



TOWN COUNCIL MEETING

January 5, 2012

A quorum being duly present, Council President Frederick Chirigotis called the January 5, 2012, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

PRESENT: Janice Barton, Ann Canedy, Frederick Chirigotis, James Cote, Jennifer Cullum, Debra Dagwan, June Daley, Jessica Rapp Grasseti, Michael Hersey, Janet Joakim, Thomas Rugo, James Tinsley, Jr.

Absent: John Norman

The Pledge of Allegiance was led by President Chirigotis, followed by a Moment of Silence.

PUBLIC COMMENT

Robert Tucker said he was a little offended thought we were not supposed to call the Councilor's by name. Crime is getting very bad, and the homeless is getting very bad in Hyannis. No jobs out there. What is going to happen to the people when they take the unemployment out of Hyannis? What is going on with Mr. Klimm? Where is the money coming from? People want Klimm back.

John Alden said you all represent me as well as your villages. One lesson to be learned from last year, there has to be communication. Is there a committee formed to find a new manager? What is the status of it? No one knows what the heck is going on.

Dorothy Hughes was concerned about Stewarts Creek, the dredging of the creek and the roads that are a mess. When is the dredging going up for bids this fall or next fall? The West Main Street Pumping station, what about that? We have poured money into the Airport and it is still losing money. The Enterprise account seems like it is a way to get money from the town

John Julius read a list of "reprehensible" losses for the Town including the skating rink, the Hyannis Water Company, the Sewer Enterprise account and the Airport. Julius said he will personally email each of the Councilors these numbers. You should be working more.

Beth Marcus read a letter she had sent to each of the Councilors regarding the Nstar Resolution on the agenda. Marcus encouraged the Councilors to vote to not use herbicides to protect our clean water. Please vote in support of the resolution.

Patrick Page apologized for what he called the Council the last time. He has asked for help for six years, now you have done a taking of my land. It is extremely personal; you should be working with me. I'm not the bad guy. Happy New Year.

Sue Phelan asked the Council to support the resolution to abandon the use of herbicides to clear vegetation on Cape Cod transmission rights of way. She said we are just asking them to continue what they have done in the past to ensure the purity of our water. Please pass this resolution tonight, keeping in mind the health of our residents.

Patrick Page said my wife is not here so I would like to speak to the Council for her.

COUNCIL RESPONSE TO PUBLIC COMMENT

- Councilor Canedy asked if Mrs. Phelan will be available to answer questions, and the staff may need to give a response to the questions on enterprise funds.
- Councilor Cullum said the Stewarts Creek project was going out to bid in the winter and work should begin in the fall.
- President Chirigotis stated on January 19th one of the topics will be about Enterprise funds and how they work. Chirigotis said we will be forming a committee to move forward on finding a Town Manager. Chirigotis stated that Mr. Klimm would have to make inquiry to be considered by the committee.

ACT ON MINUTES (Includes Executive Session)

November 17th minutes, changes have been incorporated. Motion to accept as written seconded.

VOTE: to accept 11 Yes, 1 No (Joakim)

December 1st minutes motion was made and seconded to postpone until January 19th,

VOTE: to accept 8 Yes, 4 No (Cullum, Joakim, Tinsley, Chirigotis)

December 15th motion was made and seconded to approve minutes as written.

VOTE: to accept Unanimous

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

Councilor Daley suggested the Council send a letter of appreciation to the Falmouth Board of Selectman for the oysters.

Councilor Tinsley

- Thank you for the good communication regarding a water break on Bassett Street. The residents were very happy the communication was there and how long it would take, nice job.
- Barnstable Community Horace Mann Charter Public School, school choice applications are available on line.

Vice President Barton

- The Acting Town Manager Contract Negotiating Committee had a meeting and voted to approve the Executive Session Minutes, and voted to release them. There is one more amendment and Barton anticipates the minutes will be available on January 19, 2012.

Councilor Dagwan

- Attended the Renewable Energy Committee meeting the subject was about recycling, it was a very enlightening discussion. Some of the smaller haulers came in and told the committee what they were picking up. Summer residents tend to do more recycling than the year round residents.
- On the night of the Homeless Memorial Ceremony Councilor Dagwan and Councilor Barton camped out in a tent in the rain, at the Calgary Baptist Church. It was quite an experience.

