessors' map 314 as parcel 027001, which was acquired by the town and held for general municipal purposes and has been declared by the Town Manager to no longer be appropriate to be held by the Town Manager for such purposes. The parcel contains wetland, upland and other significant natural features as well as potential for passive recreational use and is bounded on the Southeast by public water supply land. Upon the transfer as provided in Section 3 the parcel described herein shall be preserved as conservation land in accordance with said section eight "C". The 17 acres more or less declared surplus in order to be transferred as provided in this section 2 are further described as Lot 1 on plan of land recorded in the Barnstable County Registry of Deeds in Plan Book 417, Page 18 and was acquired by the Town by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300.

SECTION 3: The Town Manager may execute and record any instruments necessary on behalf of the Town to effectuate the transfers under sections 1 and 2 following passage of this act.

SECTION 4: This act shall take effect upon its passage.

VOTE: CONTINUED TO A JULY 21, 2016 TOWN COUNCIL MEETING - PASSES UNANIMOUS

2016-062 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$4,000,000 FROM THE GENERAL FUND TO THE CAPITAL TRUST FUND INTRO: 01/07/16, 01/21/16

Mark Milne, Finance Director gave the rationale. He discussed the status of the General Fund Reserve (\$10 million) and the Capital Trust Fund (\$4 million).

Open Public Hearing and seeing no one Close Public Hearing.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby appropriates and transfers from available funds, the sum of \$4,000,000 from the General Fund to the Capital Trust Fund.

VOTE: PASSES 12 YES 1 ABSENT (Cullum)

2016-066 APPROPRIATION ORDER \$33,126.00 COMMUNITY PRESERVATION FUNDS FOR HISTORIC PRESEVATION AND RESTORATION OF TWENTY-TWO OF THE OLDEST TOWN RECORD BOOKS FOR YEARS 1643 TO 1966 INTRO: 01/21/16

Upon a motion duly made and seconded it was

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of Thirty Three Thousand One Hundred Twenty Six and No/100 (\$33,126.00) Dollars be appropriated and transferred from the amount set aside for historic preservation in the Community Preservation Fund to be expended to fund the preservation and restoration of historic documents consisting of twenty-two of the oldest Town record books containing births, deaths, and marriages for years 1643 to 1966. Preservation methods include: scanning to compact disc, de-acidification, mending and reinforcing of paper, re-sewing, rebinding or archival grade polyester encapsulation as needed; and that the Town Manager is authorized to expend the amounts appropriated for the stated purposes.

VOTE: REFERRED TO PUBLIC HEARING ON 02/11/16 - PASSES UNANIMOUS

Councilor Cushing made a motion which was duly made and seconded to bifurcate **COUNCIL ON AGING:** David B. Nolan Sr., 97 Willow Run Drive, Centerville, as a regular member to a term expiring 06/30/18.

VOTE: 11 YES 1 NO (Dagwan) 1 ABSENT (Cullum)

RESOLVED: That the Town Council appoint the following individuals to a multiple-member board/committee/commission:

CULTURAL COUNCIL: Kim Rumberger, 183 Scudder Avenue, Hyannis, as a regular member to a term expiring 06/30/18; **ECONOMIC DEVELOPMENT COMMISSION:** Michael Schulz, 41 Lakeview Drive, Centerville, as a regular member to a term expiring 06/30/18; **HISTORICAL COMMISSION:** Elizabeth Mumford, 143 Irving Avenue, Hyannisport, as a regular member to a term expiring 06/30/18; **HUMAN SERVICES:** Stacie Peugh, 26 Square Rigger Lane, Hyannis, as a regular member to a term expiring 06/30/18; **LAND ACQUISITION AND PRESERVATION COMMITTEE:** Ann B. Canedy, 70 Van Duzer Road, Cummaquid, as a regular member to a term expiring 06/30/18; **PERSONNEL BOARD:** David B. Nolan Sr. 97 Willow Run Drive, Centerville, as a regular member to a term expiring 06/30/17; **PLANNING BOARD:** Mary Barry, 228 Scudder Road, Osterville, as a regular member to a term expiring 06/30/17; **SHELLFISH COMMITTEE:** Ron Glantz, 105 Nelson Lane, Marstons Mills as a regular member to a term expiring 06/30/18; William Shumway, 278 Capn Lijah's Road, Centerville as a regular member to a term expiring 06/30/18; **WATER QUALITY ADVISORY COMMITTEE:** Mary Barry, 228 Scudder Road, Osterville, as a regular member to a term expiring 06/30/17; **YOUTH COMMISSION:** Caroline Neville, Bassett Lane, Hyannis as a regular member to a term expiring 06/30/17

VOTE: Refer to Second Reading on February 11, 2016 – Passes Unanimous

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED to adjourn:

Adjourned at 9:01 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk – Town of Barnstable

NEXT REGULAR MEETING: February 4, 2016

EXHIBITS:

- A. John Crow, President of the Osterville Village Associates Letter
- B. Deborah Krau's letter dated January 21, 2016
- C. Town Council/ Barnstable School Committee Fiscal Year 2017 Budget Planning presentation
- D. Profile for Town Manager recruitment