



**TOWN OF BARNSTABLE  
TOWN COUNCIL MEETING  
September 2, 2010**

**A** quorum being duly present, Council President Frederick Chirigotis called the September 2, 2010, Town Council meeting to order at 7:00 p.m. in the 2<sup>nd</sup> Floor Hearing Room of Barnstable Town Hall, 367 Main Street, Hyannis, MA.

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

President Chirigotis led the hall in the Pledge of Allegiance, followed by a Moment of Silence. Town Manager John Klimm asked for a moment of silence in honor of Nestor Silva who passed away recently. Klimm described Nestor as one who gave back to this community throughout his life and gave condolences to his family.

The Chief of Police, Paul MacDonald, gave an update on Hurricane Earl predicted to hit this area by 3 p.m. tomorrow afternoon. All beaches will be closed this evening. Barnstable High School will be open as a shelter as of noontime tomorrow. NSTAR is preparing for possible outages.

Town Manager Klimm announced that there will be a hurricane update tomorrow morning and it will be on Channel 18. Call 775-0387 if there is a problem.

Detective Jason Laber recently returned from the Navy and a tour of Afghanistan. He thanked the council and manager for the support to him and his family during the two years that he was gone. He had a flag flown for the Town of Barnstable in Afghanistan and presented it to the town on a plaque. Councilor Joakim and President Chirigotis welcomed him back to the town and police department.

**PROCLAMATION: SUICIDE PREVENTION WEEK**

Councilor Barton read a proclamation regarding Suicide Prevention Week. The council supports suicide prevention week and the proclamation was signed by the President. Maura Weir is the youth suicide prevention coordinator, who stated that we have had a rate that is 1 ½ times higher than other areas. (See calendar of events and information attached hereto as Exhibit "A").

Councilor Rugo thanked the President and Councilor Barton for their efforts on this issue.

**PUBLIC COMMENT**

Mary Ann Barboza restated a problem she had had, and felt a councilor had made a mis-statement in regard to what happened by the board (at HYCC). She wants the councilor who was at the meeting to produce minutes of that meeting to confirm what she said. Ms. Barboza felt she had gone to the proper authority and did not receive help.

Robert Tucker was amazed that former Pres. Carter brought back a prisoner of war. He felt the council should look at the rest rooms in Hyannis and possibly get a security guard. He saw 15 ladders come off of a truck the other day.

Taryn Thomen told the council about the anti-bullying legislation. She described some examples of cyber bullying against her son, herself and family. She thanked Councilor Barton for listening to her.

### **ACT ON MINUTES**

Upon motion duly made and seconded it was voted to approve the minutes of August 5, 2010.

**VOTE: Unanimous in favor**

### **COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF,**

Councilor Barton handed out copies of the anti-bullying legislation and other materials. The school department has had an anti-bullying task force in place for over a year. Councilor Barton also announced Marstons Mills Village Day (see attachments B and C relative to these issues). She made a couple of other announcements (see Exhibit D) including a report on the Case Management Sub-Committee.

Councilor Dagwan made a couple of announcements on voting, and asked for support from the council for attendance at the NAACP Fashion show.

Councilor Farnham stated that the West Barnstable Festival was held and the Luke's Love Playground was dedicated.

### **ORDERS OF THE DAY**

#### **A. OLD BUSINESS**

<b>2011-003 AMEND GENERAL ORDINANCES, CHAPTER 177 SANDY NECK BEACH INTRO: 07/15/10, 08/05/10, 09/02/10</b>
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President Chirigotis noted and a motion was duly made and seconded to correct Article II to be Article I under Code Chapters.

**VOTE: Unanimous in favor**

Ms. Nina Coleman, from Marine Environmental Affairs, Sandy Neck, explained the changes to the existing ordinance.

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

**VOTE: Unanimous in favor**

Upon motion duly made and seconded it was voted to go out of the public hearing at 7:50 p.m.

**VOTE: Unanimous in favor**

- Councilor Farnham said the Sandy Neck Board has reviewed the changes and unanimously encouraged passage of these changes.
- Attorney Ruth Weil explained that \$200 is for criminal violation and the amounts less than that are non-criminal (civil).