ORDERS OF THE DAY

2012-034 ORDINANCE AMENDMENT CHAPTER 76, CODE OF BARNSTABLE, SETTING THE SCHEDULE OF FEES TO BE IN EFFECT IN THE TOWN OF BARNSTABLE INTRO: 11/03/11, 11/17/11, 12/01/11, 01/05/12

Vice President Barton made a motion to amend by striking out the following two violations listed under "type of violation":

- Vehicle with expired inspection sticker.....\$50.00
- Vehicle with expired registration plate or decal.....\$50.00

So that Section 1-7 will read as follows:

§ 1-7 Parking fines in effect.

The following Schedule of Parking Fines shall be in effect in the Town of Barnstable:

<u>Type of Violation</u>	<u>Amount of Fine</u>
Handicap	\$100.00
Fire Lane	\$50.00
Fire Hydrant	\$50.00
Overtime.....	\$25.00
Meter	\$25.00
Other Parking Violations	\$25.00

The amendment, upon motion duly made and seconded:

Vote: Yes 10, 2 No (Tinsley and Cote)

Rationale given by Tom Lynch, he introduced Tom Geiler, Director of Regulatory Services Department, who explained the differences in the prices. It will help Law enforcement to track the entertainment that moves from establishment to establishment. This will allow us to track this situation and will be easier to manage.

Public Hearing opened and closed.

Councilor Canedy asked is this for the establishment or for the individual?

Councilor Tinsley liked "cheaper quicker and easier." This item number is different, on page 3, there is no section listed for Karaoke.

Director Geiler responded there is no state requirement on Karaoke. The others have a state requirement which is what the number and chapter are referring to. Karaoke will only go with Chapter 140 Subsection 183A Entertainment licensing.

Councilor Cullum asked is karaoke live or non live?

Director Geiler responded the concept is the person, like a disc jockey, they have the controls of the sound level and the level of interaction by the crowd.

Councilor Cullum stated an extra fee to a small business owner, coming out of the daily receipts, is a lot of money.

Director Geiler said we understand the needs of our business community. This is an elective type of service not everyone has to buy. Our only alternative is to push those fees onto the real estate taxes.

Councilor Joakim quoted a lesson learned “if a fee that actually gains us more than the cost of the service provided then it actually becomes a tax.

Councilor Cullum small business owners live the day to day, counting the change in the drawer every day, we work very hard.

Town Attorney Ruth Weil said there is no state law, as it is printed in the reference on page 3. Leave the ordinance exactly as written. Leave it exactly as written.

**A motion was made and seconded to move the question
VOTE: Unanimous**

ORDERED: That Chapter 76 of the General Code of the Town of Barnstable is hereby amended by deleting the current Chapter 76 language and replacing it with the following language.

SCHEDULE OF FEES

Article II. Schedule of Parking Fines. [Adopted 5-6-2004 by Order No. 2004-077]

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Other Parking Violations	\$25.00

§76-4 Miscellaneous licenses and permits.
[Amended 3-4-2010 by Order No. 2010-071]

MGL c/Section	Description	Fee
101§ 33	Temporary License	\$10.00
138 §30A	License for pharmacist to sell alcoholic beverages	\$2,000.00
140 § 2	License for inns and restaurants	\$100.00
40§ 21B	License to serve nonalcoholic beverages.....	\$100.00
140 §32B	License for mobile home parks.....	\$50.00
140§ 32B	License for motels	\$50.00
140§ 34	License for lodging house 10 guests or less	\$75.00
140§ 34	License for lodging house more than 10 guests.....	\$125.00
140 §49	License for vehicle for sale of food.....	\$250.00
140§ 56A	License for shooting gallery.....	\$250.00
140 §59	Auto Dealer License	\$150.00
	License for Karaoke (open mike).....	\$100.00
140§177A	License for automatic amusement devices	\$100.00
140 §183A	Entertainment annual seven day live.....	\$275.00
140 §183A	Entertainment annual seven day non-live	\$75.00
140§ 183A	Entertainment daily (not for profit)	\$25.00
	Entertainment daily (for profit)	\$50.00
 (Including Sunday)	

§76-4 Miscellaneous licenses and permits (Continued).

MGL c/Section	Description	Fee
140§1851	License for fortune-tellers	\$250.00
140§192	License for rental boats (freshwater)	\$100.00
	License to store hazardous materials.....	\$100.00
	Septic system inspection filing.....	\$25.00
	Board of Health request for variance.....	\$85.00

VOTE: Passed 9 Yes, 3 No (Cote, Cullum, Tinsley)

2012-050 AMENDING GENERAL ORDINANCE CH. 220, TOWN COUNCIL, ART. I, MEETINGS 12/15/2011, 01/05/12
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Councilor Joakim read the rationale.
Opened to Public Hearing at this time.

