

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
June 3, 2010**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:02 PM, on Thursday, June 3, 2010, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

PRESENT: Richard Barry, Janice Barton, Ann Canedy, Frederick Chirigotis, James Crocker, Jr. (8:00), Debra Dagwan, Henry Farnham, Janet Joakim, J. Gregory Milne (7:15), James Munafò, Jr., John Norman, Thomas Rugo (7:10), and James M. Tinsley, Jr.

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

PUBLIC COMMENT

John Julius was appalled by a town official who was “on a rampage” inside a local real estate office and wondered what message was being sent. He asked the council to establish a sign policy so any business owner can have a sign within those constraints.

Tina Carey spoke of the high cost of sewerage and hopes the council will come up with a plan soon. She suggested better planning in installing pipes so that it is done before a new road is put in and paid for by residents instead of afterwards. She also spoke of all the expenditures which she feels are superfluous under the current financial situation and which the people cannot afford.

Brittany Coy spoke on behalf of Maryann Barboza who was suspended from the Culture Room at the Youth Center for something she said not in front of the children. A number of students who are active participants in the Culture Room activities spoke. Attached is a copy of a letter read into the record on Barboza’s behalf. (See Exhibit A) Many of the students signing the letter commented at the meeting.

President Chirigotis explained that the council does not have oversight and suggested other forums that could be used.

Robert Tucker spoke on various subjects including thinking hard and strong about the windmills.

Liza Cox, an attorney with Nutter, McLelland & Fish, serving on the Board of Directors of the Hyannis Chamber of Commerce, read a letter in favor of the town hiring an economic development specialist in the Growth Management Department. (See Exhibit B). A letter from Amanda Converse, Chairman of the BEDC is also attached as Exhibit C.

Al Baker announced several events. He suggested the council establish a group to keep track of roads – when they were done, how long it took, etc. A similar project had been implemented through the Highway Department some time ago.

Dan Normand, a member of the BHSCMPS – a chapter of a national group of Community Problem Solvers spoke. Other members present were Katrina Malakoff and Luke Starr. They entered the national competition and selected educating the public on how to dispose of pharmaceuticals and prescription drugs as their problem to solve. The six member team has been invited to present their project at an international competition. They need to raise \$1,000 per entrant for the 6 members. Requested any funding the town could provide.

COUNCILOR RESPONSE

Councilor Canedy explained that with respect to “Open House” signs, people have worked on it, but, to date, there has been no order that was acceptable. She suggested that if it is still an issue, the business community should draft a solution which she will submit to the council.

Councilor Barry was pleased to see young people getting out and involved. With regard to spending money, he pointed out that the difference between last year's and this year's budget is an increase of about \$41,000.

Councilor Tinsley pointed out that Item 2010-154 amends sign regulations and he invited the business community to attend the hearing.

Councilor Milne, noting the active political season, would like to address political signs at a council meeting before mid-August. He pointed out that the Council does not run the town or act as overseers. The day-to-day operation is staff function.

Councilor Canedy pointed out that the upcoming agenda item has nothing to do with real estate signs.

Councilor Dagwan pointed out that there is no issue with the Youth Center; the issue involves only the United Cultural Resource Room. She suggested the student attend the Board of Directors' meeting to air their concerns. President Chirigotis reiterated that this did not involve the council.

Town Manager John Klimm added that if it were not for the council there would not be a youth center. Recreation Director David Curley and Community Services Director, Lynne Poyant have strict rules; certain activities are not allowed and will not be.

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to postpone action on the minutes of May 20 to the next meeting, June 10.