Councilor Norman spoke to issues regarding emergencies and assistance and offered an amendment which was seconded – to add at the end of the first paragraph 177-2...“unless associated with a vehicle recovery operation with the escorting of Sandy Neck Beach staff.”

- Ms. Coleman said that official rescue and tow vehicles are allowed – but individuals who are there to help a friend – she would be leery trying to help on that.
- Councilor Canedy is not comfortable if the Sandy Neck Ranger is not comfortable. She would not like the door open.
- Councilor Barton concurs.
- Councilor Dagwan asked how you would handle an emergency on Sandy Neck. Vehicles are stuck quite frequently, said Ms. Coleman. Her staff deals with safety – they have a time to try to get it out by themselves, or with help of a passing vehicle; then they call a tow truck.
- Councilor Joakim said it is best to leave it to the hands of the professional.

**VOTE ON AMENDMENT: 8 No, 3 Yes – did not pass**

Upon motion duly made and seconded it was

**ORDERED:**

**SECTION I**

Chapter 177 of the General Ordinances (Sandy Neck) is hereby amended by striking out Chapter 177, Article 1 and inserting in place thereof the following:

**ARTICLE 1. Operation of Motor Vehicles.**

**§ 177-1. Operation of a vehicle within a closed area on Sandy Neck Beach.** No person shall operate a motor vehicle on Sandy Neck Beach except within marked open sections of the front beach off road vehicle corridor and on the beach access trail.

**§ 177-2. Operation of a vehicle on Sandy Neck Beach without a valid permit.**

No person shall operate a motor vehicle on Sandy Neck Beach without first obtaining a Sandy Neck off road vehicle permit.

**§ 177-3. Violations and penalties.**

Any person violating this chapter shall be punished by a fine not more than \$200 for each offense.

**SECTION 2**

The schedule of fines in Article I, Section 1-3 of the General Ordinances are hereby amended by striking out the lines related to Chapter 177, Article I and inserting in place thereof the following:

<b>Code Chapter/Section</b>	<b>Subject</b>	<b>Fine</b>
Ch. 177, Art. I	Vehicle within a closed area (Sandy Neck Beach Park)	\$150
Ch. 177, Art. I	Vehicle without a valid permit (Sandy Neck Beach Park)	\$150

**SECTION 3**

The schedule of fines in Article 1 of the General Ordinances is hereby amended by adding the following new section, §1-6.1:

§1-6.1: Fines for the Violation of Marine and Environmental Affairs Division Regulations

<b>Offense</b>	<b>Fine</b>
<b>Sandy Neck Beach Regulations</b>	
Violation of regulation	\$50

**VOTE: Roll Call - 11 Yes**

**2011-04 AMEND GENERAL ORDINANCE. C. 228, VEHICLE STORAGE**  
**INTRO: 07/15/10, 08/05/10, 09/02/10**

Vice President Crocker gave the rationale on this item. He stated that this was drawn up to look at giving relief to some neighborhoods.

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

**VOTE: Unanimous in favor**

Upon motion duly made and seconded it was voted to go out of the public hearing.

**VOTE: Unanimous in favor**

- Councilor Canedy asked what happens if you have a mobile home visiting. She was told that mobile homes have to be kept in the rear of the lot but are acceptable. Councilor Rugo asked for further explanation. Attorney David Houghton addressed the issue. He said that the current zoning requires it to be in the rear of the lot – but another could be there if it was screened.
- Councilor Barton on 228-3b asked about having two registered trailers visible. Attorney Houghton said you can have two trailers and you would have to screen the third. Clearly visible which means it is not behind a fence or natural hedge.