Henry Farnham spoke to the proposed amendment as it will curtail the number of public comment periods. Workshops can be incorporated into the regular Town Council Meetings. Council leadership needs to keep the public comment respectful, factual and constructive. If there are repeated offenders ban them from further comment. The residents should not lose the opportunity to be heard. Don't vote for this item.

Patrick Page said he wanted to back up what Mr. Farnham just said. I am being targeted as one of those individuals. This isn't fair to anyone.

John Julius said this is so wrong. Why are we having this discussion? Now you want to work less. You don't have the right to do this. This is reprehensible, to prevent people from coming to this podium to speak their mind. I have a constitutional right to speak at this podium.

Robert Tucker asked please don't take this right away that is not fair to me to take that right away. If you do this I don't want to be a part of Barnstable anymore.

Closed the public meeting

President Chirigotis explained that this is exactly the language in our Charter, there is no difference.

Councilor Joakim said it is the language in our Charter. The language in our code is different; we are not taking away public comment. One regular meeting each month then the second meeting would be workshops to get right to the business at hand.

Recess

Vice President Barton stated we are not removing public comment, just focusing it. Barton read a statement she sent out. The Council needs to talk among themselves. People need to be able to listen to that and hear more dialog and discussion.

Councilor Canedy agreed with what Vice President Barton said, not as a substitute but as an addition. Many times we have had packed agendas. We work for the people, we are obligated to do this, and I will not support this.

Councilor Tinsley said we are not taking public comment away but I would like to offer an amendment. It was not seconded.

Councilor Cullum stated this is a fast learning curve. We are all really excited about new thoughts. I didn't run for office to decide something is inconvenient. I can't vote for it even though my name was at the bottom of this item.

Councilor Cote said one thing we might want to do is table this issue to a date certain, of the 1st meeting in February and revisit it. A motion was made and seconded.

A lengthy discussion ensued, at which point Tinsley withdrew his second.

A motion was made to move the item as written which passed unanimous

Upon motion duly made and seconded it was

ORDERED, that the General Ordinance, Chapter 220, Town Council, Article I, Meetings, is hereby amended by striking out the existing §§220-1 through 220-3 and substituting in their place the following:

VOTE: Did not pass 8 Opposed, 4 in favor (Chirigotis, Daley, Joakim, Barton)

B. NEW BUSINESS

2012-052 UPDATING THE NSTAR RESOLUTION OF NO-SPRAY, PESTICIDE-FREE VEGETATION MANAGEMENT ON CAPE COD & THE ISLANDS, INTRO: 01/05/12

Rationale read by Councilor Joakim.

Councilor Daley asked the Council to support this resolution.

Councilor Canedy said she is in support of this resolution, but has two points

- This is non binding for Nstar.
- Postpone until we can be more educated or commit to a workshop after having voted on it.

Councilor Dagwan is in support of this resolution.

Councilor Joakim stated that although it is non binding, she is in support of this resolution.

Councilor Cullum said since it is non binding, vote for sure; but I am interested in learning more about the pesticides.

Councilor Tinsley asked how far can it go in the air, ground water contamination, and tree damage. Nstar could plant weed suppressing cover crops that stay low. I will definitely vote for it.

Vice President Barton echoing the others, said we have a sole source aquifer, we have to protect ourselves.

Councilor Rugo made a motion to move the item, it was seconded

Vote: 10 Yes, 1 No (Canedy)

Upon motion duly made and seconded it was

RESOLVED, that the Town Council supports the continuation of its 2010 resolution requesting NSTAR to commit to a no-spray, pesticide-free vegetation management policy on Cape Cod and the Islands.

RESOLUTION

The Town of Barnstable requests that NSTAR to abandon its current plan to use herbicides along rights-of-way on Cape Cod and commit to a NO-SPRAY, PESTICIDE-FREE policy of vegetation management on Cape Cod and the Islands.

VOTE: Unanimous

2012-053 ACCEPTANCE OF \$1,500 GRANT FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION INTRO: 01/05/12
--

Town Manager Town Lynch gave the rationale.

