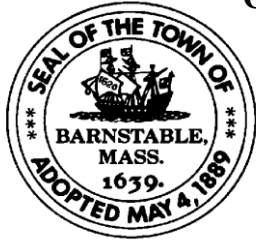


TOWN COUNCIL

Committee to Assess Homelessness in the Town of Barnstable



Selectmen's Conference Room

April 3, 2018

6:00pm

MEETING MINUTES

I. BUSINESS

A. Roll Call:

Members present: Chair of Committee Councilor Jennifer Cullum; Britt Beedenbender; LT Jeanie Challies, Barnstable Police; Town Manager, Mark Ells; Town Attorney Ruth Weil; Assistant Town Attorney, David Houghton

ABSENT: Councilor John G. Flores; Councilor Debra Dagwan; Member at Large, Deb Krau; Vice President of the Town Council; James H. Crocker Jr.

Chair of the Committee opened up the meeting at 6:05, Chair of the Committee asked for Public Comment, seeing none, Chair of Committee welcomed David Houghton, Assistant Town Attorney to give the Committee an update regarding the State of Florida nonprofit drug alcohol dependency saturation and Florida Housing Administration response to that issue. Basically the first activity that this Committee asked us to address is probably the easiest and more simple one to answer and that is regarding the activity that has been taking place in Boca Raton and what the actions have been, and if there was any Federal response to that action; there has been no additional Federal guidance since November 10, 2016; with respect to any State action, Boca Raton is still at a stay, pending the outcome of the Cosa Masa case, that regulated group homes, that case is also on stay, pending an appeal in the ninth circuit, however we did discover two actions by other communities that took action, ironically they occurred on July 18, 2017; did pass ordinances, the first was Del Ray Beach 34 page ordinance, that regulates to drug and alcohol as community resources, and that ordinance did provide a space provision of 660 feet, the city of Boynton Beach took up an ordinance did not at the recommendation of the attorney of Boynton Beach did not have a spacing requirement, he did contact Delray Beach officials to try and get some more information, and they have not responded as of yet; however he did speak to the Attorney of Boynton Beach, and asked if there was any equivalent to a statutory amendment that has anything like we do in Massachusetts called the Dover Amendment, they stated no there is no such provision in Florida. Attorney Houghton hoped that this is the update the Committee was looking for. Councilor Jennifer Cullum asked if this was the same area that Vice President Crocker was referring to, Attorney Ruth Weil stated it was a joint statement made by the Justice Department and HUD basically indicating under the Fair Housing Act there may be a way under very limited conditions that spacing can occur. The Boca Raton area became an insurance mill for drug rehabilitation, Attorney Ruth Weil stated in one square mile there were 4-5 homes that were treatment facilities, so there was a real saturation problem in that one area which allowed for this type of legislation to occur, and again the State of Florida does not have a Dover Amendment.

Town Manager Mark Ells asked if any of these communities have been challenged at all, Assistant Town Attorney David Houghton stated no there have been no challenges to date. Town Manager Mark S. Ells asked so for this community to be able to have such ordinances is to look at the Dover Amendment and try and figure out to introduce legislation without violating the Amendment, has

any community in Massachusetts that has had this issue looked at it that way, because it sounds like as long as the Dover Amendment stands as it is today, any ordinance that is introduced is not going to be initiated because of it. Attorney Houghton said there were studies done for the zoning concerns; this was done by a National consultant.

Town Manager Mark S. Ells asked if we could get the same National Consultant to look at this area we have concerns about and maybe give us some information that may provide us in Barnstable a way to zone for this. Attorney Houghton said yes, it may benefit us in certain ways.

Councilor Flores asked if there was any other state above or below us that have such an Amendment, it may not be the Dover, but one similar to this. Attorney Houghton stated no. Councilor Flores said then we are wasting our time with a consultant that will look at this area, as long as the Dover Amendment is on the legislative books, we are bound to uphold it. We need to look at the Dover Amendment to see what we can do from that stand point. Councilor Flores stated that what we need to look at are the other areas that are suffering like Hyannis in the state and find out what they are doing to combat the problem, then put together a task force that has representatives and Legislators on board and involved to come up with tactics on how to deal with the Dover Amendment, or there are going to be some areas that are going to suffer much like Boca Raton in Florida, you have to move a bill to the floor in order to make change. Councilor Flores says you can define the word education, and it is up to us to redefine that definition, and once that is done then you can change the Dover Amendment. Councilor Flores also mentioned that we have to also take the approach on a sensible and sensitive approach for all of those that this impacts. Councilor Cullum mentioned that if we can get others on board from other Communities over the bridge to join I this effort it will not look like Barnstable is doing all the complaining, it will be looked at that this is a nationwide problem and our communities need help.

