



The Town of Barnstable

Town Council

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Councilors:

Gary C. Blazis,
President

Gary R. Brown
Vice-President

Richard G. Barry
Richard W. Clark

Richard D. Elrick
Janet S. Joakim

Robert R. Jones

Audrey M. Loughnane

J. Gregory Milne

Royden C. Richardson

Carl S. Riedell

Administrative
Assistant:

Donald M. Grissom
Town Council

Secretary

Margery L. McCarthy

TOWN COUNCIL AGENDA

March 7, 2002

7:00 PM

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
4. ACT ON MINUTES
5. PUBLIC COMMENT (also encouraged at the end of meeting)
6. COUNCIL RESPONSE TO PUBLIC COMMENT
7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS AND STAFF
8. CORRESPONDENCE
9. PRESIDENT/VICE PRESIDENT COMMUNICATIONS
10. TOWN MANAGER COMMUNICATIONS
11. COUNCIL COMMUNICATIONS, ANNOUNCEMENTS AND COMMITTEE REPORTS

12. ORDERS OF THE DAY

A. OLD BUSINESS (MAY BE ACTED UPON AFTER PUBLIC HEARING)

2002-053 (PUBLIC HEARING) AUTHORIZATION FOR PURCHASE OF PARCELS OF LAND CONSISTING OF 26 ACRES MORE OR LESS IN THE VILLAGE OF BARNSTABLE (ASSESSORS MAP 235/021 AND 255/001) AND APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,345,000.00 IN FURTHERANCE THEREOF.

ORDERED:

That the Town Manager be authorized to acquire by purchase for any of the

purposes specified in Chapter 293 of the Acts of 1998, parcels of land located at Route 132, Barnstable, Barnstable County, Massachusetts, consisting of 26 acres of land, more or less, as described in two deeds recorded at the Barnstable County Registry of Deeds in Book 8771, Page 88 and Book 8883, Page 199, and to meet this appropriation the Town Treasurer with the approval of the Town Manager is authorized to borrow \$2,345,000.00 for the purchase and related costs and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

DATE: ACTION TAKEN

February 7, 2002 Referred to Public Hearing on March 7th

AGENDA ITEM SUMMARY

TO: TOWN COUNCIL

FROM: John C. Klimm

THROUGH: Lindsey Counsell

DATE: January 29, 2002

RE: Purchase of 26 acres in Hyannis known as the Davenport Properties

BACKGROUND AND ANALYSIS

This property consists of 2 parcels of land in the village of Barnstable and contains 26 acres of prime land. This property lies between the so-called McManus properties to the west and the Hyannis Golf Club, north of Route 132. This land lies entirely within the watershed of the Barnstable Water District. Preservation of this land will protect the under-laying groundwater. Removing this important parcel from development will reduce the potential of traffic increases onto already heavily used Route 132. Given the location of this land in conjunction with the adjacent properties it will serve to enhance the “entryway” into Hyannis by providing much needed open space.

FISCAL IMPACT

The acquisition would be financed by bonding primarily through the “land bank” without direct impact to the general fund.

TOWN MANAGER RECOMMENDATION

Recommendation to be made at public hearing to be held on March 7th.

STAFF ASSISTANCE

Lindsey Counsell, Chair, Open Space Committee

SPONSOR:

Town Manager John C. Klimm

A. OLD BUSINESS (CONT.)

2002-057 (SECOND READING) APPOINTMENTS

That the Barnstable Town Council appoint the following to a multiple member board:

HISTORICAL COMMISSION

Robert D. Stewart, 2338 Main Street, Barnstable, replacing James Gould, to serve until 6/30/2004

12.B. NEW BUSINESS (MAY BE ACTED UPON)

2002-047A RESOLVE DIRECTING THE TOWN MANAGER TO DEVELOP A COMPREHENSIVE MANAGEMENT PLAN TO ADDRESS THE "INVASIVE" AQUATIC PLANT PROBLEM

