



TOWN COUNCIL MEETING
November 15, 2012

A quorum being duly present, Council President Frederick Chirigotis called the November 15, 2012 Regular Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

Announcement – made by President Chirigotis regarding the meeting being televised live and questioning if anyone was actively taping the session.

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

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

Comprehensive Emergency Planning Workshop

Town Manager Thomas Lynch, Chief Paul MacDonald, Dept. Chief Craig Tamash and Asst. Town Manager Mark Ells were before the council where the Chief presented the Comprehensive Emergency Management Plan which provides for safety and welfare of citizens during a disaster. (See copy of PowerPoint attached).

The Town Manager appointed the Chief as the Director of the Emergency Management. The plan covers:

- Local mitigation activities (such as plans for traffic etc)
- Preparedness (mutual aid agreements, supplies, operations centers)
- Response (reverse 911, shelters)
- Recovery (damage inspections, restoration of utilities, assessment of needs for long terms services)
- Includes all natural disasters and other disasters.

The Chief addressed recent Hurricane Sandy and said they were ready 1, 2, and 3 days prior to the storm hitting. They met recently with FEMA to review the costs of the storm. There are six regional shelters including Barnstable High School. He encouraged all to be prepared to shelter in for 3 days.

Manager Lynch said that he has had the opportunity to sit with the Chief and other department heads who have worked on storms. Our communication between NStar and others had increased. They use WQRC and other media to get out information.

Asst. Manager Ells said we go into a 4 phase process and we look to see if we can garner reimbursement – and it looks like we may get some monies from FEMA.

Councilors: Canedy, Daley, Cullum, Joakim & Cote addressed:

- Passing on storm information to councilors during events
- Kudos to all who helped during outages and with fallen trees and bat removal.

- FEMA responsibilities – who is responsible for generators – (basically those who own them) . MEMA contacts town regarding weather events.
- Dept. Tamash explained monthly meetings of county and who is involved. Town can shelter up to 3,000 people. Important for citizens to be prepared.
- Not all shelters pet friendly. BHS is not. DY and Sandwich High are.
- Would take 3 – 4 days to evacuate everyone off Cape.
- There is a nuclear plan – would depend upon the wind – and might end up with water and air escape.

Manager Lynch thanked all the first responders and staff. He complimented all who made us safe.

President Chirigotis thanked the panel.

Tax Classification Workshop

Assessor Jeff Rudziak presented a PowerPoint (see attached document). He explained that this decision decides who will pay what. He reviewed:

- ✓ Overview Prop 2 ½
- ✓ Taxable Property Values
- ✓ Tax Levy Shifting Options

Dec. 6 – the tax factor vote will take place, and he is available for questions. He emphasized the importance of voting on that date.

He showed how to calculate the FY2013 maximum allowable levy...\$100,481,413.

\$7.89 tax rate He explained Option #1 – Split Tax rate/no residential exemption, Option #2 – Residential Exemption – MGL Ch 59, Section 5C, and all the other factors and an equalizing tax rate with various exemptions.

He created a tax policy options chart for the FY 2013 impacts, that and PowerPoint is on the town website.

Councilors: Cullum, Joakim, Canedy questioned:

- Mixed use buildings – they are taxed based on for what each section is used
- Current taxation is a residential 20% exemption
- List of year round residential properties that are near the cut-off was requested.

PUBLIC COMMENT (May be limited to 2 minutes)

Patrick Page stated on March 15th he was arrested and stated the council knew about the e-coli that comes out on his property. He asked for investigation of YMCA property. He wants to know why he does not get answers. Yes he plugged up a pipe on August 1. He said in the future he won't unplug it and will have an American Flag around him. "I am tired of waiting," he stated. He further commented that you say you want to meet with me, your people knew about the e-coli, I will put the log in there. Start answering questions.

Alan Burt is not happy about bulldozing the homeless camps. We need more affordable housing. Hyannis has done more to help. Fifteen homeless have died this year. We have to get all the towns involved.

Patrick Page gave the Clerk documents which are the facts of the easement (appended to these minutes).

Tina Lebow spoke against proposed amendments. It appears that disturbing the peace will be a funding raising event. Taxpayers will have to pay for services again – this appears to be discriminatory and morally wrong. This is not new the ACLU weighed in on a similar RI case. Urge you to go back and study these. In Dennis if you rent, you take out a rental permit – if police are called, they send a notice, then the homeowner has to find out why and if renters breach the contract then the owner removes them.

Jon Julius has a formal request to have a name withdrawn on an appointment for someone living on Wakeby Rd – have her taken off. He then read from a report of Oct. 19th, the supervisor of public records, highlighting record keeping on an item of former Manager John Klimm. Mr. Klimm breaks the law by not bringing the record to this town. He asked if the Clerk had written to request the record in compliance with the report.