Councilor Jennifer Cullum stated that Hyannis can't become the hub for social services to the point where there are these homes on every corner and replacing our families homes in residential neighborhoods. If we do not act on this swiftly then we are going to have neighborhoods that are gutted and replaced with all social service agencies and homes that house these individuals, we are very sympathetic to these individuals, but we also need to spread out these homes and not concentrate them in one area, we are not saying we do not want these homes, but we have enough of these homes here and we are being inundated, our sewage situation here on the Cape can't have 8 or 9 people living in a 4 bedroom home that is protected by education, this effects so much more on Cape Cod.

Councilor John G Flores also mentioned that we as a Committee if we are looking at creating a task force on this, we should somehow get the Massachusetts Municipal Association behind us as well, there are mountains moved with numbers, and if we could somehow make this a movement with them behind us that would help immensely. Town manager mark S. Ells stated he will also bring this topic up at the next Town managers meeting to get a feel from the other managers of the Towns on Cape Cod to see if they have any interest in joining the discussion on the Dover Amendment.

Councilor John G Flores asked if any of the officials really know about the Dover Amendment, I don't think they do, so is there any loop holes that we have not looked at that may get us to a zoning ordinance.

Attorney Ruth Weil stated the other huge issue is there is not State oversight on these homes once they open up, and that is becoming a huge issue for some of the communities that have these homes in them, once they have said they are educational, the state does not follow up or make sure that they are teaching or educating these individuals.

Town Manager Mark S. Ells asked Attorney Ruth Weil if there is any strategy the town could use in order to get people to look at or even discuss this issue. Attorney Ruth Weil said you're going to have to get the Cape Cod Selectmen's Association; Massachusetts Municipal Association that will be your avenue to get this to move anywhere or at the very least someone to look at our concerns as a whole.

Attorney Ruth Weil said that anyone that has tried to look at the Dover Amendment has been faced with push back or law suit. Attorney Ruth Weil said yes there have been communities that have

tried to stop these homes from coming in and have been faced with law suits over them. Elizabeth Wurfbain from the Hyannis Business Improvement District mentioned that Salem has done something recently that has started the discussion and it was around the fact that they are a tourist destination and a small community with inner city issues; but did not know all of the facts on what they did or how they started the discussion. Chair of the Committee would like to start with the Cape Cod Selectmen's Association and start to ask them questions regarding this topic and see how other Communities around Massachusetts is handling this. Attorney Ruth Weil will also look at the law that pertains to "reasonable accommodations" so if a sober house or a treatment house has to prove that they currently can't operate under the current zoning, then the building commissioner has more teeth on whether to allow this at all.

Chair of the Committee asked if there was a regulatory review board that applies to come into town that would make them certify to us that what they have educated the individuals on is real and concrete. Attorney Ruth Weil said that the Fair Housing Act protects them in having to do this checks and balance system.

Town Manager Mark S. Ells asked if we should look at outside Council or a consultant to look at our area and see if they can come up with anything that other towns are facing and maybe by combining communities in this effort will also help. Attorney Ruth Weil stated that she felt comfortable with a second pair of eyes to look at it. Attorney Ruth Weil will contact some outside lawyers; a suggestion was made to contact Attorney Hill out of Cambridge who specializes in the Dover Amendment.

The Committee is looking for acknowledgement that this is a regional problem; then buying into the regional concept of what this issue is doing to our communities, then how do we plan for the future of our communities.

Lt. Challies offered a suggestion that when we gather individuals that we incorporate Mr. Yunits from the County. Councilor John g Flores also would like to see the Chief of Police, the 911 responders, and anyone else that we can think of that this affects and get them to start talking about it.

- Town Manager Ells will bring this up at the next Town Manager meeting
- Town Manager Ells will get in touch with the Building Commissioners throughout the State and ask them if they too are having the same issues as us when it comes to these types of homes in their neighborhoods.
- Chair of the Committee will reach out to the Massachusetts Municipal Associates and the Cape Cod Selectmen's Association.
- Attorney Ruth Weil will try and reach out to Attorney Hill from Cambridge that specializes in the Dover Amendment.

ADJOURN: 7:00pm

NEXT MEETING: May 1, 2017 at 6pm Selectmen's Conference Room