RESOLVED

WHEREAS: The problem of invasive aquatic plants is a complex one and cannot simply be addressed by the use of herbicides alone. Successful intervention strategies should include (but are not limited to): early identification of potential problems, a control of the sources of the problem plants, manual harvesting of plants when and where appropriate, use of biological controls, an aggressive education program directed toward water resource user groups, and a reduction in the sources of high levels of nutrients into ponds from septic systems and lawn fertilizers, and,

WHEREAS: The use of herbicides to kill aquatic weeds in ponds has been found to be only a temporary solution that must be repeated continually at great expense. In addition, the long term health risks are unknown as no independent studies have been done on the cumulative harmful effects of the use of the herbicide Sonar (fluridone, active ingredient) and,

WHEREAS: States such as Florida and Texas, after years of experience attempting to control Hydrilla with Sonar, have begun shifting to combined control methods such as mechanical harvesting, draw down and biological controls.

NOW, therefore, be it

RESOLVED:

That the town council directs the town manager to develop a comprehensive review of the town's lakes and ponds to determine the presence of any "invasive" aquatic plants.

Further, that the town manager develop a comprehensive management plan for invasive aquatics that stresses prevention as well as a systematic and independent monitoring system of the condition of the pond(s) or lake(s) before and after any form of intervention.

In creating the management plan, the town manager should rely upon the input from a broad and inclusive group including members of the concerned public, lake-side residents, pond monitoring groups, fishermen, plant biologists, and any others who the town manager believes will assist him in developing the plan.

As invasive aquatics are clearly a problem with "regional" implications, the town manager shall seek grants or other financial assistance from the county, which may be available.

The town manager shall report back to the town council with his plan not later than October 1, 2002.

SPONSOR: Councilor Richard Elrick

DATE: ACTION TAKEN

12. B. NEW BUSINESS (CONT)(MAY BE ACTED UPON)

2002-060 APPOINTMENTS

That the Town Council confirm the appointments by Town Manager John C. Klimm of a Director of Planning, Zoning and Historical Preservation and a Sandy Neck Park Manager.

DATE ACTION TAKEN

**AGENDA ITEM SUMMARY
2002-060**

RESUMES ATTACHED AT END OF MINUTES

B. NEW BUSINESS(CONT) (TO BE REFERRED TO A PUBLIC HEARING ON APRIL 4)

2002-061 AUTHORIZATION FOR PURCHASE OF 12.45 ACRES OF LAND IN WEST BARNSTABLE(Assessors Map 196/031) AND APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$227,500.00 IN FURTHERANCE THEREOF

ORDERED: That theTown Manager be authorized to acquire by purchase for any of the purposes specified in Chapter 293 of the Acts of 1998, a parcel of land located at 30 Falcon Road, West Barnstable, Barnstable County, Massachusetts, consisting of 12.45 acres of land, more or less, and being described as Lot 2 on a plan of land entitled "Plan of Land in Barnstable, (West) Mass. for Christopher Denisco December 12, 1985" which plan is recorded with Barnstable Registry of Deeds in Plan Book 437, Page 70, and to meet this appropriation the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$227,500.00 for the purchase and related costs and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

DATE ACTION TAKEN

**AGENDA ITEM SUMMARY
2002-061**

TO: TOWN COUNCIL

FROM: John C. Klimm

THROUGH: Lindsey Counsell

DATE: March 7, 2002

RE: Purchase of 12.45 acres of land in West Barnstable known as the
“Dinisco” property.

BACKGROUND AND ANALYSIS

This 12.45 acre property is in the village of West Barnstable. The land consists of both uplands and wetlands that support a variety of wildlife and contain divergent ecosystems. The parcel is adjacent to and will be a key addition to the other Town owned lands that comprise the recently created Spruce Pond Conservation area. Preservation of this parcel will protect various habitats, protect an inland water body, provide linkages to existing trails and provide improved access to the area.

FISCAL IMPACT

The acquisition would be financed by bonding primarily through the “land bank” without direct impact to the general fund.