Pete Phillips stated he knew some of the people who died in the camps and tried to help them. He understands the safety concerns. He too is now homeless, he works and is poor and can't afford to live on his own. There are others in the groups that don't deserve to be looked at that way.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilors Cullum, Canedy, Barton, Joakim, Dagwan and Chirigotis responded:

- ✓ To meet with Ms. Lebow to answer questions and meet with Mr. Phillips.
- ✓ Camps are not as they sound and should not be in existence. It is a complex problem and everyone on the Cape has to work together. Suggested Mr. Phillips and others go to other towns and speak.
- ✓ Homeless Ceremony on Dec. 21 at Hyannis Federated Church at 7 pm
- ✓ The Town has complied with all requests of Secretary of Commonwealth as required on public records issue.

ACT ON MINUTES

Upon motion duly made and seconded it was moved to amend the minutes of October 18, 2012 to correct the spelling of Margeaux Weber and Jaci Barton on page 4 of the minutes.

VOTE: 12 Yes 1 Ab. (Norman – not in attendance on the 18th).

Upon motion duly made and seconded it was voted to approve the minutes of October 18, 2012 as amended.

VOTE: 12 Yes 1 Ab.

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF,

Announcements were made by Councilors: Joakim, Canedy, Rapp Grasseti, Dagwan, Barton and Tinsley.

- ✚ Cape Cod and the Islands Status on Women hearing coming up on such issues as pay equity, paid sick time.
- ✚ Request for council to get engaged on regulations and restrictions regarding the new legalization of marijuana for health issues. Problems in CA cited. Meeting is coming up on that issue.
- ✚ Thank you to poll workers and voters. Last flu clinic coming on Dec. 4.
- ✚ HYCC is looking for minority tutors for students.

- + Sleep out for homeless is going to be in Marstons Mills at Burgess House on Dec. 22.
- + Looking for substance abuse workshop.
- + BHS Thanksgiving Day game is home; girls' volleyball team is heading for championships.
- + Suggested town apply for grant for substance abuse program.
- + Mr. Phillips is another voice for the homeless – there is also another face for people who need marijuana for health reasons.

ORDERS OF THE DAY

A. OLD BUSINESS

2013-001 AMENDING C.240, ART III, §240-35.f (2) OF THE ZONING ORDINANCE – INTRO: 7/12/12, 10/04/12, 10/18/12, 11/15/12

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing item 2013-001 and continue it to Jan.3,2013.

VOTE: Unanimous

2013-031 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES BY INSERTING “CHAPTER 160. PROBLEM PROPERTIES” – INTRO: 10/18/12, 11/15/12

Upon motion duly made and seconded it was voted to refer this item to a public hearing on December 6, 2012.

VOTE: Unanimous

2013-032 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES BY INSERTING, “CHAPTER 54. BUILDING AND PROPERTY MAINTENANCE” – INTRO: 10/18/12, 11/15/12

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on December 6, 2012.

VOTE: Unanimous

2013-033 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES C. 59, COMPREHENSIVE OCCUPANCY – INTRO: 10/18/12, 11/15/12

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on December 6, 2012.

VOTE: Unanimous

2013-034 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 170, RENTAL PROPERTIES – INTRO: 10/18/12, 11/15/12

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on December 6, 2012.

VOTE: Unanimous

2013-035 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES CH 133, NOISE – INTRO: 10/18/12, 11/15/12

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on December 6, 2012.

VOTE: Unanimous

**2013-037 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION – INTRO:
10/18/12, 11/15/12**

Upon motion duly made and seconded it was

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

RENEWABLE ENERGY COMMISSION

Daniel Dray, 22 Brezner Lane, Centerville, as a member, with a term expiring 6/30/2015

Vanessa Lavoie, 244 Megan Road, Hyannis, as a member, with a term expiring 6/30/2015

YOUTH COMMISSION

Elizabeth Ells, c/o Youth Commission 141 Bassett Lane, Hyannis, as a student member, with a term expiring 6/30/2013

VOTE: 13 yes

**2013-038 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION – INTRO:
10/18/12, 11/15/12**

What vacancies are open on the Shellfish Committee was asked by Councilor Canedy.

Councilor Joakim said Al Surprenant is going for a Commercial position which has been open for some time, she will check on any other vacancies. Councilor Norman asked about the 6 month term on the Youth Com. – yes it goes with the school year.