- Councilor Joakim has a problem with this since she is in an area with very small lots. A lot of people have boats in their yards – this would create a serious problem for many people. Everything is visible.
- Councilor Munafo said he thought people could do more with their property – now it seems it may be less. Councilor Crocker said this does not change what is in place now. It is created with the intent to help. Attorney Houghton said it gives people guidance – boats would have to be screened – this sets some standards.
- Councilor Dagwan said in her neighborhood we had visitors who had trailers that were parked on the street in front of homes. Houghton said some temporary use for trailers is allowed.
- Councilor Joakim asked about more than one unregistered trailer. She feels it will create more of a nuisance. Some small lots are totally visible. We are not considering everyone in town with this item.
- Councilor Barton doesn't see how it will save enforcement dollars. Vice President Crocker said if you have a simple general ordinance it would be less expensive to the homeowner and the municipality to do it this way.
- Councilor Munafo – 228-2 – said that is in effect right now. He was told that was correct. This preserves the original law regarding no more than one unregistered vehicle.
- Councilor Canedy – 228-5A – asked if this referred to dumpsters – and yes it did. Tom Geiler said that this helps to have some limitations. It would be nice if everyone did the right thing but they get a lot of complaints. Some folks want controls and others do not.
- Vice President Crocker said that with roof work and other temporary work that needs a dumpster, it is allowed. Attorney Houghton said if you have a dumpster for work you do not have to screen it.
- Councilor Norman feels that “clearly visible” is subjective. What is clearly visible? He does not feel he can support it.
- Councilor Joakim concurs. There are folks who have boats that are not in the water because of lack of funds this year. We are limiting folks with small lots even more.
- Attorney Houghton told the council that 228-6b defines clearly visible.
- President Chirigotis feels it may make a problem for individuals.
- Councilor Tinsley said this is more than two not one boat. Once you get into more than 2, we need guidance for our staff.

- Councilor Joakim asked how we screen in close neighborhoods. She thinks it is too much right now.

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 General Ordinances of the Code of the Town of Barnstable are hereby amended by striking Chapter 228 and inserting the following Chapter 228

**“CHAPTER 228**

**VEHICLE, BOAT, RECREATIONAL AND CONTAINER STORAGE**

**§ 228-1. Purpose and Intent.**

The purpose and intent of this chapter is to promote beneficial and convenient relationships between the natural resources of the Town and its inhabitants.

**§ 228-2. Unregistered motor vehicle and trailer storage.**

No person shall at any time have more than one unregistered motor vehicle or trailer or any part or portion thereof, ungaraged, on premises owned, occupied or controlled by said person.

**§ 228-3. Boat and registered trailer storage.**

- A. No person shall at any time have more than two boats greater than twenty-one feet in length clearly visible on premises owned, occupied or controlled by said person.
- B. No person shall at any time have more than two registered trailers clearly visible on premises owned, occupied or controlled by said person.

**§ 228-4. Mobile home, recreational trailer, and camper storage.**

- A. No person shall at any time have any mobile home clearly visible on premises owned, occupied or controlled by said person except as provided in § 228-7(A)(7).
- B. No person shall at any time have more than two recreational trailers clearly visible on premises owned, occupied or controlled by said person.
- C. No person shall at any time have more than two campers clearly visible on premises owned, occupied or controlled by said person.

**§ 228-5. Container and equipment storage.**

- A. No person shall at any time have any containers with a capacity of five (5) or more cubic yards clearly visible on premises owned, occupied or controlled by said person.
- B. No person shall at any time have any motorized earth moving equipment clearly visible on premises owned, occupied or controlled by said person.

**§ 228-6 Compliance.**

- A. Each unit listed in §§ 228-3(A), 228-3(B), 228-4(A), 228-4(B), 228-4(C), 228-5(A) and 228-5(B) other than a boat stored on a registered trailer shall be considered as a single unit for purposes of compliance with this chapter. Not more than two of the same or different units listed in §§ 228-3(A), 228-3(B), 228-4(B), 228-4(C), 228-5(A) and 228-5(B) shall be stored on premises other than in compliance with the requirements of this chapter. The combination

of a boat stored on a registered trailer shall be considered a single unit for purposes of compliance with this chapter.