TOWN MANAGER RECOMMENDATION

Recommendation to be made at a public hearing to be held on April 4th

STAFF ASSISTANCE

Lindsey Counsell, Chair, Open Space Committee

SPONSOR:

Town Manager John C. Klimm

13. PUBLIC COMMENT

14. ADJOURNMENT

EXECUTIVE SESSION IF NECESSARY

NEXT MEETING TO BE HELD ON MARCH 21st.

**BARNSTABLE TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

A quorum being duly present, Town Council President, Gary Blazis, called the meeting of the Barnstable Town Council to order at 7:00 pm, on February 21, 2002 at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Gary Blazis, Gary Brown, Richard Clark, Richard Elrick, Janet Joakim, Robert Jones, Audrey Loughnane, Gregory Milne, Carl Riedell and Royden Richardson. **ABSENT:** Richard Barry

President Blazis led the attendees in the Pledge of Allegiance followed by a moment of silence.

A motion was duly made and seconded to accept the minutes of February 7, 2002 as presented with the following corrections: on page 11, the 8th par. and page 12 3rd paragraph, it should be "internment"; page 13 halfway down 6th paragraph Gorecki; page 18 under 2002-051 – 2nd par. Jemma is with a "J".

VOTE: Unanimous as corrected

PUBLIC COMMENT

Eugenia Fortes from Hyannis went to the Gospel Fest at the Council on Aging and the Yarmouth Road residents were not aware of where they are to vote and what precinct they are to be in, she felt that they should be notified.

Cynthia Cole had a sick son and asked to be able to speak to the issue of the public hearing. Pres. Blazis allowed her. She commented on 2002-052 in support of the land acquisition. She wants to see this land protected from development. As far as cost, you need to look at what it would cost if it were developed. Also the traffic is bad enough and would be increased more if developed. She asked for support of the purchase.

Gwen Phillips from Cotuit thanked the clerk for the new census form that has the full information on the bottom of the census as to where everyone votes and what precinct they are in.

Ron Sirch from the Preservation of Long Pond Committee said that Jerry Gilmore is the chairman of the group. They feel the application of the herbicide to the pond will be safe. Hydrilla can't be spread, it needs to be eradicated. Please vote to fund this.

Jonathan Todd countered the view that sonar is safe (the herbicide). When you put it in you will knock the oxygen down. Look at biological and mechanical methods of removal. Look at alternatives.

Ted Schilling lives on Long Pond and he loves the pond and has no reservation about the use of the herbicide and we will all continue to swim and use the pond.

This is a proven fact in 50 other states. Safe for my family, and me please vote appropriately.

David Aylmer also lives on the pond and is a physician. He too is raising his sons on the shores of the pond and has their health at the forefront of his concerns. He does not support Mr. Todd's views. Scientific data has shown the safety of the chemical, sonar. There are dramatic changes in the east end of the pond where the weed has come to the surface. The waterfowl has increased and increased the nitrates. The chemical is safe. Consider the facts and not the stories.

Mimi McConnell stated that hydrilla is a problem, but asks whether the money should be spent on the chemical or spent more effectively on a mechanical removal. You will never completely eradicate this and it will be ongoing. Which has the fewer dangers? You want pristine water yet put something into the water, which is not necessarily totally safe. You need to look at the overall picture. Maybe a cooperative venture of all residents could take place to work on removal.

Jon Gorecki gave the council some other information on the sonar chemical. He said hydrilla was in Mystic Lake in Connecticut and they tried sonar a number of times and it did not rid the lake of it.

Robert Enos from Centerville who also uses the pond regularly, stated that the Preservation of Long Pond Committee is in favor of it. They want corrective action to be safe and sound. They have sought experts to validate their findings. The EPA has registered sonar in all 50 states. There will be no restrictions on pond and water use even immediately after using.

Sue Phelan said studies have been conducted but she does not feel sonar is safe, and has been adequately studied. It is a temporary control and not permanently effective.

Mark Scibelli who lives in the southeast area said that we are the caretakers of the pond in that area. It (the hydrilla) has grown up over the last 3 years – you can't swim through it. Sonar is safe. You treat a greater problem and the risk may be there, but without it the entire lake will be involved in one season. The fish and vegetation and everything will be gone. You need to treat this systemically and control it.

