

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
December 4, 2008**

A quorum being duly present, Council President Janet Joakim called the meeting of the Barnstable Town Council to order at 7:00 pm, on Thursday, December 4, 2008, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

PRESENT: Richard Barry, Janice Barton, Ann Canedy (7:10), Frederick Chirigotis, James Crocker, Jr., Henry Farnham, Janet Joakim, Leah C. Curtis, J. Gregory Milne, James Munafò, Jr., Thomas Rugo (7:40), James M. Tinsley, Jr. and Harold Tobey.

President Joakim led the Council in the Pledge of Allegiance and a moment of silence.

Vice President Chirigotis recognized Custodian Donald Smallage, “a guardian angel who came to the aid of a fellow worker who was having a medical emergency and saved his life. Mr. Smallage was presented with a plaque. (See Exhibit A)

PUBLIC COMMENT

- Catherine Richards spoke about the public schools. She is a BHS English teacher who works on an average of 10 hours a day. She is concerned by the recent deficit and its deleterious effect on the children. She asked if projects, such as road takings, could be put off. She felt the town should consolidate as well as the schools. She asked the board to consider town’s resources and do as much as they could for the schools in order to keep the current system in place. Even one or two million more would be a great benefit. “The children are achieving.”
- Cathleen Esen presented a series of concerns with regard to assaults, boycotts of business around Cape Cod Community College, the east end of Hyannis, and CVS stores Cape-wide. The victim is a homeless woman who was hit with a lead pipe which shattered her head and teeth.
- John Julius contested the statement at the last meeting from the owner of Burger King that his taxes go up annually. He said the Chairman of the School Committee has used millions of cash reserves. He suggested the creation of a Blue Ribbon committee, populated by some of the town’s brilliant minds, to help figure out the school’s financial situation before it’s too late. A poor school system will not attract new residents and many will move.
- Robert Tucker said there were still trucks without business plates transporting 15 or 20 ladders. He is quite concerned about ladders falling off trucks if they are not well tied. Unemployment is getting worse.
- Mary Clements spoke about the severe homeless issue. She was concerned about fire near some of the schools. She feels the NOAH shelter is operating a dangerous facility and affordable housing should be more available.

COUNCIL RESPONSE TO PUBLIC COMMENT

- Councilor Rugo thanked Mrs. Richards for speaking. Some road repairs, etc. should be put off until the economy changes.
- Councilor Barton has been an advocate for teachers but never realized how much work it is now that she is a teacher herself. She encouraged the public to provide input to the school committee and council. She explained that the town and schools have called upon experts from the outside for input. State budget cuts will have an impact on the school budget due to the mandates.
- Councilor Milne puts education on the top of what government should do. He asked the town manager to give a snapshot of how the town dealt with its reserves vs. how the school dealt with theirs. He pointed out that the town cannot tell the schools how to deal with their monies since they have an elected school committee to make those decisions. He favors a Blue Ribbon committee with the right people on it. He would like to know how a commercial property on North Street has had a 50% decline in its taxes.
- Councilor Munafò said in the past education was 25% of the budget and a good job was done. It is now 65%. “Where will it stop?” He feels the town is putting the dollars forward instead of maintaining roads, which need to be maintained so it does not cost more later on. Schools have to tighten their belts as the town has done.

- Councilor Farnham asked if the truck with ladders issue is a concern. Chief McDonald said it is not illegal to secure ladders to the top of a truck or van. Farnham also requested from the schools a listing of services and programs as well as numbers of students who participate in each. President Joakim suggested he make an appointment with superintendent.
- Councilor Canedy feels there is a need to address the equity issue. Sixty percent of the monies go to schools, while 40% covers all other town services. She points out that the municipal side is facing a budget crunch and is reviewing budgets line-by-line. Many roads are public safety issues. The school department needs to look line-by-line at salaries, etc. Other communities are doing “friendly audits”. All need to cooperate to find a solution.
- Councilor Barry said a recent school presentation was good. Fixed costs – salary and benefits – need to be examined. He feels a long hard look at what went wrong needs to be taken, to determine why the school’s budget crisis happened so it doesn’t happen again.
- President Joakim pointed out that the budget is divided 65% schools and 35% municipal; the ‘savings account’ is split 60% schools vs. 40% municipal. The town is looking at a 5% across the board reduction this year. The council decided as a group that an override is not an option this time.