VOTE: 11 Yes, 2 No (Farnham, Rugo)

Recess 7:45

ORDERS OF THE DAY

OLD BUSINESS

- **FY 2011 BUDGET**

WORKSHOPS

COMMUNITY SERVICES DEPARTMENT:

2010-134 FY11 APPROPRIATION-\$2,601,880 COMMUNITY SERVICES DEPT. BUDGET

2010-135 FY11 APPROPRIATION-\$\$3,042,415 GOLF COURSE ENTERPRISE FUND BUDGET

2010-136 FY11 APPROPRIATION-\$3,028,705 HYANNIS YOUTH & COMMUNITY CENTER ENTERPRISE FUND BUDGET

2010-137 FY11 APPROPRIATION-\$592,162 MARINA ENTERPRISE FUND BUDGET

2010-138 FY11 APPROPRIATION-\$555,325 SANDY NECK PARK ENTERPRISE FUND BUDGET

Lynne Poyant Director of Community Services; Dan Horn, Harbormaster; Eric Shufelt, Harbormaster; Nina Coleman, Sandy Neck Park Manager; Doug Kalweit, Division Supervisor, Natural Resources; Dave Curley, Director Recreation & Human Services; and Madeline Taylor, Director Senior Services were present. (See exhibit D)

Councilor Munafa asked about the capital account funding by fees. Finance Director Mark Milne explained the need, per the business plan, for using fees to fund future similar expenditures. The town is cognizant of the fact that it cannot totally count on the taxpayers to cover all expenses. Enterprise accounts are established with that in mind.

2010-139 FY11 APPROPRIATION-\$973,274 GROWTH MANAGEMENT DEPT. BUDGET

Joanne Buntich gave the rationale. (See Exhibit E)

Councilor Munafò felt the new economic development position description was not complete. It needed a definition of professional requirements to benefit the grade. Buntich said the plan is not to ask for funding next year unless they can quantify the benefits as an investment. The results of the work plan will be presented next year. Councilor Norman was concerned about the confusion caused by staff members who advocate conflicting actions. Buntich assured that all will operate with a comprehensive view. They will be able to avoid potential conflicts between village needs, etc. Councilor Crocker was concerned about fee increases which seem over 3 times the revenue. Manager Klimm said these were proposed at budget proposal time but none have been realized. Any fee decision will come before the council. Fee increases result in the use of less tax dollars. Councilor Farnham felt the Growth Management fee increase had been remarkably high. Businesses will be willing to pay more fees if there is a value in the permitting process. If the process is streamlined the fee can increase. In addition the Council should provide input on what the job description of the ombudsman should be to help the permitting mission be accomplished. Better results for those who pay the higher fees is ok. Crocker said fees will further support the dept while other money can be used for another department.

2010-140 FY11 APPROPRIATION-\$343,010 TOWN COUNCIL BUDGET

Manager Klimm said this budget is the same as last year. A change in health insurance caused the increase. (See FY2010 Operating Budget book)

2010-141 FY11 APPROPRIATION-\$573,820 TOWN MANAGER BUDGET

Manager Klimm gave the rationale. The staff has not received a COLA for several years. The 3% adjustment is for step increases for employees who have not reached the maximum step.

2010-142 FY11 APPROPRIATION-\$5,274,724 ADMINISTRATIVE SERVICES DEPT. BUDGET

FINANCE DIVISION

Finance Director Milne gave the rationale. (See Exhibit F)

Councilor Crocker asked about the sources of funds. They are mostly from sale of items such as dog licenses, etc. and are conservative estimates. Councilor Munafò asked for an explanation of the tax title process. It is a foreclosure process used when taxes are not paid resulting in town ownership of the property as tax possession property. Properties are vetted thru conservation, affordable housing and recreation for use by the town. Treasurer Debra Blanchette said there is a current inventory identified of about 20 properties.

LEGAL DIVISION

Town Attorney Ruth Weil gave the rationale. (See Exhibit G)

Manager Klimm clarified misinformation regarding law suits against him or the town. Councilor Crocker asked about the payments for out-services. The department has used little outside council which is paid by insurance policies thus decreasing expenses. Councilor Milne would like a 10 year history of outside council usage, taxpayer overhead, etc. Weil added that CFAC found that privatization of the legal services makes no sense, however, the town should investigate making the department the regional legal center.

HUMAN RESOURCES DIVISION

Director William Cole gave the rationale. (See Exhibit H)

Councilor Munafò asked if the town was obliged to continue to pay police under the Quinn Bill now that the state is no longer funding it. Cole said contractual language relating to the Quinn Bill is

stronger than other communities and favors the municipality. Manager Klimm added that if the funding ended the town would not be responsible. Councilor Farnham wanted to know what latitude the councilor would have in discussion of contracts, salaries, etc.

