



**TOWN COUNCIL MEETING**  
**November 19, 2009**

**A** quorum being duly present, Council President Frederick Chirigotis called the November 19, 2009 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:** Richard Barry, Ann Canedy, Janice Barton, Frederick Chirigotis, James Crocker, Jr., Debra Dagwan, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., John Norman, Thomas Rugo, and James Tinsley.

Troop 252 Boy Scouts, Evan Francis and Peter Chirigotis led the hall in the Pledge of Allegiance, followed by a Moment of Silence

- Councilor Crocker brought up the issue of after the swearing in of the new officials, the Clerk calls an organizational meeting where officers for the council are elected. He proposed that since there is an open seat for Vice President – that it be done this evening.
- President Chirigotis recited the rules of the charter and the administrative code relative to this issue and a motion was made and seconded to vote on whether or not the council would choose their President and Vice President this evening. There is a vacancy in the office of Vice President.
- Councilor Rugo would like to see the process as it is in the charter and rules and wait until the first meeting in December.
- Councilor Joakim noted that there is an open seat for vice president and we can have a seat open for no more than two meetings.
- Councilor Barton suggested that since we have two brand new members it might be nice to wait until December.
- Attorney Ruth Weil stated that both the charter 2-2 and town council rules can be read and worked well together. The Charter says until the swearing in takes place, they can't hold an election. If you nominate officers tonight and then vote the first meeting in December then it would be in compliance. If the council moved the whole thing to the first meeting in December, you could suspend the rules.
- Councilor Milne noted that in 2007 the organizational meeting took place on Dec. 6<sup>th</sup>.
- Councilor Munafo said we could take nominations tonight.

- Councilor Joakim reiterated what the Town Attorney said that the rules and charter can work together.

A motion was made and seconded to move the question.

**VOTE: Unanimous consent to move**

Upon motion duly made and seconded it was voted to have the elections for Town Council officers on Dec 3<sup>rd</sup>.

**VOTE: Unanimous consent**

President Chirigotis declared and the council agreed that:

<b>2010-016 APPROPRIATION &amp; TRANSFER \$137,500 FROM COMMUNITY PRESERVATION FUND SET ASIDE FOR OPEN SPACE</b>
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Will be postponed to December 3, 2009.

And:

<b>2010-051 ACCEPTANCE - CHAPTER 32B, SECTION 18 MEDICARE EXTENSION PLANS; MANDATORY TRANSFER OF RETIREES</b>
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will be postponed to a date yet to be determined.

### **TAX CLASSIFICATION WORKSHOP**

Jeff Rudziak, the Assessor for the Town of Barnstable, gave a powerpoint presentation (See Exhibit A attached) on tax classification. Prior to the presentation he announced to the council that the tax factor vote can not be held until the first meeting in January. He said the DOR is way behind and there are 280 towns that still need to be certified. The DOR is backing a piece of legislation to move the issue date to January 30<sup>th</sup> for one year only. He will keep the council informed as to the progress of the certification and the bill in the legislature.

Rudziak added that we are hoping to have our certification in early December. All our recertification work has been submitted.

Rudziak reviewed the overview of Prop 2 ½ and the tax levy shifting options – you can shift the rate to CIP up to 150%, adopt up to a 20% exemption on resident’s primary homes; or adopt up to a 10% exemption on small commercial properties. He explained the levy limit. New growth is down significantly.

The single tax rate is \$6.85 this year up from \$6.12 per thousand last year. He provided a number of charts to show the increases and decreases to the CIP vs residential class.

### **PUBLIC COMMENT**

- Maryanne Barboza has a problem with the recall. What can I do to change the laws?. There is not one councilor that needs to be recalled. If someone does something that is ethically or morally wrong then fine, recall them. But to recall someone because of the way they vote is wrong. Something has to change this.

- o Mary Clements said reality is there are pressing issues. She feels that Citizens for Open Government has worn out its welcome. There is no reason for a recall. Ignore COG – support your councilors.
- o Robert Tucker wanted to wish the councilors a Happy Thanksgiving. He wanted to know why are rents going up. Why are people not paying their excise taxes?.

**COUNCIL RESPONSE TO PUBLIC COMMENT**

Councilor Canedy mentioned the recall provision and explained that there are some charter changes that can be done without a full charter process. She would hope that the council will look to change a number of things and would suggest recall be one of them.

Councilor Milne said some parts of the charter could be changed with the council and people vote – other sections need legislative approval. Would a recall provision be included? Attorney Weil said most amendments can be done without a full charter commission. She outlined the process, but said that she would need to review each of the items in order to make a determination.

Councilor Farnham asked that a word format copy of the current and proposed charters be emailed to the council.

**ACT ON MINUTES** – Upon motion duly made and seconded it was voted to approve the minutes of November 5, 2009.

**VOTE: 11 Yes – 2 abstentions**

Councilor Canedy noted that the minutes of Oct. 15, 2009 had not been voted on. It was moved to postpone the vote until December 3, 2009.