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to postpone a vote on the November 20, 2008 minutes to December 18, 2008.

VOTE: Unanimous

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS

- President Joakim discussed the upcoming Massachusetts Municipal Association Conference with respect to budget cuts. The town will still pay the registration cost for any councilor attending the conference. Town Attorney Ruth Weil, in response to a question about being required to spend the funds, said the funds are set aside for education and conferences not specifically for the MMA; the council is not compelled to spend it. Munafo suggested nothing needs to be done. Barry asked about the collective costs but it depends on who will go.
- Councilor Milne thanked Councilors Barton and Joakim for attending the game. They presented the trophy to Falmouth at the 50 yard line. He also thanked the shellfishermen for getting the quahogs. He expressed appreciation to Councilor Barry for suggesting that the traditional gift to the winning town of cranberries to Barnstable vs. quahogs to Falmouth was unfair. Falmouth Sel. Kerry Murphy suggested quahogs for quahogs. He will bring Barnstable’s shellfish to Falmouth on Monday.
- Councilor Munafo would like public input regarding the water pollution control facility.
- Councilor Barton offered to facilitate obtaining the information about school programs that Councilor Farnham wanted. Finance Director Mark Milne said the school budget is on the school’s website. A meeting with the superintendent will be arranged. Barton also said that project In From the Streets is still taking donations.
- The following councilors announced the Christmas activities occurring in their villages: Farnham, Tobey, Crocker, Curtis, Barry, Canedy, Tinsley and Chirigotis.

ORDERS OF THE DAY

OLD BUSINESS

2009-039 CONSERVATION RESTRICTION BETWEEN THE MCCOWAN COTUIT TRUST-1992 AND THE BARNSTABLE LAND TRUST, INC.

Upon a motion duly made and seconded it was voted to postpone this item to February 5, 2009.

VOTE: 12 Yes, 1 No (Curtis)

2009-040 SECOND AMENDMENT TO THE CONSERVATION RESTRICTION BETWEEN CATHERINE M. CONOVER AND THE BARNSTABLE LAND TRUST, INC.

Upon a motion duly made and seconded it was voted to postpone this item to January 22, 2009

VOTE: 12 Yes, 1 No (Curtis)

2009-043 APPOINTMENTS

Upon a motion duly made and seconded it was

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

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE

Stanley Hodkinson, 123 Ensign Road, Centerville, to a term expiring 06/30/2009

BARNSTABLE HOUSING COMMITTEE

Hilary V. Greene, 18 Valley Brook Road, Centerville, to a term expiring 06/30/2009

STEAMSHIP AUTHORITY PORT COUNCIL

Robert R. Jones, 65 Pinewood Road, Hyannis, as the Town of Barnstable representative to a term expiring 12/31/2010

VOTE: Unanimous

2009-044 GENERAL CODE AMENDMENT – NON-CRIMINAL VIOLATIONS

Upon a motion duly made and seconded it was voted to open a public hearing on this item at 8:06 PM

VOTE: No objections

Town Manager John Klimm gave the rationale.

Upon a motion duly made and seconded it was voted to close a public hearing on this item at 8:10 PM

VOTE: No objections

Councilor Crocker asked Thomas McKean, Health Director, to explain what the pitfalls have been and why this is useful. McKean explained that if a violation is not corrected the only alternative is to bring the violator to court. The ticket is less costly all the way around and prompts the violator to correct the issue. They always issue a warning before issuing a ticket. The Board of Health is in favor.