- B. A unit required to be stored in compliance with this chapter shall not be considered clearly visible if the following dimensions are screened from view from any vantage point on each lot directly abutting or directly across a way abutting the premises which contain a dwelling but only up to the top of the first floor of any single dwelling or the top of the first story of any multiple dwelling:
  - (1) the full length and width; and
  - (2) the full height if the unit is six (6) feet or less high; or
  - (3) if the unit is more than six (6) feet high, by a well maintained fence or natural objects six (6) feet high, buildings or natural objects more than six (6) feet high, or any combination thereof.
- C. Screens shall consist of buildings, natural objects, well maintained fences, or any combination thereof not attached to the unit which blocks the unit from view and are in compliance with all applicable laws, ordinances and regulations.
- D. A unit or units required to be stored in compliance with this chapter shall be grouped in one storage area.

#### **§ 228-7. Nonapplicability.**

- A. This chapter shall not apply to the following.
  - (1) To governmental entities and government premises.
  - (2) To any unit used for agricultural purposes on the premises.
  - (3) To any unit listed in §§ 228-3(B), 228-5(A) and 228-5(B) for the duration of work allowed under a permit issued for the premises.
  - (4) To premises duly licensed under the provisions of Chapter 140 of the General Laws.
  - (5) To boats while secured on the shore of the premises or at a pier.
  - (6) To trailers and tents permitted under the provisions of §§ 240-9(A) – (D).
  - (7) To one (1) mobile home stored in compliance with § 240-45, which shall not be considered in determining the number of mobile homes stored on the premises for purposes of compliance with this chapter.
  - (8) To a vacant lot or a lot which contains a building or buildings partly or completely without a dwelling or dwellings except buildings accessory to a dwelling on the same lot. A unit is not required to be screened from view from a vacant lot or a lot with a building or buildings some or all of which does not or do not contain a dwelling or dwellings.

#### **§ 228-8. Penalties.**

Any person failing to comply with this chapter or remove a unit not in compliance with this chapter, or any part or portion thereof, within seven days after notice by the Building Commissioner, or his designee, the Board of Health or its designees, or the Police Department of the Town, shall be subject to a fine of not more than \$300. Each day during any portion of which a violation continues to exist, shall constitute a separate offense.

#### **§ 228-9. Severability.**

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.”

**VOTE: Roll Call – 4 Yes 7 no – (Barton, Canedy, Chirigotis, Dagwan, Farnham, Joakim, Norman) – Did not pass.**

<b>2011-007 AMENDING THE ADMINISTRATIVE CODE – HUMAN SERVICES COMMITTEE</b> <b>INTRO: 08/05/10, 09/02/10</b>
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Councilor Barton gave the rationale as printed in the agenda.

Councilor Munafo asked why the representation that was initially set up is no longer being used. Barton said that we were very specific in the beginning, but it still has the same goal.

Councilor Farnham said he felt that folks on this board need to be residents of the Town of Barnstable as they do for all other boards. He feels it is time to change this.

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:**

The Barnstable Town Council does hereby amend the Administrative Code of the Town of Barnstable by striking Section 241-45.1(A) in its entirety and substituting the following therefore:

**241-45.1 Human Services Committee**

**A. Composition and term of office.** There shall be a Human Services Committee consisting of at least 9 members, representing Barnstable’s diverse community. These members should include, but not be limited to, representatives from Human Services organizations and corporations based in the Town of Barnstable, as well as individuals residing in the Town of Barnstable concerned with Human Services, Term of office will be three years, staggered, appointed through the Town Council Appointments Committee.

**VOTE: 9 yes 2 no**

<b>2011-009 APPROPRIATION - \$46,600 CP FUND RESERVE SET-ASIDES FOR OPEN SPACE</b> <b>INTRO: 08/05/10, 09/02/10</b>
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Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing this item.

**VOTE: Unanimous in favor**

Seeing no one wishing to speak, upon motion duly made and seconded it was voted to go out of the public hearing.

**VOTE: Unanimous in favor.**

- Lindsay Counsell from CPC recommended the funding of this purchase of 1.79 acres on two separate parcels. He described the two lots as well as the protection of rare plants and public drinking water supplies.