Barbara Enos is also from Long Pond. She addressed a newspaper article dealing with a problem at Lake George in New York. She said the mechanical methods were not successful. They were not a promoter of chemicals but the risks to the lake of the weed were more dangerous.

Councilor Milne asked that the two individuals who were not given additional minutes as they had requested be allowed to speak. Pres. Blazis stood firm on his three-minute rule.

Councilor Milne challenged the chair.

A vote was taken and 7 councilors supported the chair – hence the ruling held.

Public comment closed at 7:47 p.m.

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS AND STAFF

Town Clerk Linda Hutchenrider explained that the census had just gone out and all information as to new precincts and voting locations are on the form and other information is also included in the packet.

Councilor Richardson received a call on the hydrilla situation and it had been suggested that they use sonar. And it was also suggested that the council form a committee to have a management plan for our lakes. Blazis said he would do that and suggested that Richardson chair it.

Councilor Loughnane asked about the docks and piers ordinance and the ways to water issue. Blazis suggested the next meeting would be a good time to bring back these issues for an update.

PRESIDENT/VICE PRESIDENT COMMUNICATIONS

President Blazis said the Marstons Mills Village Association would be having a meeting Tuesday, March 5 at 7:30 p.m. at the Marstons Mills Fire Station to discuss the new proposed fire station.

Blazis also announced that there would be a Jane Eshbaugh Community Service Award Committee. The members will be appointed until June 30, 2002, and an administrative code amendment will be made in order to make this a permanent town committee. The members are: Gwen Phillips, 67 Crawford Rd., Cotuit, Debbie Fitton, 282 Church St., West Barnstable, Bob Smith, P.O. Box j, Osterville, Shirley Flynn, 16 Maryalice Lane, Hyannis and Jaci Barton, 87 School Street, Cotuit.

TOWN MANAGER COMMUNICATIONS

Town Manager John Klimm stated that they had redrafted the strategic plan and it will be disseminated to the council but they were waiting for this evenings meeting to complete it.

He also announced that after an interview process he will be recommending a Sandy Neck Manager and a Director of Planning and will need council confirmation on those hires.

Upon motion duly made and seconded it was moved to go into executive session for the purpose of discussing land acquisition and to come back into regular session after said executive session.

The vote on the above was not taken, instead Councilor Richardson requested that the council move to take out of order **2002-047**, since many people were in attendance for that one item.

A motion was made and seconded to take this motion off the table.

VOTE: Unanimous

President Blazis stated that he had asked for additional questions from councilors. There were none. Hence, Tom Geiler, Director of Regulatory Services, reviewed the questions asked at the earlier meeting and the answers his department had prepared. (Please see attachment "A" that he reviewed.)

Geiler said they take their job seriously and have looked to the best experts and gathered information and have talked with opponents as well as proponents. This is the best solution. We know that there might have to be a follow up. The alternative methods (the mechanical methods which also destroy wildlife) they felt would not be as satisfactory. Divers and that method would be prohibitive as far as cost. They are asking to go forward with this project. The conservation commission and the board of health will also review this again. The staff has put a lot of energy into this and this is the best method.

Councilor Loughnane submitted questions on Feb. 8th and said that they were not addressed. She asked questions regarding the relationship of the identification of the species and the treatment to anyone related to a chemical company. Geiler said there were no relationships to anyone related to any chemical company. She also asked about future costs. Geiler said we do not know, but we can't let it go another year because that will greatly affect future costs.

Councilor Milne said it normally takes a multi year treatment. So clearly you are comfortable with a single application even though it is clear that it will take a multi year plan? he asked Geiler. Geiler said it is not a one-year problem and we do not know what future year solutions will be. Right now we are looking at this year. Milne wants to know how much it will solve this year. Geiler said that the first year will eradicate at least 80% and will leave us with better options for next year. Maybe smaller mechanical treatment will be the answer in the future years, Milne asked. Geiler said we are concerned in all cases for use of

chemicals. We are not recommending the future treatment at this time. What it is, we cannot say, but we will hope for open options. Milne wants to take a small portion of the money to look at biological controls – wants to amend the item. Geiler does not want to find us being short of money. Maybe money should go with the committee to address a management plan, but he does not want to restrict getting the job done. Geiler said we need to concentrate on this issue right now.