Upon motion duly made and seconded it was

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

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION

Brenda Mazzeo, 145 East Bay Road, Osterville, from an alternate member to a member with a term expiring 06/30/2014

LICENSING AUTHORITY

Ronald Semprini, 20 Walley Court, Hyannis, as an associate member, with a term expiring 6/30/2015

SHELLFISH COMMITTEE

Albert H. Surprenant, 262 Bridge Street, Osterville, as a member with a term expiring 6/30/2014

PUBLIC WORKS COMMISSION

Thomas J. Mullen, 38 Coach Lane, Barnstable, as a member with a term expiring 06/30/2015

YOUTH COMMISSION

Christopher Bartley, c/o Youth Commission 141 Bassett Lane, Hyannis, as a student member with a term expiring 6/30/2013

VOTE: 13 yes

B. NEW BUSINESS

2013-039A ACCEPTANCE OF A \$20,000 GRANT AWARD FROM MA CULTURAL COUNCIL AND ARTIST LINK PROGRAM – INTRO: 11/15/12

Growth Management Director Joanne Miller Buntich said we were successful applicants to receive this grant. We will be hiring a consultant. She explained the broad spectrum of “artists”. They want an inventory of what we have today as far as galleries, where artists may live, possible income ranges, is there a need for more of any of these things.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED: That the Town Council does hereby accept the grant award in the amount of \$20,000 from the Massachusetts Cultural Council and Artist Link Program, a statewide artist space initiative and program of the Massachusetts Cultural Council for the purpose of hiring a qualified professional to analyze how artist space planning is integrated into community wide economic development plans and how opportunities for artists are advanced by stable and affordable work and live work spaces. Further resolved that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: 13 yes

(2013-044 was taken out of order)

2013-044 APPROVING THE APPOINTMENT OF THE TOWN COUNCIL ADMINISTRATIVE ASSISTANT, CYNTHIA A. LOVELL – INTRO: 11/15/12

It was explained that this is a full time position – at will. It has been filled by full time temps. It has not been a part-time position.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED: Approving the appointment of the Administrative Assistant for the Town Council, Cynthia A. Lovell, in accordance with the Town’s compensation plan for a Grade 8, Step 1

VOTE: 13 yes

2013-040 CONFIRMING THE TRUSTEE REAPPOINTMENTS OF THE AFFORDABLE HOUSING/GROWTH AND DEVELOPMENT TRUST FUND BOARD – INTRO: 11/15/12

Manager Lynch explained the trust fund board. Councilor Canedy asked if there are posted meetings and minutes–yes. She had concerns over use of monies in industrial park – wonders about the wisdom of decisions circumventing the Council and CPC. Councilor Norman asked if there are certain representatives required? Manager Lynch explained the background positives of the members.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the Town Manager hereby reappoints the following individuals to serve as Trustees of the Affordable Housing/Growth and Development Trust Fund Board, pursuant to the provisions of M.G.L. c. 44 §55C and subject to confirmation by the Town Council:

Mark Milne, 606 River Road, Marstons Mills, MA 02648 to a term expiring 06/30/2014

Laura Shufelt, 1696 Osterville-West Barnstable Rd, W. Barnstable, MA 02668 to a term expiring 06/30/2014.

Wendy Northcross, 1684 Main Street, West Barnstable, MA 02668 to a term expiring 06/30/2014.

VOTE: 11 Yes, 2 No (Norman and Canedy)

2013-041 CONFIRMING THE TRUSTEE APPOINTMENT OF THE AFFORDABLE HOUSING/GROWTH AND DEVELOPMENT TRUST FUND BOARD - INTRO: 11/15/12

Councilor Rapp Grassetti asked when the board meets and if the council can be notified of meetings.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the Town Manager, pursuant to the provisions of M.G.L. c. 44 §55C and Section 241-47.1(u) of the Code of the Town of Barnstable is authorized, subject to confirmation of the Town Council, to appoint the Trustees of the Affordable Housing/Growth and Development Trust Fund Board, and the Town Manager, in addition to the designation of the Town Manager, as a Trustee, as required by M.G.L. c. 44 §55C (b), hereby appoints the following individual to serve as Trustee:

Mark S. Ells, 1300 Craigville Beach Road Centerville, MA 02632, to a term expiring June 30, 2014.

VOTE: 12 Yes 1 No (Canedy)

2013-042 AUTHORIZING THE TOWN TREASURER, UPON TOWN MANAGER APPROVAL, TO ENTER INTO A LEASE-TO-PURCHASE AGREEMENT TO ACQUIRE GOLF COURSE EQUIPMENT – INTRO: 11/15/12

Upon motion duly made and seconded it was voted to refer this item to a second reading Dec. 6.

VOTE: 13 yes

2013-043 AMENDING THE CODE OF BARNSTABLE GENERAL ORDINANCES ARTICLE 1, §1-3, CHAPTER 170 RENTAL REGISTRATION – INTRO: 11/15/12

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on December 6, 2012.