Councilor Munafo asked where the fine money went. McKean said fine money goes into the general fund. He also pointed out that there are already other code violations for which they are allowed to issue tickets. These particular violations have not had that option.

Councilor Farnham asked how the fines work. There can be per day and per violation fines. McKean said they try not to take the per day route. They prefer to ticket per violation, with enough time allowed for correction. Att’y. Weil added that the non-criminal mode has been very effective for the town, and a common practice.

2009-044 GENERAL CODE AMENDMENT – NON-CRIMINAL VIOLATIONS

Upon a motion duly made and seconded it was

ORDERED that:

Section1. That the General Code, Chapter 1, Article 1, Section 1-2

Enforcing Officials designated is hereby amended by deleting (8) and inserting in its place, (8) The Director of Regulatory Services and his designees;

Section 2. That the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 1, Article 1, be amended by striking out section 1-4 and substitute the following,

“§ 1-4 Fines for violations of Health regulations

Offense	Fine
Violation of Board of Health Regulations	\$100.00
Violation of 105CMR 410 STATE SANITARY CODE CHAPTER 2 MINIMUM STANDARDS FOR FITNESS FOR HUMAN HABITATION	\$100.00

VOTE: Unanimous

NEW BUSINESS

2009-048 GRANT ACCEPTANCE OF FY09 911 DEPARTMENT SUPPORT AND INCENTIVE GRANT FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY

Upon a motion duly made and seconded it was

RESOLVED, that the Barnstable Town Council does hereby accept fiscal year 2009 911 Department Support and Incentive Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety, State 911 Department in the amount of \$148,130.00.

Manager Klimm gave the rationale.

Councilor Crocker asked Chief MacDonald for specifics. The grant amount based on number of 911 calls received. They have to be answered within 3 rings. This grant will give minimum staffing to answer the calls. There are 12 people, in three 8-hour shifts a day staffing the 911 lines. Ann Spillane worked on the grant.

Councilor Canedy pointed out that this grant is state money and will not come out of the budget. It is dedicated to staffing, equipment, etc.

Councilor Munafo thought charging for 911 was absurd.

VOTE: Unanimous

2009-049 ACCEPTANCE OF FY08 GRANT FROM THE US DEPARTMENT OF JUSTICE

Upon a motion duly made and seconded it was

RESOLVED, that the Barnstable Town Council does hereby accept fiscal year 2008 Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice in the amount of \$12,548.00.

Manager Klimm gave the rationale.

Councilor Munafo announced that he will never vote for the acceptance of federal grant money.

Councilor Canedy pointed out again that this does not come from the budget.

The grant is for the Mobile Data Terminal Systems in the cruisers. Ann Spillane wrote the grant.

VOTE: 12 Yes, 1 No (Munafa)

2009-050 ACCEPTANCE OF FY09 COMMUNITY POLICING PROGRAM GRANT AWARD

Upon a motion duly made and seconded it was

RESOLVED: that the Town Council hereby accepts a fiscal year 2009 Community Police Program Grant award in the amount of \$72,390.00 from the Executive Office of Public Safety.

Manager Klimm gave the rationale.

Councilor Crocker noted that this amount is a reduction from last year. Ann Spillane wrote the grant.

Councilor Canedy added that it is not part of the budget.

VOTE: Unanimous

2009-051 ACCEPTANCE OF FY08 BULLETPROOF VEST PARTNERSHIP GRANT FROM THE US DEPARTMENT OF JUSTICE

Upon a motion duly made and seconded it was

RESOLVED, that the Barnstable Town Council does hereby accept fiscal year 2008 Bulletproof Vest Partnership Grant from the United States Department of Justice, Office of Justice Programs in the amount of \$19,875.00.

Manager Klimm gave the rationale.

Councilor Tobey injected some humor asking that the grant be extended to the council.

Councilor Crocker asked about the cost of the vests. The vests covered are \$800 apiece. Last year the department purchased vests for most of the personnel; this grant will be available to be drawn upon for 3 years.