Richardson addressed harvesting and pointed out that harvesting might increase the possibility of the spread of the hydrilla (he was looking at the handout). Geiler said this information was gathered through the email. These were people who had been dealing with this for years. Richardson said we do need a plan and need to look at other means....Geiler agreed.

Elrick had a resolve, which Blazis explained will come back the first meeting in March. Elrick questioned eradication. Evidentially, it does not eradicate the tubers. Are we looking toward total eradication? Geiler said there have been some cases of total eradication, especially in the smaller ponds. Geiler said he has some reports in some of the literature. We did not eradicate fanwort in Wequaquet but we made a big impact. Elrick asked about post treatment plans. Geiler said we tested private wells in proximity to the lake (Wequaquet) and we found no problems. We will be doing a similar process here. Geiler said we could not identify any endangered species around the pond. Elrick was concerned with the byproducts of Sonar and asked if Geiler had any information on it. Geiler said they contacted very knowledgeable individuals and did not rely on just their own opinions. He said he would not base it on his knowledge. Elrick asked the town attorney if we could ban the sale of hydrilla in the town.

Manager Klimm said we have an emergency issue – the request is to fund sonar. The conservation commission and board of health will hold hearings and debate it. We came to the council first for funding of the proposal. Also the entire regulatory services have researched this project. You are being asked for conditional approval of funding. As far as long range plans, and this is a new issue, there has not been any discussion on funding. If management plans are discussed we need to take into consideration the financial and budgetary components as well.

Attorney Smith was asked about banning the sale of hydrilla – Smith said he would assume so. The state legislature could authorize us to ban it. There is no general law that would prohibit us from banning this. We can do what we see fit under the constitution. He would not draft an item this evening.

Councilor Milne moved and it was seconded that the town manager is hereby directed to investigate alternative methods, rather than chemically based approaches. The mechanical and biological methods to eradicate the non-native invasive plants such as hydrilla and others are to be fully explored and presented

to our Conservation Commission simultaneously with the presentation of chemically based methods.

Pres. Blazis read the resolve from Councilor Elrick (clerk does not have a copy) and requested that Milne work with Elrick on a resolve and they could both be on the future committee. Milne wanted the amendment voted on.

A motion was made and seconded to move the amendment.

VOTE: 3 yes, 6 no on amendment – it failed.

Councilor Loughnane said it sometimes takes 20 years for substances to leach into a well. She has a problem with utilizing chemicals before trying other means. She will be opposing.

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

VOTE: 7 yes 1 ab 2 no

2002-047 APPROPRIATION AND TRANSFER ORDER

Upon motion duly made and seconded it was

ORDERED:

That the sum of \$60,000.00 is hereby appropriated to the Regulatory Services Department, Conservation Division Capital Project Account for the purpose of funding the “Hydrilla” control project at Long Pond, Centerville and that to meet such appropriation, \$60,000.00 be transferred from the Capital Trust Fund.

VOTE: 7 yes 3 no

Upon motion duly made and seconded it was moved to go into executive session at 8:40 p.m. for the purpose of discussing land acquisition and to come back into regular session after said executive session.

VOTE: 10 yes roll call

Reconvened at 9:39 p.m.

ORDERS OF THE DAY

OLD BUSINESS

Substitute motion:

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of hearing **2002-052 - AUTHORIZATION FOR PURCHASE OF PARCELS OF LAND CONSISTING OF 39.39 ACRES MORE OR LESS IN THE VILLAGES OF BARNSTABLE AND CENTERVILLE (ASSESSORS MAP 235/006,007,008, 020. MAP 234/052, 053 & 054, 253/017 X01 – X14 AND 254/030) AND APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,607,000 IN FURTHERANCE THEREOF.**

VOTE: 10 yes

Pres. Blazis acknowledged Manager Klimm who gave a general background of the possible purchase of the McManus/Lovequist properties. Included are 10 acres on Shallow Pond. The majority of it lies in watershed and it also forms part of the gateway to Hyannis. Purchasing it will prevent more urban sprawl. This is one of the most important land bank purchases to date.