VOTE: Unanimous

**2013-045 APPROVE FISCAL YEAR 2013 SNOW AND ICE OVERDRAFT ORDER –
INTRO: 11/15/12**

Asst. Town Manager explained the summary to ensure the continuation of snow and ice removal. Councilor Norman asked for an update on snow and ice and planning. He wanted to meet the new leadership. Is there any advantage to raising the amount of \$600,000? Finance Director Mark Milne said there is no fiscal advantage to doing it. To raise it higher than \$600,000 we would have to cut something else in the budget. We fund it from surplus the following year.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That pursuant to Chapter 44, Section 31D MGL, which provides for the ability of the Town to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal the Town Council approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2013, subject to further approval action by the Town Manager

VOTE: 13 Yes

2013-046 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION – INTRO: 11/15/12

After brief discussion and a motion by Councilor Joakim, this item was moved, seconded and voted to postpone to December 6, 2012.

VOTE: 13 yes

**2013-047 ACCEPTANCE OF A \$1,000 ARTS FOUNDATION OF CAPE COD GRANT –
INTRO: 11/15/12**

Director of Growth Management Joanne Miller Buntich said that this is the 8th year in a row that we have received the grant.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED, that the Town Council hereby accepts a grant award in the amount of \$1,000.00 from the Arts Foundation of Cape Cod for the purpose of marketing and promoting the Harbor your Arts Program and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: 13 Yes

**2013-051 AUTHORIZING THE COUNCIL PRESIDENT TO SIGN GRANT ASSURANCES,
GRANTED TO THE BARNSTABLE MUNICIPAL AIRPORT – INTRO: 11/15/12**

Attorney Bruce Gilmore, counsel to the airport, said items 51, 52 and 53 (all three opened) deal with grant assurances. The operations at the airport are almost funded by grants from FAA and Mass Aeronautics and 10% from the town. The grant assurances have been modified to be acceptable.

Councilor Canedy asked for a summarization of areas of concern. Attorney Ruth Weil stated that this evolution goes back to 2008 – addendum notes that the town has power under home rule, does nothing inconsistent with state law and has a right to change their charter. Same assurances that we approved in 2011.

Councilor Norman asked when the funds are received – this finalizes the grants.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated July 11, 2012 to the Barnstable Municipal Airport in the amount of Seventeen Thousand Four Hundred Seventy-Five Dollars and No Cents (\$17,475.00), for the purchase of Snow Removal Equipment (SRE) (Re-Circulating Sweeper) for use at the Barnstable Municipal Airport.

VOTE: 13 yes

2013-052 AUTHORIZING THE COUNCIL PRESIDENT TO SIGN GRANT ASSURANCES GRANTED TO THE BARNSTABLE MUNICIPAL AIRPORT – INTRO: 11/15/12
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Upon motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated September 16, 2011 to the Barnstable Municipal Airport in the amount of Two Thousand Two Hundred Ninety-Seven Dollars and Thirty-Seven Cents (\$2,297.37), for the Draft/Final Environmental Impact Report for the proposed master plan development proposed at the Barnstable Municipal Airport.

VOTE: 13 yes

2013-053 AUTHORIZING THE COUNCIL PRESIDENT TO SIGN GRANT ASSURANCES, GRANTED TO BARNSTABLE MUNICIPAL AIRPORT – INTRO: 11/15/12

Upon motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated July 11, 2012 to the Barnstable Municipal Airport in the amount of Thirty-Four Thousand Seven Hundred Twenty-Five Dollars and No Cents (\$34,725.00), for Airport Pavement Rehabilitation of Taxiways and Apron, the installation of an Oily Water Separator and the evaluation of the Engineered Material Arresting System (EMAS) at the Barnstable Municipal Airport.

VOTE: 13 yes

TOWN MANAGER COMMUNICATIONS

Manager Lynch touched on:

- Budget calendar is being followed
- Met with Sen. Wolf and Rep. Turner – regarding insurance
- Has received grants on Barnstable dredging project
- Looked at E-permitting process
- Had a shellfish appreciation day
- 2012 Mass Works project could not be funded for Sea St.
- HYCC – skating competition was held this weekend
- Whole Foods will come to the Borders building on Route 132
- We have followed through and will apply for the grant noted in the “Beacon”

ADJOURNMENT

Upon motion duly made and seconded it was

VOTED: to adjourn.

ADJOURNED: AT 9:40 p.m.

Respectfully submitted,

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

Attachments:

- ✓ Copy of PowerPoint on Disaster planning
- ✓ Copy of PowerPoint on Tax levy shifting
- ✓ Packet from Patrick Page



HAPPY THANKSGIVING!!!!

NEXT REGULAR MEETING: December 6, 2012