INFORMATION TECHNOLOGY

Director Dan Wood gave the rationale.

Councilor Farnham asked about Channel 18. Comcast is funding it. Councilor Milne asked about I-Net. It cannot be used for commercial purposes. It is an enhancement that connects, at high speed, all buildings, unified phone systems and live broadcasting from all the locations. Councilor Crocker asked how long the town has gone without upgrades. It has been several years. Expenses are software related; an upgrade to Office 10 would cost \$135,000. Maintenance costs applying to servers, PCs, etc. are under 3-year contracts. Phones are under Structures and Grounds.

2010-143 FY11 APPROPRIATION-\$27,072,099 OTHER REQUIREMENTS BUDGET

Director Milne gave the rationale. The FY11 budget is up about \$175,000.

Councilor Milne asked if insurance overhead would go down with fewer buildings. Could the Freedom Hall model be duplicated? Director Milne explained that divesting assets would affect costs. The 10-year window reflects that insurance costs were hit hard resulting in an increase of fees. It was difficult to find insurance companies that would cover the town.

2010-144 FY11 APPROPRIATION-\$1,295,000 REVOLVING FUNDS BUDGET

Director Milne gave the rationale. There is only one change in the dollar amount for Regulatory Services – Weights and Measures. This is due to a shift of staff into this area, increasing the amount.

2010-147 GIFT ACCEPTANCE - SPECIAL COUNSEL SERVICES AND RELATED LEGAL COSTS

Attorney McLaughlin gave the rationale. Councilor Canedy pointed out that this was allowing acceptance of gifts, not the expending of funds. Councilor Munafo wanted to know how the money will be expended and the authorization process. He would like some additional controls as to how it is used.

Councilor Norman made a motion, which was seconded, to amend the item by inserting after purpose: "with the approval of a simple majority of the Town Council."

Attorney Weil said logistically it will be difficult to come back to the council. Councilor Barton suggested making the amendment tighter or restricting the options. Gifts may or may not be restricted. Atty. McLaughlin said it was time consuming and cumbersome to bring it back to the council; the decision may have to move quickly; and it is established procedure. Norman felt if it came before council there would be an open meeting and public knowledge.

On the amendment:

VOTE: 6 Yes, 7 No fails.

Councilor Farnham made a motion to amend the item by deleting the word "thereto" and substituting "to Cape Wind litigation." Discussion involved the possibility of the account existing indefinitely, whether the amendment allowed extra funds to be returned to the donors and what might be the result if the project changed hands. Atty. McLaughlin said if the company changes hands it could be a problem to dispose of the funds afterwards.

Councilor Farnham made another motion, which was seconded, to amend the item by deleting the word "thereto" and substituting "involving litigation of Cape Wind and its successors or assigns."

On the amendment

VOTE: 9 Yes, 4 No Passes

A motion was duly made and seconded to move the question.

VOTE: Unanimous

2010-147 GIFT ACCEPTANCE - SPECIAL COUNSEL SERVICES AND RELATED LEGAL COSTS

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council, pursuant to the provisions of G.L. c. 44, §53A, hereby establishes an account for the purpose of receiving gifts to help defray the cost of the employment of special outside counsel and other costs related involving litigation of Cape Wind and its successors or assigns and hereby authorizes the Town Manager to approve the expenditure of monies from said gift account for that purpose.

VOTE: 12 Yes, 1 No (Tinsley)

CFAC Chair Bill Brower gave their report reviewing the proposed budget for FY 11 (See exhibit I)

Councilor Farnham suggested a joint workshop between the council and CFAC. Chairman Brower thought it was an excellent idea.

PUBLIC HEARINGS ON BUDGET

2010-126 FY11 APPROPRIATION-\$11,404,968 POLICE DEPARTMENT BUDGET

Upon a motion duly made and seconded a public hearing was opened at 10:31 PM.

VOTE: No objections

Chief McDonald, in answer to a call-in question said he will have foot patrol on a limited basis.

Upon a motion duly made and seconded the public hearing was closed at 10:35 PM.