Lindsay Counsell from the Land Bank Committee identified first the 5 acre parcel adjacent to Route 6; then the Shallow Pond property, which has several hundred feet of waterfront; also two other properties on either side of Route 132 which are part of the purchase. He also identified the possible subdivisions that could be built on the parcels. The committee feels that it is an important purchase because of the well area and access to water. There is strong committee support for the purchase.

Klimm concluded that this is a multi faceted request, an important parcel: for ground water protection, to prevent urban sprawl, to control further traffic problems, and to take them out of development.

Susan Rohrbach from the Land Bank Committee has watched the land for 20 years. There have been different proposals and no one likes what has been proposed because they want to see it as open space. We have the chance to keep it from development. None of us like the price of land, but it is a win/win situation. By purchasing this we solve the problem and take it out of development.

Upon motion duly made and seconded it was voted to close the public hearing at 9:50 p.m.

Vote – Unanimous 10 yes

Substitute motion: 2002-052 – AUTHORIZATION FOR PURCHASE OF LAND IN BARNSTABLE AND CENTERVILLE – 39.39 AC.

Councilor Loughnane agreed with Mrs. Rohrbach that this is a win/win situation. It is in a wellhead area and serves the Barnstable Fire District; protects from urban sprawl and we can't tell future councilors not to change the zoning. She gave the example of Route 28 in Centerville fighting a fast food chain and not seeing the bigger picture of development. She strongly encouraged purchase.

Councilor Riedell asked if there was an appraisal, what is the town's present appraisal and if we purchase at \$90,000 an acre, is this going to affect all our future purchases.

Counsell said \$21,700 per acre is the appraised value. But 24 house lots could also come out of it. The property on the top parcel is in the \$30,000's and the parcels are going for less than \$90,000. Riedell asked if this will affect future appraisals. The town appraised the property at \$1.7M. Counsell said that one purchase can drive others to go higher – this is a premium purchase because of location and development factors. Riedell asked if it was ever considered for eminent domain – Counsell said that we have not done that we have worked toward friendly agreement. Riedell will vote no because he thinks we are paying too much for the property. People think we have all the money in the world with the land bank money. I feel we should use the tools we have got, feel we should look at eminent domain.

Councilor Richardson was concerned about the price but other issues transcend cost and there is good reason to purchase. He asked Hank Farnham what developers might feel on the cost. Farnham looked at the property and discussed it with a developer who felt \$70-75,000 per acre would be appropriate to purchase. Richardson said this price that we are paying would not be out of alignment.

Councilor Milne said we are paying around \$80,000 per acre and a developer feels that \$70-75,000 would not be out of line – therefore this is not too high. This will relieve the corridor from future development and we will get some waterfront property – what is the fuss about the price?

Councilor Clark said that yes this is a valuable piece of land; however one must deliberate on \$75,000 more or less. It may be justified for some parcels, but we have land-locked land above Route 6 – you are still overpaying by about ½ M. We are spending a lot of the land bank money on this one purchase.

Substitute motion: 2002-052 – AUTHORIZATION FOR PURCHASE OF LAND IN BARNSTABLE AND CENTERVILLE – 39.39 AC.

Upon motion duly made and seconded it was

ORDERED:

That the Town Manager be authorized to acquire by purchase for any of the purposes specified in Chapter 293 of the Acts of 1998, several parcels of land located on Route 132, Old Neck Road and Route 6, Barnstable, Barnstable County, Massachusetts, consisting of 32.43 acres of land, more or less, and being described as Lot 1, the easterly 11.23 acre portion, more or less, of Lot 2, AND Lot 3, all shown on Land Court Plan 37625-A, Sheets 1-3, Certificate of Title 72550 and Lots 1-8 as shown on a plan recorded with Barnstable Registry of Deeds in Plan Book 518, Page 13, described in a deed recorded with said Deeds in Book 1667, Page 115; and further to acquire by purchase under existing appropriations for effluent mitigation purposes the westerly 6.96 acre portion, more or less, of Lot 2 on Plan 37625A; and to meet this appropriation the Town Treasurer with the approval of the Town Manager is authorized to

borrow \$2,607,700.00 for the purchase and related costs and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