A motion made and seconded to move the question,

VOTE: passed unanimous

Upon motion duly made and seconded it was

RESOLVED, that the Town Council hereby accepts a grant award in the amount of \$1,500.00 from the Massachusetts Department of Environmental Protection for the purchase of recycling bins and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

VOTE: Unanimous

2012-054 ACCEPTANCE OF A \$4,950 TRAFFIC ENFORCEMENT GRANT FROM THE EOPSS. INTRO: 01/05/12
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Chief of Police Paul McDonald gave the rationale.

A motion to move the question was made and seconded

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED, That the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of \$4,950 from the Executive Office of Public Safety and Security, Highway Safety Division.

VOTE: Unanimous

2012-055 ACCEPTANCE OF A \$111,722 GRANT FOR 9-1-1 DEPARTMENT TRAINING & EMD. INTRO 01/05/12
--

Chief of police Paul McDonald gave the RATIONALE.

Opened Public Hearing

Robert Tucker stated he had a bypass. Whatever the chief is saying this is good for us and all the people give him the money he needs.

Closed to Public Hearing

A motion was made and seconded to move the question.

VOTE: 11 Yes, (Canedey away).

Upon motion duly made and seconded it was

RESOLVED, That the Town Council hereby accepts a FY2012 State 9-1-1 Department Training and Emergency Medical Dispatch Grant award in the amount of \$111,722 from the Commonwealth of Massachusetts Executive Office of Public Safety and Security.

VOTE: Passed 11 Yes (Canedy away)

2012-056 APPROPRIATION OF \$545,000 FOR AIRPORT EMERGENCY GENERATORS, INTRO: 01/05/12

A motion made and seconded to move this question to January 19th

VOTE: 11 Yes (Canedy away)

2012-057 GRANTING OF TWO UTILITY EASEMENTS AT THE BARNSTABLE AIRPORT, INTRO: 01/05/12 FIRST READING

A motion was made and seconded to move this question to January 19th

VOTE: 11 Yes, (Canedy away)

2012-058 REAPPOINTMENTS TO A BOARD, COMMITTEE OR COMMISSION, INTRO: 01/05/12 FIRST READING

Councilor Joakim made a motion to suspend the rules for a second reading, the motion was seconded and

VOTE: 11 Yes, (Canedy away)

Upon motion duly made and seconded it was

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

LAND ACQUISITION AND PRESERVATION COMMITTEE

Kristine P. Clark, 398 Woodside Road, W. Barnstable as a member to a term expiring 06/30/2014

James G. Hinkle, 4275 Main Street, Cummaquid as a member to a term expiring 06/30/2014

Thomas J. Mullen, 38 Coach Lane, Barnstable, as a member to a term expiring 06/30/21014

VOTE: 11 Yes, (Canedy away)

2012-059 APPOINTMENTS TO A BOARD, COMMITTEE OR COMMISSION, INTRO: 01/05/12 FIRST READING

Councilor Joakim made a motion to suspend the rules to move this question, and it was seconded

VOTE: 11 Yes, (Canedy away)

Upon motion duly made and seconded it was

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

VOTE: 11 Yes, (Canedy away)

DISCUSSION: ANNUAL CALENDAR OF MEETINGS:

President Chirigotis proposed that as we did not make any change to the rules, pursuant to the rules we have now. We will look at the motion for the annual calendar of meetings. Adopt the first and third Thursdays, except for April 26th, July 12th and August 2nd.

After a discussion the calendar as presented was adopted-10 Yes, 1 No, (Tinsley), (Canedy away).

TOWN MANAGER COMMUNICATIONS:

Rabies incident that took place in our community, Public Health has gotten involved. We have information on the website.

On the Barnstable I forum we have had over 170 participants, hundreds of comments. New question this week from the Superintendent of schools who asked for feedback from the public regarding the start of school before or after Labor Day?

The Citizen's resource line began operating this week and have received calls they have been able to handle. Residents can call the resource line to get the call directed to the correct place 508-862-4925.

Airport manager will be here to discuss a few issues you may want to bring up at the next Council meeting.

Cape Cod Commission has put together a permitting and licensing application and fourteen other communities have signed onto it.

We can address financial questions on January 19th. Mark Milne will be able to talk about enterprise accounts, and a 10 year forecast.

ADJOURNMENT

Upon motion duly made and seconded it was

VOTED: to adjourn.

ADJOURNED: at 9:05 PM

Respectfully submitted,

Ann M. Quirk, CMC
Assistant Town Clerk/Town of Barnstable

Next Meeting: January 19, 2012