Councilor Barry asked what happens to old vests. MacDonald said the new vest is issue when old vest is returned. They go back to manufacturer.

VOTE: 12 Yes, 1 No (Munafa)

2009-052 ACCEPTANCE OF FY09 STATEWIDE EMERGENCY TELECOMMUNICATIONS BOARD TRAINING GRANT FROM EOPS

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council hereby accepts a FY 2009 Statewide Emergency Telecommunications Board Training Grant award in the amount of \$25,450.00 from the Executive Office of Public Safety.

Manager Klimm gave the rationale.

VOTE: Unanimous

2009-053 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

Upon a motion duly made and seconded it was

RESOLVED, that the Town appoint the following individual to a multiple-member board/committee/commission:

STEAMSHIP AUTHORITY BOARD OF GOVERNORS

Robert L. O'Brien, 41 Deacon Court, Barnstable, to a term expiring 12/31/2011

Councilor Curtis explained that there was a scrivener's error in the expiration date of the term in the item as voted at the last meeting. The term was not 12/31/2009.

A motion was duly made and seconded to suspend the rules and vote on this item this evening

VOTE: Unanimous

On Item 2009-053

VOTE: Unanimous

LATE FILE

2009-056 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

Upon a motion duly made and seconded this item was referred to a second reading on December 18, 2008.

VOTE: Unanimous

TOWN MANAGER COMMUNICATIONS

Town Manager Klimm announced that Barnstable will now be providing weights and measures services to the Town of Bourne, which is the tenth town to sign on to this service.

Any property assessment question will be responded to directly by Finance Director, Mark Milne.

The amount delegated to school department, 66 cents on the dollar, is a political question to be decided by the Council and School Committee. The use of savings account reserves is made by the Council and School Committee respectively. The town tries to save money all year to put into the savings account. How to divvy the pie is a Council discussion and a decision which is hard to make before the budget is before them. The School is ahead in this process because they need to start earlier in order for the town to fold their budget into the town's overall budget.

On the homeless situation, Klimm feels there is a need to air the issues. There was a community meeting as well as a second one headed by Sen. O'Leary to put in place a more focused program to help those in greatest need. Klimm rhetorically asked what Barnstable's responsibility should be to take care of folks. Does that responsibility include Hyannis, the entire town, the entire Cape, all of southeastern Massachusetts, etc.? He feels it is unfortunate to be criticized by towns that do less than what Barnstable does. One hundred fifty of those serviced at the NOAH shelter come from Barnstable; hundreds of others come from elsewhere on the Cape and even more from off-Cape. He thanked Sen. O'Leary and Mary LeClair for their leadership. At that meeting Sen. O'Leary said that he has never read one letter thanking the Town of Barnstable for its compassion helping those in need.

Councilor Farnham asked when the fee schedule will come before the council. Klimm said he would make the final decision and it will be made by the middle of next week.

NOMINATION OF OFFICERS

Assistant Town Clerk Lucia Fulco explained the procedure for electing the officers.

A motion was made and seconded to waive the council rules and elect officers this evening.

VOTE: Unanimous

Fulco opened the floor for nominations for the office of Town Council President.

Councilor Crocker nominated Fredrick Chirigotis. President Joakim seconded the nomination.

Hearing no further motions, Fulco entertained a motion to close nominations for President, which was made and seconded.

VOTE: Unanimous

Fulco then opened the floor for nominations for Vice President.

Councilor Crocker nominated Harold Tobey. Councilor Munafo seconded the nomination.

Hearing no further motions, Fulco entertained a motion to close nominations for Vice President, which was made and seconded.

VOTE: Unanimous

Chirigotis for President:

VOTE: Unanimous (Roll Call)

Tobey for Vice President:

VOTE: Unanimous (Roll Call)

Incoming President Chirigotis read a proclamation to outgoing President Janet Joakim (see exhibit B).

ADJOURNMENT

Upon motion duly made and seconded it was voted to adjourn the meeting at 8:53 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco
Assistant Town Clerk