- Councilor Norman asked what is the fear of leaving these alone with the trust. Counsell said that we need them for mitigation for the bike trails.
- Councilor Munafo asked where the bike path is in the planning process. Counsell said there is a draft agreement being done. Munafo asked where the proceeds of the purchase will go. Cobb Trustee Steve Heslinga said the trust was created in 1876 and income from the lots is to benefit the public school students. That is true to this date. Right now there is no woodlot income from these lots. He is in favor of the sale and the \$41,000 would supplement the investment portfolio. This is a good way to partner with the CPC and the bike path.
- Councilor Norman said if it is key for a bike path he would think the value would increase. Heslinga said appraisals have been done on the lots.
- Councilor Farnham asked about the appraisals and how were they derived. (See attachment E for maps on this property). He asked about the large parcel. Would it make sense to hold off on this until the bike path is set. Why are we going forward with these at this time. He wants bike path first.
- Lindsay Counsell said these are not restricted. He gave the assessed values. He gave the history behind the lots and appraisals.

Upon motion duly made and seconded it was

**ORDERED:** That, pursuant to the provisions of G.L. c. 44B, the sum not to exceed the amount of Forty Six Thousand Six Hundred Dollars and No/100 (\$46,600) Dollars be appropriated and transferred from the amount set aside for Open Space acquisitions under the Community Preservation Fund on June 17, 2010 for Fiscal Year 2011, Agenda Item Order Number 2010-149 for the acquisition of open space by the Town and interests in land on the properties shown on Assessor's Map as Map 332 Parcel 005 and Map 348 Parcel 036; that the Town of Barnstable, Growth Management Department is authorized to contract for and expend the amount of \$46,600 with the prior approval of the Town Manager, for the acquisition; and that the Town Manager is authorized to execute restrictions for this acquisition consistent with the purposes of the Community Preservation Act.

**VOTE: Roll Call – 7 Yes 4 No (Canedy, Farnham, Munafo, Norman)**

## **B. NEW BUSINESS**

<p><b>2011-011 - ACCEPTANCE - \$31,870 GRANT FROM MASS EXEC.OFFICE OF PUBLIC SAFETY - INTRO: 09/02/10</b></p>
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Chief Paul McDonald gave the rationale, the police administration and Ann Spaulding were responsible for writing the grant.

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

**RESOLVED**, that the Town Council hereby accepts a FY2011 State 911 Department Training Grant award in the amount of \$31,870 from the Executive Office Public Safety.

**VOTE: 11 yes**

<b>2011-20      TRANSFER FROM DPW PERSONNEL BUDGET \$30,000 TO DPW OPERATING EXPENSE BUDGET – INTRO: 09/02/2010</b>
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Town Manager John Klimm gave the rationale as written regarding informing the public on the sewerage issue.

- President Chirigotis said the CFAC is already planning meetings.
- Councilor Canedy reminded the council that the override is coming – it is spending money to ask the taxpayers to spend money. Manager Klimm said this information has to be approved by the State Ethics Commission. The Town cannot legally try to influence the election. This will have just facts in it.
- Councilor Farnham noted that we have not done a good job on communication regarding the sewerage. There is nothing better than an educated voter.
- Councilor Norman said the County is having a study done on sewerage – we might print up bad science if we go forward at this point. Maybe we need to wait on printing until this is done. Possibly committee members could be given a stipend.
- President Chirigotis said that the study is looking at the methodology for the TMDL.
- Councilor Munafo said the CFAC has set up 3 meetings, one in Hyannis, one in Centerville and one in Marstons Mills.
- Councilor Joakim stated that we will be using Barnstable County's input. We have an interested audience out there now.

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

**VOTE: Unanimous**

Upon motion duly made and seconded it was

**ORDERED,**

That the sum of \$30,000.00 be transferred from the FY 2011 Public Works Department Personnel Budget to the FY 2011 Public Works Operating Expense Budget.

**VOTE: 10 Yes 1 No (Norman)**

<b>2011-012      ACCEPTANCE OF A \$95,455 GRANT FROM US DEPT OF JUSTICE - INTRO: 09/02/10</b>
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Chief Paul McDonald gave the rationale as printed in the agenda.