VOTE: 8 yes 2 no – ROLL CALL

NEW BUSINESS

2002-057 – APPOINTMENTS

Upon motion duly made and seconded it was voted to refer the following appointment to a second reading:

That the Barnstable Town Council appoint the following to a multiple member board:

HISTORICAL COMMISSION

Robert D. Stewart, 2338 Main Street, Barnstable, replacing James Gould, to serve until 6/30/2004

VOTE: To refer 10 yes

Substitute - 2002-058 - RESOLVE – MEMORIALIZE TO ASSERT OPPOSITION TO WIND-POWERED COMPLEX

Upon motion duly made and seconded it was

RESOLVED:

That the Town of Barnstable hereby memorializes the Governor and the Attorney General of the Commonwealth of Massachusetts to vigorously take whatever steps which may be deemed necessary to perfect the Commonwealth's claim upon the waters of Nantucket Sound and jurisdictional boundaries of the Cape and Island Ocean Sanctuary. Furthermore, the Town of Barnstable respectfully solicits the Commonwealth to compel the spirit and intent of the Cape and Islands Ocean Sanctuary Act upon all of the waters of this sanctuary.

It is further resolved that the Town of Barnstable seek the unity of all Cape Cod towns the Cape Cod Commission and the Islands of Nantucket and Martha Vineyard on communicating their support of this resolve to the Governor and the Attorney General of the Commonwealth

Elrick asked about our traditional enterprises such as fishing. Jones said the Commonwealth already allows fishing in the sanctuaries. Loughnane asked Attorney Smith about the gambling boat – if Federal waters became State waters

knowing there are gambling boats elsewhere in the State, would this be more or less favorable. Smith said it would be less favorable to gambling boats. This does not affect it to the extent that state law affects the activity in Nantucket Sound. Brown said a lot of charter boats go out in to those waters and the Federal and State laws are different for the size of fishes...he will endorse.

VOTE: 8 yes 2 no

2002-059 RESOLVE – STUDY ON SHOALING PROBLEMS

Jones said that it was recognized that there are severe shoaling problems in the harbor. This is a group that would look at the problems and possible solutions.

Clark asked if any funds would be spent. Klimm said a lot would be done with staff and there are several phases. There is a minor cost in the first phase and we would get some consulting help. We have found a source of funding in an existing appropriation – we will keep you updated. Clark said there was probably a lot of data already collected and we might use that. Jones said it has been volunteered.

Loughnane said it is hoped that the committee will have an extended life. She asks that they report back to the council for direction to go forward. Jones also said that this committee is an independent group of citizens similar to the Three Bays and it is hoped that after the shoaling problem that we look at forming a committee in the Hyannis harbor area to be like the Three Bays group.

Upon motion duly made and seconded it was

RESOLVED:

That Councilor Robert Jones in cooperation with the Town Manager, Harbormaster and staff work with the members of the recently created task force of Hyannis Harbor users and property owners for the purpose of identifying and analyzing the shoaling problems presently occurring within the Hyannis Harbor area and surrounds. Upon completion of the study, the results of its findings shall be presented to the Town Council along with recommendations for possible corrective action.

VOTE: 10 yes

WORKSHOP ON COMMUNICATIONS

Councilor Jones announced that he was going to review his committee's report, and that he did not expect a final vote on it this evening. It was entitled Council Communications Report. (Clerk did not receive a copy) Jones said that the charge of the committee was to look at communications between the council, the

manager and general public. He said that open communication creates trust. They want better avenues for communication.