VOTE: No Objection

Councilor Norman questioned the redundancy of both police officers and officers from the Mass Environmental Police patrolling same areas, suggesting calling the PD when needed. Chief McDonald explained that a rowdy group will need the PD and it makes a significant difference. The harbormaster does not make arrests, the rangers can't, and the Coast Guard won't. Councilor Barry would rather see police officers present.

A motion was duly made and seconded to move the question.

VOTE: Unanimous

2010-126 FY11 APPROPRIATION-\$11,404,968 POLICE DEPARTMENT BUDGET

Upon a motion duly made and seconded it was

ORDERED, That the sum of \$11,404,968 be raised and appropriated for the purpose of funding the Town's FY 2011 Police Department budget as presented to the Town Council by the Town Manager.

VOTE: Unanimous (Roll Call)

2010-127 FY11 APPROPRIATION-\$6,017,576 BARNSTABLE MUNICIPAL AIRPORT ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded a public hearing was opened at 10:40 PM.

VOTE: No objection

Airport Manager Bud Breault answered a call-in question regarding ground breaking for the new facility. It will begin in July.

Upon a motion duly made and seconded the public hearing was closed at 10:41 PM.

VOTE:

A motion was duly made and seconded to move the question.

VOTE: Majority in favor

2010-127 FY11 APPROPRIATION-\$6,017,576 BARNSTABLE MUNICIPAL AIRPORT ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded it was

ORDERED, That the sum of \$6,017,576 is appropriated for the purpose of funding the Town's FY 2011 Airport Enterprise Fund budget, and to meet such appropriation that \$6,017,576 be raised from current year revenues by the airport as presented to the Town Council by the Town Manager **VOTE: 12 Yes, 1 No (Roll Call) (Munafò)**

2010-128 FY11 APPROPRIATION-\$57,530,731 LOCAL SCHOOL SYSTEM BUDGET

Upon a motion duly made and seconded a public hearing was opened at 10:44 PM.

VOTE: No objection

Superintendent Patricia Grenier answered several call-in questions. She is anxious about using onetime money such as ARRA funding, which, if not used, is returned to government. She has a healthy reserve fund for 2012 and monies in several other accounts. There are no planned school closures next year and the drop out rates continues to decline.

Upon a motion duly made and seconded the public hearing was closed at 10:45 PM.

VOTE: No objection

Supt. Grenier explained that the average teachers' salaries compared to the statewide averages was 16% below in 2004 and 25% below in 2005. since so many of the bottom level salaried teachers have been laid off, the remaining faculty are the higher paid individuals. (See Exhibit J) Barnstable has the worst benefits package in the state. The Circuit Breaker funding from the state has not been near the 100% promised but more like 40%. The Foundation Formula is different every year; students with special needs are ageing out, decreasing the amount of money spent and received. Councilors Farnham and Munafò said the staff was very qualified and school programs were outstanding. There will always be students who need out of area placements.

A motion was duly made and seconded to extend the meeting past 11PM.

VOTE: 11 Yes, 2 No (Rugo, Tinsley)

Supt. Grenier explained that the child's home community reimburses the town for students under the School Choice program. If they are from Barnstable, the town pays.

A motion was duly made and seconded to move the question.

VOTE: Unanimous

2010-128 FY11 APPROPRIATION-\$57,530,731 LOCAL SCHOOL SYSTEM BUDGET

Upon a motion duly made and seconded it was

ORDERED, That the sum of \$57,530,731 be raised and appropriated for the purpose of funding the Town's FY 2011 Local School System budget as presented to the Town Council by the Town Manager.

VOTE: 11 Yes, 2 No (Roll Call) (Canedy, Munafò)