**VOTE: 2 abstentions, 2 no votes and 9 yes votes.**

**ORDERS OF THE DAY**

**A. OLD BUSINESS**

**2010-044 APPROPRIATE & TRANSFER \$356,286 FOR AIRPORT CAPITAL BUDGET EXPENSES**

Manager Klimm gave the rationale on this item which is for funding additional contracted architectural and engineering design costs for the airport terminal. (See a building perspective attached as Exhibit B).

Bud Breault, the Airport Manager, explained that the terminal originally planned was over \$5M over budget. A redesign had to be brought forward. The new design will fall within the budget. He requested approval of this appropriation.

Upon motion duly made and seconded, it was voted to go in to a public hearing for the purpose of discussing 2010-044.

**VOTE: Unanimous consent**

Upon motion duly made and seconded, it was voted to go out of the public hearing at: 8:12 p.m.

**VOTE: Unanimous consent**

- Councilor Munafo asked about the lighting study. Breault said they were in compliance. Munafo stated that the building is ugly.
- Councilor Barton asked if it will look like this (she referred to the sketch). She was told that it would. She feels that the airport manager and others are doing well to stay within the budget.
- Councilor Canedy asked if you are losing inside space. Breault said we lost storage and have some overall shrinkage – the baggage handling unit will be lost.
- Councilor Farnham noted that there will be more plantings and bufferings along the highway and asked for someone to give more detail. Joe Longo said the landscape will have a 3 to 4 foot berm and plantings. The traffic flow will close the rotary entrance and cars will come in on the access road off Route 132.
- Councilor Crocker thanked the commissioners. He asked about the reimbursement aspect. Breault said we need this to complete the pre-bidding phase. If you approve we can go into the bidding phase. Breault said that DOT is committed to the full \$15 million.
- Councilor Canedy asked about what is the benefit of rebuilding at this time. What are you gaining with this new building being only 7,000 feet larger. Breault said we have an older building, the systems are outdated, the terminal is more modern. Current terminal is in violation of the height restrictions because of where it sits.
- Councilor Milne asked what was the big number for the large terminal - Breault said the original size was 54,000 feet and it has been reduced. Breault said the original size was driven by the expectation for 300,000 employments. We have about 160,000 due in large part to less growth and construction on Nantucket.
- Councilor Munafo asked if there is any possible redesign planned with the rotary. Something needs to be done with it. Breault noted that the closure of the entrance to the airport off the rotary is part of all the plans for the roads in the area.
- Councilor Dagwan asked if there are any changes in employment. Breault said just during construction.
- Councilor Norman asked about the original price tag. Breault said there was a \$20M terminal construction cost but the council wanted a total project cost of \$20M, hence the reductions.

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

**VOTE: Unanimous approval**

Upon motion duly made and seconded it was

**ORDERED:** That the sum of \$356,286 be appropriated for the Barnstable Municipal Airport's capital expense budgets and be added to Appropriation Order #0586A for the purposes of funding additional contracted architectural and engineering design costs associated with the

down-sizing of the proposed airport terminal; and that to meet this appropriation that \$356,286 be transferred from the Airport's Reserve Fund, and furthermore that the Barnstable Municipal Airport Commission is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes be authorized to accept any grants or gifts in relation thereto; subject to Town Council approval.

**VOTE: Roll Call (2/3's) 12 yes 1 no (Milne)**

**2010-045 ACCEPTANCE OF A \$3,015,000 FEDERAL AVIATION ADMINISTRATION GRANT**

Manager Klimm gave the rationale.

Airport Manager Breault said this is an independent project and not part of the terminal project. They have eight years to expend these funds to build the tower. There is potential for getting possible additional funding.

- Councilor Crocker asked some further questions relative to siting and funding. Breault said there are potential locations and sites and they will be reviewed in the FAA lab. Once they approve the locations then the airport commission would approve the final site.
- Councilor Canedy asked how long the permitting process will take. Breault said 3 months. They are in constant contact with Yarmouth and Yarmouth is aware of their plans.
- Councilor Norman asked if CCC will be involved. Breault said the DRI permit is good for 7 years and we could possibly renew it.
- Councilor Milne wanted to know if the flight paths would be different with a new tower. Breault said the new tower will be lower and won't have any effect on fixed approaches.

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 does hereby accept the grant award in the amount of \$3,015,000 from the Federal Aviation Administration and that the Barnstable Municipal Airport Commission is authorized to enter into contracts and to expend the grant monies for the purposes specified therein.

**VOTE: 13 yes unanimous**

**COMMUNICATIONS**

Councilor Tinsley introduced Tom Frederick who was from the Board of Big Brothers and Big Sisters.