Vice President Crocker asked about oversight and Chief McDonald said they will oversee the whole thing.

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

**RESOLVED**, that the Barnstable Town Council does hereby accept fiscal year 2010 Edward Byrne Memorial Justice Assistance Grant: Local Solicitation from the United States Department of Justice in the amount of \$95,455.00.

**VOTE: 10 Yes 1 No - Munafo**

**2011-013 ACCEPTANCE - \$177,282 GRANT FROM MA EXEC. OFFICE OF PUBLIC SAFETY –  
INTRO: 09/02/2010**

Chief Paul McDonald gave the rationale as printed in the agenda

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

**RESOLVED**, that the Barnstable Town Council does hereby accept the fiscal year 2011 911 Department Support and Incentive Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety, State 911 Department in the amount of \$177,282.00.

**VOTE: 11 yes**

**2011-014 AMENDING ZONING - NON-CONFORMING LOTS, LOT AREA EXCHANGE -  
INTRO: 09/02/2010**

Upon motion duly made and seconded it was voted to refer this item to the planning board for a public hearing.

**VOTE: 11 yes**

**2011-015 ACCEPTANCE OF A \$121,624 PORT SECURITY GRANT PROGRAM AWARD –  
INTRO: 09/02/2010**

Lynne Poyant gave the rationale. Joe Gibbs worked for the grant and he explained what this will cover as far as the new equipment.

Councilor Farnham thanked Mr. Gibbs for his efforts.

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

**RESOLVED:** That the Barnstable Town Council does hereby accept a 2010 Port Security Grant Program (PSGP) award from the Department of Homeland Security, FEMA in the amount of \$121,624 of which \$34,000 is for enhancements to previously awarded equipment; \$37,899 for radio equipment and \$49,725 for response equipment.

**VOTE: 10 yes – 1 No (Munafo)**

<b>2011-016 ACCEPTANCE - USDA NATURAL RESOURCES CONSERVATION SERVICES GRANT - \$782,250 – INTRO: 09/02/2010</b>
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A motion was duly made and seconded to correct the amount of this grant in the title of this item.

**VOTE: Unanimous.**

Town Manager John Klimm gave the rationale for the various projects that will be included in this item.

Lynne Poyant showed a brief PowerPoint that highlighted the grant monies and town appropriations.

Councilor Munafo said there were references to CIP articles and he questioned whether there were funds left in these accounts. Poyant said the CIP items were specifically created for the matching funds. We had to appropriate the town match according to the Town Manager.

Councilor Farnham said that BARS members are very happy.

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

**RESOLVED,** That the Town Council hereby accepts USDA Natural Resources Conservation Service - Cape Cod Water Resources Restoration Program grant funding in the amount of \$782,250 for estuary restoration, herring run improvement and stormwater remediation for shellfish protection in various locations in the Town of Barnstable; and that \$45,000 be transferred from Council Order 2008-107 Maintenance Dredging of Cotuit Harbor to be used as grant matching funds.

**VOTE: 10 yes 1 no (Munafo)**

<b>2011-017 ACCEPTING PROVISIONS OF MGL C.138 §33B RELATING TO SALES OF ALCOHOLIC BEVERAGES BY ON-PREMISE LICENSEES ON SUNDAYS &amp; CERTAIN LEGAL HOLIDAYS – INTRO: 09/02/2010</b>
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Town Manager Klimm gave the rationale to move opening on Sunday from 11 a.m. to 10 a.m. All licensees must apply to the Licensing Authority for this allowance.

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 M.G.L. Chapter 138, Section 33B is hereby accepted.

**VOTE: 7 Yes, 4 No (Norman, Munafo, Dagwan, Tinsley)**

The following is a copy of said law.