2010-129 FY11 APPROPRIATION-\$8,324,722 DEPT. OF PUBLIC WORKS GENERAL FUND BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-130 FY11 APPROPRIATION-\$2,583,674 DEPT. OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-131 FY11 APPROPRIATION-\$4,789,070 DEPT. OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-132 FY11 APPROPRIATION-\$2,763,500 DEPT. OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-133 FY11 APPROPRIATION-\$2,285,769 REGULATORY SERVICES DEPT. BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-134 FY11 APPROPRIATION-\$2,601,880 COMMUNITY SERVICES DEPT. BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-135 FY11 APPROPRIATION-\$\$3,042,415 GOLF COURSE ENTERPRISE FUND BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-136 FY11 APPROPRIATION-\$3,028,705 HYANNIS YOUTH & COMMUNITY CENTER ENTERPRISE FUND BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-137 FY11 APPROPRIATION-\$592,162 MARINA ENTERPRISE FUND BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-138 FY11 APPROPRIATION-\$555,325 SANDY NECK PARK ENTERPRISE FUND BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-139 FY11 APPROPRIATION-\$973,274 GROWTH MANAGEMENT DEPT. BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-140 FY11 APPROPRIATION-\$343,010 TOWN COUNCIL BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-141 FY11 APPROPRIATION \$573,820 TOWN MANAGER DEPARTMENT

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-142 FY11 APPROPRIATION-\$5,274,724 ADMINISTRATIVE SERVICES DEPT. BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-143 FY11 APPROPRIATION-\$27,072,099 OTHER REQUIREMENTS BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

2010-144 FY11 APPROPRIATION-\$1,295,000 REVOLVING FUNDS BUDGET

Upon a motion was duly made and seconded a public hearing on this item was opened and continued to June 10, 2010.

VOTE: Unanimous

NEW BUSINESS

2010-148 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

Upon a motion duly made and seconded this item was referred to a second reading on June 17, 2010.

VOTE: No objection

2010-149 APPROPRIATION-\$639,831 OF COMMUNITY PRESERVATION FUND RESERVE SET-ASIDES FOR CPC ADMINISTRATIVE EXPENSES

Upon a motion duly made and seconded this item was referred to a public hearing on June 17, 2010.

VOTE: No objection

2010-150 APPROPRIATION \$2,947,748 FY11 COMMUNITY PRESERVATION FUND DEBT SERVICE

Upon a motion duly made and seconded this item was referred to a public hearing on June 17, 2010.

VOTE: No objection

2010-151 APPROPRIATION & TRANSFER - \$1,024,146 FOR THE REPLACEMENT OF BARNSTABLE HIGH SCHOOL TRACK AND ATHLETIC FIELD

Upon a motion duly made and seconded this item was referred to a public hearing on June 17, 2010.

VOTE: No objection

2010-152 ACCEPTANCE OF A \$3,000 CC COOP. EXT. WILDFIRE ASSESSMENT & PREPAREDNESS PROGRAM LAND MGMT & WILDFIRE GRANT

Upon a motion duly made and seconded it was

RESOLVED, That the Town Council hereby accepts a Cape Cod Cooperative Extension Wildfire Assessment and Preparedness Program Land Management and Wildfire grant in the amount of \$3,000 to purchase 3 maintenance-free recycled plastic message centers (kiosks) for the trail heads at West Barnstable Conservation Area, located in Marstons Mills and West Barnstable.

Councilor Munafo asked if this was a federal grant. It is not.

A motion was duly made and seconded to move the question.

VOTE: Unanimous

On Item 2010-152

VOTE: Unanimous

2010-153 ACCEPTANCE OF A \$12,000 CC COOP. EXT. WILDFIRE ASSESSMENT & PREPAREDNESS PROGRAM LAND MGMT & WILDFIRE GRANT

Upon a motion duly made and seconded it was

RESOLVED, That the Town Council hereby accepts a Cape Cod Cooperative Extension Wildfire Assessment and Preparedness Program Land Management and Wildfire grant in the amount of \$12,000, for mechanical clearing of two fire fighter safety zones, clearing 10' buffers along connecting trails between the safety zones and proper signage to mark areas.

A motion was duly made and seconded to move the question.

VOTE: Unanimous

On Item 2010-153

VOTE: Unanimous

2010-154 AMEND C. 240 OF THE ZONING ORDINANCE – SIGN REGULATIONS

Upon a motion duly made and seconded this item was referred to a public hearing on June 17, 2010.

VOTE: Unanimous

2010-155 AMEND ZONING ORDINANCE CHAPTER 240, ARTICLE III - ADDING MARSTONS MILLS VILLAGE DISTRICT (MMVD)

Upon a motion duly made and seconded this item was referred to a public hearing on June 17, 2010.

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to adjourn the meeting at 11:15 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk