

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
May 21, 2009**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:00 pm, on Thursday, May 21, 2009, 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., Leah Curtis, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafò, Jr., James M. Tinsley, Jr. (7:15) and Harold Tobey. **Absent:** Thomas Rugo

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

PUBLIC COMMENT - None

COUNCIL RESPONSE TO PUBLIC COMMENT - None

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to accept the minutes to the May 7, 2009 as written.

VOTE: Unanimous (Joakim abstained)

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

Town Assessor Jeff Rudziak announced that shortly the department will be sending out notices to residents to recertify whether or not they qualify for the residential exemption, should the council vote to allow it. Councilor Canedy requested a copy of the letter to councilors prior to mailing. Councilor Milne asked various questions on the process. Special cases will be treated on a case-by-case basis.

Councilor Milne announced the upcoming annual meeting of the Cape Cod Selectmen & Councilors. Councilor Joakim announced the annual Memorial Day Parade. Councilor Barton congratulated Roger Santos for attaining the status of Eagle Scout.

ORDERS OF THE DAY

OLD BUSINESS

President Chirigotis took Item 2009-106 out of order.
There were no objections.

**2009-106 GENERAL ORDINANCE AMENDMENT – ENTERPRISE ACCOUNT FOR HYANNIS
YOUTH & COMMUNITY CENTER OPERATIONS**

Upon a motion duly made and seconded a public hearing was opened on this item at 7:15 PM.

VOTE: No objection

Town Manager Klimm gave the rationale.

- Councilor Curtis asked if the transfer from the Capital Trust Fund was in the original proforma. Finance Director Mark Milne answered that it was. He believed the Enterprise account should be able to “chip in” towards the payment in year two.
- Councilor Farnham asked if there is a professional rink manager included in the budget. Lynn Poyant, Director of Community Services, addressed the facility management plan. She explained that the FY 2010 budget is for 10 months not a full year. A copy of the present business plan will be

provided. David Curley, Recreation & Human Services Director, clarified the financial status and announced that “the facility is looking wonderful.” There are many public and private users already under contract. At this point all the ice time is rented from September to April. The facility will be done on budget and on time.

- Councilor Crocker asked Director Milne to explain what happens in the event of the failure of an Enterprise fund. Milne explained that an Enterprise fund is cleaner and clearer because revenue and expenses relate to only one operation. If it becomes a revenue deficit the General Fund must contribute to maintain its self-sufficiency. There will be a pay-back period from the Enterprise to the Capital Trust Fund to pay back the bond, not the taxpayer.
- Councilor Milne asked about the old facility. Changes in the original facility were done periodically to keep it up. The new one will not require that.
- Councilor Canedy expressed concern about adding 5 new positions when cuts are occurring. She now supports the facility and the Enterprise fund.

Upon a motion duly made and seconded the public hearing was closed at 7:35 PM.

VOTE: No objection

2009-106 GENERAL ORDINANCE AMENDMENT – ENTERPRISE ACCOUNT FOR HYANNIS YOUTH & COMMUNITY CENTER OPERATIONS

Upon a motion duly made and seconded it was

ORDERED, that §86-6 of the General Ordinances is hereby amended by inserting at the end thereof the following new paragraph:

“H. The Department of Community Services Hyannis Youth and Community Center facility, as an enterprise thereunder.”

VOTE: 12 yes (Roll Call)

2009-103 COMMUNITY PRESERVATION FUND APPROPRIATION ORDER FOR ACQUISITION OF 17 ACRE CONSERVATION RESTRICTION

Upon a motion duly made and seconded a public hearing was opened on this item at 7:35 PM.

VOTE: No objection

Manager Klimm gave the rationale.

Jaci Barton gave some history on the Bush/Brown property going back to when John Klimm was a selectman. (See Exhibit A.) The parcel provides important well-field protection since it abuts the Barnstable Fire District. It adds to the community character; reduces possibility of land development, which could accommodate 11 building lots; and provides a linkage for the wildlife corridor.

Debbie West of Barnstable Village, along with about a dozen other residents, commented in favor of the proposal.

Tom Mullen also spoke in favor. The Mass DEP is willing to put up \$357,000 to protect water and wells. The fire district is willing to pay an additional \$257,000. The town is being asked for \$200,000 to realize this purchase.

Dan Ojala also spoke in favor. It is the only large tract adjacent to the fire district well, with acres of rolling terrain and lots of animals. It is a win/win.

Laura Cronin from the Land Acquisition Committee said they are in favor of this purchase.

Upon a motion duly made and seconded the public hearing was closed at 7:50 PM.

VOTE: No Opposition

- Councilor Canedy spoke in favor highlighting some of the benefits, including the elimination of six potential homes, and the possibility that the open space may increase the value of surrounding

properties. The purchase has broad support. She stated that if the district did not support this, she would not have supported it. It is a win/win.

- Councilor Munafo confirmed that the town's portion was only \$200,000 and that the Conservation Restriction gives the town its legal interest in the property. He also inquired about any proper use of CPA funds for purchases outside the town. Barton replied that CPA funds were used for a COMM District purchase.

Councilor Crocker made a motion which was seconded to amend Item 2009-103 after "Map 278 Parcel 048" as follows:

"provided that the restriction shall revert to the Town upon the dissolution, abandonment, or failure of the Barnstable Land Trust to assent to any approvals within 30 days of submission;"

VOTE: Unanimous

Councilor Farnham made a motion which was seconded to amend Item 2009-103 by adding the following after Councilor Crocker's amendment:

"this funding is subject to the Barnstable Fire District contributing at least \$600,000 toward the purchase of the property;"

VOTE: Unanimous

As amended:

2009-103 COMMUNITY PRESERVATION FUND APPROPRIATION ORDER FOR ACQUISITION OF 17 ACRE CONSERVATION RESTRICTION

Upon a motion duly made and seconded it was

ORDERED, that pursuant to the provisions of G.L. c. 44B, the sum of Two Hundred Thousand and No/100 (\$200,000) Dollars be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on March 30, 2009; and that the Town of Barnstable Growth Management Department is authorized to contract for and expend the amount of (\$200,000) with the prior approval of the Town Manager for the purpose of acquiring a conservation restriction on a 17 acre parcel located at 0 Pine Lane in Barnstable Village, on Map 278 Parcel 048; provided that the restriction shall revert to the Town upon the dissolution, abandonment, or failure of the Barnstable Land Trust to assent to any approvals within 30 days of submission; this funding is subject to the Barnstable Fire District contributing at least \$600,000 toward the purchase of the property; said land is to be owned by the Barnstable Fire District under the control of the Water Department.

VOTE: 12 Yes (Roll Call)

2009-104 COMMUNITY PRESERVATION FUND APPROPRIATION ORDER FOR ACQUISITION OF 3.5 ACRE CONSERVATION RESTRICTION

Manager Klimm gave the rationale.

Jaci Barton gave the history of the Galloway property purchase. See Exhibit B. The Land Trust pre-acquired the property. They received grants from several organizations. The goal was to put a trail connecting to some other trails. They were able to raise \$410,150 from grants and gifts and need another \$100,000 from CPA funds.

Upon a motion duly made and seconded a public hearing was opened on this item at 8:28 PM.

VOTE: No objection

Upon a motion duly made and seconded the public hearing was closed at 8:29 PM.

VOTE: No objection

- Councilor Munafo asked what would happen if the town rejects this. Paula Goldberg from the Compact of Cape Cod Conservation Trust explained that if the council does not approve the appropriation and the BLT is unable to purchase the property by June 30, they will seek to have another conservation entity buy it. Munafo felt that since the property is already in conservation and the town is losing \$30,000, why not save the \$100,000 for another purchase.

- Councilor Canedy asked what would happen if the town does not approve the funding. The BLT is unable to raise all the necessary funds to get to the closing. The town's interest would be the conservation restriction, and development rights.
- Councilor Joakim pointed out that the CPC looks at many applications but is interested in partnerships like this one. Councilor Crocker supports it; it does not add complications.

2009-104 COMMUNITY PRESERVATION FUND APPROPRIATION ORDER FOR ACQUISITION OF 3.5 ACRE CONSERVATION RESTRICTION

Upon a motion duly made and seconded it was

ORDERED, that pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Thousand and No/100 (\$100,000) Dollars be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on March 30, 2009; and that the Town of Barnstable Growth Management Department is authorized to contract for and expend the amount of (\$100,000) with the prior approval of the Town Manager for the purpose of acquiring a conservation restriction on a 3.5 acre parcel located at 580 Old Post Road in Cotuit, on Map 054 Parcel 007.

VOTE: 11 Yes, 1 No (Munafa) (Roll Call)

2009-105 TRANSFER & APPROPRIATION ORDER – ACQUISITION & CREATION OF OPEN SPACE AT 864 MARY DUNN ROAD

Upon a motion duly made and seconded this item was postponed to July 16, 2009.

The rationale for the postponement was the lack of a trustee for the Cobb Trust.

VOTE: Unanimous

NEW BUSINESS

2009-127 ACQUISITION OF AN EASEMENT ON BOG ROAD MARSTONS MILLS

Upon a motion duly made and seconded this item was moved to a second reading on June 4, 2009.

VOTE: Unanimous

2009-128 APPROPRIATION & TRANSFER ORDER FOR LIGHTING IN ASELTON PARK

Upon a motion duly made and seconded this item was referred to a public hearing on June 18, 2009

VOTE: Unanimous

President Chirigotis gave a brief explanation of the 3 late files which needed quick passage if the town was going to meet some funding application deadlines.

2009-131 APPROPRIATION & LOAN ORDER – SEWER COLLECTION SYSTEM EXPANSION

Upon a motion duly made and seconded, this item was referred to a public hearing on June 4, 2009.

VOTE: Unanimous

2009-132 APPROPRIATION & LOAN ORDER – PUMP STATION AND FORCE MAIN

Upon a motion duly made and seconded, this item was referred to a public hearing on June 4, 2009.

VOTE: Unanimous

2009-133 APPROPRIATION & LOAN ORDER – SEWER COLLECTION SYSTEM EXPANSION

Upon a motion duly made and seconded, this item was referred to a public hearing on June 4, 2009.

VOTE: Unanimous

Budget Workshop

Manager Klimm updated his prior presentation with the additional information based on councilor requests. (See Exhibit C pages 7-11.)

Public Works Department

Mark Ells, Director, made a PowerPoint presentation. (See Exhibit D)

He expects to go forward with many of these projects despite the budgetary reductions.

Councilors Curtis, Crocker, Milne, Canedy and Farnham had questions.

- Director Ells said the town can expect slower response to work order requests, grass mowing, cleaning municipal buildings, etc. due to fewer staff and fewer resources; the department is down 13 staff.
- Ells prefers to pay for design with cash and borrow the construction cost. He has found that outsourcing sometimes delivers a higher level and more cost effective product. He makes the determination by looking at the cost-effectiveness of what has been done in-house.
- The water supply division will continue to operate with contracted services. As resources become available, he will focus on those things that have come to the end of their useful lives.
- Ells is not opposed to curbside trash pickup. The possibility of a workshop on the subject has support. Hyannis, which has a higher percentage of private carriers, would probably benefit. Some people do like to go to the landfill.
- The department has “stepped up to the plate” on the Barnstable Harbor bulkhead repair.
- The four full-time positions cut from the budget were held vacant so no filled positions have been cancelled.
- On a lighthearted note, municipal auctions were suggested for fundraising e.g. the high bidder gets to ride in a dump truck or spend the day riding with the Police Chief.

Community Services Department

Lynn Poyant, Director, made a PowerPoint Presentation (See Exhibit E)

Councilors Curtis, Munafo, Canedy, Tinsley and Crocker asked questions.

- Dan Horn explained some of what is listed under Waterways vs. Moorings: Waterways includes safety landings, channel markers, etc., while Moorings oversees the issuance of permits, pinpointing moorings, etc. They were one program but now services relating to moorings are identified.
- Efforts are made to insure revenues meet expenses in the Golf program. Mark Ghelfi, Director of the Golf Division, has cut costs by laying off 8 people, closing the golf course for part of winter, using lesser grades of fertilizer and pesticide, etc. He used less seasonal help, making several positions 9 month, and being more vigilant about it. Everyone is doing more than expected. Golf managers have combined to create a Cape-wide website, etc. to encourage tourism. They work with various chambers of commerce to create a “golf Cape Cod” image.
- The course in Hyannis has an operational deficit, while the other has a surplus. The debt service to be paid is higher than expected due to an unanticipated change from the DOR, shortening the payback term from 11 to 9 years. Poyant feels the courses will make up serious financial ground during the remainder of May and June. However, if the full payment cannot be made, the golf course will be able to “write it off” since this was an unexpected new ruling.
- Madeline Taylor, Senior Services Director, said the seniors have been able to save money due to the time consuming efforts of the staff. She is hoping to break \$1M in savings for seniors.

Growth Management

Joanne Buntich, Acting Director, made a PowerPoint presentation (See Exhibit F)

Councilors Canedy, Crocker, Joakim, Curtis, Farnham and Milne pursued several points.

- The personnel loss is a currently unfilled position.
- Grant writing has been successful and while the focus has been downtown Hyannis, Buntich feels more can be done. There is a commitment to move forward despite being hampered by staffing shortages.
- Route 132 and nodes along Route 28 were suggested as areas for redevelopment as well as the possibility of grandfathering to expand the use of buildable lots that have been limited. Outreach beyond Hyannis by initiating new projects, one village per year, may be slowed by lack of staffing, but will engage the public in the process and address concerns.
- The evaluation of town-owned lands for housing suitability should be completed by June 30.

- Suggestions that economic development, which is an important priority of the council, should be better addressed. Prior studies such as the Tishler Report and the Comprehensive Plan address these issues, suggesting that the town planners and community should be focusing the development.

Police Department

Paul McDonald, Chief of Police, made a PowerPoint presentation. (See Exhibit G)

A motion was duly made and seconded to extend the meeting beyond 11 PM until completion of business.

VOTE: Unanimous

Councilors Joakim, Canedy, Crocker and Farnham had questions.

- There have been wage concessions from the unions as well as 14 full and part-time filled positions not rehired, in addition to other budget cuts. There are no grant opportunities for the PD. Some programs will be curtailed.
- Backfilling positions with higher paid personnel do not appear cost effective, but entry level wages are deceptive because they always include the cost of the Police Academy. The department gives preference to qualified Barnstable residents. Overtime pay is not related to detail pay, which is paid by the hiring organization.
- The decrease in cruisers may affect street time. The department has to turn over 7 to 9 cruisers to maintain the fleet. Mileage is not as bad with the foot and bicycle patrols.

Regulatory Services

Thomas Geiler, Director, made a Power Point presentation (See Exhibit H)

Councilors Joakim and Canedy commented.

- Unions have made concessions. The effect on enforcement is unknown. Geiler anticipates delays in the ability to provide services.

Human Resources

William Cole, Director, made a PowerPoint presentation (See Exhibit I)

Councilors Crocker, Milne and Farnham had questions.

- There is a charge-back from enterprise funds for personnel services, including the airport, and the amounts are automatically charged.
- The department is assisting in the transition for laid off employees, retraining, etc.
- Cape Cod Health Care keeps the health care expense numbers and the entire group benefits by a decrease in premiums.
- Cole is involved in the school department negotiations but is not at liberty to comment.

Information Technology

Dan Wood, Director, made a PowerPoint presentation (see Exhibit J)

Legal Department

Ruth Weil, Town Attorney, made a PowerPoint presentation (See Exhibit K)

Councilors Joakim, Milne and Crocker commented.

- The staff is a bargain. Weil will provide the dollar amount that was farmed out to other attorneys on various cases.

Administration

Mark Milne, Director, made a PowerPoint presentation (See Exhibit L)

A motion was duly made and seconded to adjourn the meeting at 12:05 AM.

VOTE: Unanimous

Respectfully submitted,
Lucia Fulco
Assistant Town Clerk