*Massachusetts General Laws Annotated*

*Part I. Administration of the Government (Ch. 1-182)*

*TITLE XXt. Public Safety and Good Order (Ch. 133-148A)*

*Chapter 138. Alcoholic Liquors (Refs & Annos)*

§ 33B. *Sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays; sales between 10:00 A.M. and 12:00 noon*

*[Text of section as amended by 2010, 131, Sec. 93 effective July 1, 2010. See 2010, 131, Sec. 202]*

*The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.*

<b>2011-018 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION</b>
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<b>INTRO: 09/02/2010</b>
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Councilor Joakim gave the rationale and made a motion which was seconded, to suspend the rules to vote on these.

**VOTE: UNANIMOUS**

A motion was made and seconded to move the question.

**VOTE: Unanimous**

Upon motion duly made and seconded, it was

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

**BOARD OF ASSESSORS**

Gail Fitzback, 79 Longfellow Drive, Centerville, 02632, as a member to a term expiring 6/30/2013

**CABLE TV ADVISORY BOARD**

Nancy Richard, 4022 Main Street, Cummaquid, 02637, as a member to a term expiring 6/30/2013

**COUNCIL ON AGING**

Thomas Pelish, 73 Brant Way, Hyannis, 02601, as a member to a term expiring 6/30/2013  
Paul Curley, 27 Lancaster Way, West Barnstable, 02668, as a member to a term expiring 6/30/2013

**VOTE: Unanimous in favor**

**2011-019 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION  
INTRO: 09/02/2010**

Councilor Joakim gave the rationale and made a motion which was seconded, to suspend the rules to vote on these.

**VOTE: UNANIMOUS**

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

**VOTE: Unanimous**

Upon motion duly made and seconded it was **RESOLVED**, that the Town Council appoint the following individuals to a multiple-member board/committee/commission:

**BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION**

Jeffrey Craddock, 17 Captain Baker Rd, Marstons Mills, 02648, as a member to a term expiring 06/30/2013

**BARNSTABLE YOUTH COMMISSION**

Christa Mullaly, 23 New Haven Ave, Marstons Mills, 02648, as a member to a term expiring 06/30/2011

**BOARD OF REGISTRARS**

Catherine Shaughnessy, 72 Stonehedge Dr., Barnstable, 02630, as a member to a term expiring 6/30/2013

**COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE**

Henry J. McClean, 195 Ansel Howland Rd, Centerville, 02632, as a member to a term expiring 6/30/2012

**DISABILITY COMMISSION**

Anne T. Mazzola, 16 Linden Street, Hyannis, 02601, as a member to a term expiring 6/30/2013

Sheila Mulcahy, 9 Chippingstone Road, Marstons Mills, 02648, as a member to a term expiring 6/30/2012

**HOUSING COMMITTEE**

Donald C. Lynde, 126 Lake Shore Dr, Marstons Mills, 02648, as a member to a term expiring 06/30/2012

**JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE**

Martin D. Flynn, 848 Santuit Newtown Rd, Marstons Mills, 02648, as a member to a term expiring 6/30/2012

**LAND ACQUISITION COMMITTEE**

James G. Hinkle, 4275 Main Street, Cummaquid, 02637, as a member to a term expiring 6/30/2011

**WATERWAYS COMMITTEE**

Joseph L. Duffy, 140 Long Pond Road, Marstons Mills, 02648, as a member to a term expiring 6/30/2013

**VOTE: Voted Unanimous in favor**

**TOWN MANAGER COMMUNICATIONS:**

Town Manager Klimm urged citizens to watch Channel 18 regarding the storm. He announced that the 16<sup>th</sup> semester of the Citizens Academy will begin soon; and thanked Meg Loughran and Sue French for organizing the Academy. Over 500 citizens have participated.

Councilor Norman asked about shutting town hall. Klimm said we have been talking about that. We will get information out. It looks like we will be all right tomorrow.

President Chirigotis made the declaration and Vice President Crocker made the following motion which was seconded: I move to go into Executive Session to discuss strategy with respect to litigation on the basis that I declare that an open meeting may have a detrimental effect on the litigating position of the Town and not to reconvene in Open Session.

**VOTE: Roll Call – 11 Yes**

**The Barnstable Town Council went into Executive Session at 9:50 p.m.**

Respectfully submitted,

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