He said the report had in it recommendations that had been discussed. The report is in draft form which can be amended and brought forward later for vote. He highlighted such issues as: the open meeting law, while there are minor exceptions, all meetings should be posted and if in doubt contact the town attorney. We felt that standing committees and ad hoc committees should develop minutes and all should be brought to the attention of the council. The administrative assistant shall keep the members informed as to all meetings (on a weekly calendar) and any important information. Town Manager and assistant town manager shall be available to the town councilors – they acknowledge that a quick response of sort shall be done if at all possible. Jones said that Klimm has done everything that was requested of him. He is open and you can get to both of them (meaning Klimm and Daley). Council liaison – a member of the council who will interact with a board or commission without direct involvement on the proceedings. Liaison will be the link – but should not influence the board or staff and is not the only link.

Channel 18, most of the recommendations on this channel have been brought forward. We should use this channel for municipal information only. Not to be used for biased forums. Telecast meetings of council, boards, committees, commissions, notices etc. It needs to be edited daily (notices).

Jones described a presentation on the DCPC that was biased in its presentation and did not allow for a countering view – it would have been balanced if there was more give and take, (he was corrected that it was on the development agreement and not the DCPC). Richardson feels we should be able to present an issue. Milne agreed with Richardson. Keep things open. Klimm thought it was the pay as you throw presentation. We were to contact other communities and one of the feedbacks was to be careful about informational programs – it is supposed to be a municipal channel and we get calls all the time for uses – we need to stick to municipal uses. Once you open it up you change it to a community channel which is channel 3.

Richardson asked if the West Barnstable Village Association wanted to advertise activities such as an Old Home Week, would that not be welcome? Klimm said events and notices are one thing. There is one thing about events, but the other thing is, is this the channel for it? Our whole government channel is going to change. There is a community channel already available.

Attorney Smith said there is a legal component – you run into problems with all the good groups, even the Boy Scouts have had problems – you need to bear in mind the worst possible group you might get – and you will have them all wanting to use it, and not just the good groups.

Loughnane said as far as the development agreement presentation, the council had not voted on it. When you are formulating the criteria then to take the channel to position on it, the minority might want to get on it too. It should be only after the council has voted and then you give the position of the council. You can't do it before a vote. Once the vote happens then that is another thing.

Riedell said the development agreement was very complicated and to take it apart and give it definition is not bad. An explanation of what is being said is not bad. We need to be clear on long items.

Jones said that the channel is not to be used for biased forums. We want to take the bias out of any presentation.

Clark said we should be more liberal on a community calendar vs community access. On the current bias issue – we are a political body with opinions. There should be a statement on any non-meeting broadcast; the council should be sensitive to other views. Jones said all copy has to be approved by the manager and council president.

Loughnane said in the draft that she wanted sub-committee meetings and ad hoc meetings included. Regarding the weekly calendar, she said we would like a full calendar of all meetings. She struck the word “broad” calendar.

Jones said the council president and vice president will send a weekly report to keep all members informed of all matters of common interest – meetings, events, correspondence and actions taken by the president on behalf of the council. The town manager gives a report.

Blazis said any correspondence that is received by him, all comes back to the assistant and if it is important, he has the assistant make a copy for all. The rest goes into a folder on the desk. Anything of importance you do receive. All councilors should go into the council office at least once a week and go through the book and if there is something of interest to you it is there.

Clark then asked Donald Grissom if a constituent sent a letter 6 months ago could you find it? Grissom said he would have to go through the book. Clark questioned whether in today's government flipping through a notebook is necessarily the best way to keep in touch. Richardson suggests a file folder on each issue. Clark asked if it could be cross-referenced for different pieces of information.

Jones wants comments so that he can change the document and then come back with a finished product. Jones said that a recommendation was brought forth for a formula on creating a meeting with 3 councilors and the manager to meet with the community.

Milne asked why doesn't the town council have an open town meeting forum.

Joakim has a lot of ideas and wanted to discuss them. Jones will accept changes, she asked when the next meeting would be. Blazis said any and all changes should go to Jones.

ADJOURNMENT

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

ADJOURNED: at 10:59 p.m.

Respectfully submitted,

Linda E. Hutchenrider, CMC/AAE/CMMC
Town Clerk