**Late file –**

**2010-058 – RESOLVE IN SUPPORT OF THE BIG BROTHERS/BIG SISTERS OF CAPE COD & THE ISLANDS**

Mr. Frederick explained that the school mentoring program started over four years ago. He gave an overview which will target children ages 7 to 14. It is being a friend and a positive role model to a child. They are looking to start with 50 mentors and grow that number.

Marie McKay from the Barnstable Schools thanked the council and stated that the school is happy about this program.

Councilor Joakim asked where people can call to get more information. Call 508-771-5150 X101 to contact Sonia Schonning, Executive Director

Councilor Norman asked if BB/BS is in the school, could the town have liability if something happens when a child is with his/her "Big". Attorney Weil said there are other prototypes. Sonja said we have researched this issue and they can provide information.

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 gives its support to the Barnstable Mentoring Initiative a partnership of the Big Brothers and Big Sisters of Cape Cod and the Islands with the Barnstable Public Schools to form a new adult volunteer mentoring program within our school system.

**VOTE: Unanimous**

Upon motion duly made and seconded it was voted to go into Executive Session for the purpose of discussing the acquisition of real estate and possible strategy for litigation – and to come back into open session at the conclusion of the session.

**VOTE: 13 yes roll call**

The meeting reconvened at 9:30 p.m.

<b>2010-046 APPROPRIATE &amp; TRANSFER \$75,000 CPC FUNDS FOR HISTORIC PRESERVATION</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 2010-046.

**VOTE: Unanimous consent**

Upon motion duly made and seconded, it was voted to go out of the public hearing at: 9:32 p.m.

**VOTE: Unanimous consent**

Manager Klimm gave the rationale. He explained the acquisition is for the life estate on the Conant House (Paine Black). Lindsay Counsell stated that it is across the street from the West Barnstable Fire Station. This will codify the ownership of the property. He feels this is an essential part of the property as it relates to the whole. Having it in our ownership is important.

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, pursuant to the provisions of G.L. c. 44B, the sum of Seventy Five Thousand Dollars and NO /100 (\$75,000) be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund, on June 18, 2009 under 2009-129 and that the Town Manager be authorized to expend the amount appropriated to acquire the historic resource consisting of the life estate interest for the property located at 2135 Meeting House Way, West Barnstable and found on Map 130, Lot 12.

**VOTE: Roll Call (2/3's) 12 yes 1 No (Munafò)**

**2010-050 – taken out of order**

**2010-050 ACCEPTANCE OF AN ARRA \$125,551 PORT SECURITY GRANT PROGRAM AWARD**

Manager Klimm gave the rationale. Councilor Farnham thanked Joe Gibbs for his work on securing the grant.

**RESOLVED:** That the Barnstable Town Council does hereby accept the American Recovery and Investment Act Port Security Grant Program (ARRA PSGP) award from the Department of Homeland Security, FEMA in the amount of \$125,551 of which \$62,480 is for Response Equipment;\$41,255 for continuation of Harbor camera project; and \$21,816 for communications equipment.

**VOTE: 12 Yes 1 No (Munafò)**

**2010-048 ACCEPTANCE OF \$1,750 GRANT FROM THE ARTS FOUNDATION OF CAPE COD**

Manager Klimm gave the rationale.

Upon motion duly made and seconded it was

**RESOLVED,** that the Town Council hereby accepts the grant award in the amount of \$1,750.00 from the Arts Foundation of Cape Cod for marketing downtown Hyannis arts initiatives and programs.

**VOTE: 13 Yes - Unanimous**

**2010-049 APPROPRIATION \$40,000 FOR GRAPHIC DEPICTION-FAA REGULATED AIRSPACE**

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on December 3, 2009.

**VOTE: Unanimous in favor of referral**

**2010-052 APPROPRIATION – \$126,000 FOR ADDITIONAL FY10 ELECTIONS EXPENSES**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on December 3, 2009.

**VOTE: Unanimous in favor of referral**

Upon motion duly made and seconded it was voted to refer the following items to a public hearing the first meeting in January, 2010

**2010-053 ALLOCATION OF TAX LEVY FY10 – TAX FACTOR**

**2010-054 ALLOCATION OF TAX LEVY FY10 – RESIDENTIAL EXEMPTION**

**2010-055 ALLOCATION OF TAX LEVY FY10 – SMALL COMMERCIAL EXEMPTION**

**VOTE: Unanimous in favor of referral**

**2010-056 APPROPRIATE FROM CPF SET ASIDE-\$350,000 FOR AFFORDABLE HOUSING**

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on second meeting in January.

**VOTE: Unanimous in favor of referral**

#### **LATE FILE**

**2010-57 ADOPT THE BUDGET POLICY FOR FY11**

Upon motion duly made and seconded, this item will be referred for a second reading on December 3, 2009.

**VOTE: 2 No –(Canedy and Munafo) – 11 yes**

#### **ADJOURNMENT**

Upon motion duly made and seconded it was voted to adjourn.

**ADJOURNED: at 9:47 p.m.**

Respectfully submitted,

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