



## Town Council Meeting September 17, 2015



**A** quorum being duly present, Council President Jessica Rapp Grassetti called the September 17, 2015, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Rapp Grassetti regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

**PRESENT:** Ann Canedy, Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Sara Cushing, Debra Dagwan Jessica Rapp Grassetti, Paul Hebert, John Norman (7:30), Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

The Pledge of Allegiance was led by President Rapp Grassetti, followed by a Moment of Silence for the families of Judge James O'Neill and Joseph Chilli.

### **Associated Costs of Homelessness, Paul MacDonald, Barnstable Police Chief : (Exhibit A)**

- Number of calls for service
  - Number of officers responding to a call for service
  - Amount of time on-scene
  - Report-writing time
  - Station time
  - Total police time spend per call or service
- President Rapp Grassetti asked the person with the video camera to identify himself to the body...Rob Bastille from Hyannis News.

Councilor questions and comments:

What would the impact be if the shelter closes; [60 more people out on the streets] how did you calculate the numbers [we have interviewed and compiled the data on each person] moving the shelter will fix some things; bigger problem is the camps; we need to seek help from other organizations; toured the camps, it is inhumane; dangerous and unhealthy; children, animals and women being abused in these camps; after cleaning out the camps have there been any changes [we have encourage them to seek out services, encouraged them to connect with their families, but some have returned to the camps] additional costs including police officers, EMTs, and fire department calls; can you give us an idea on what you asked during the interview [people were asked for their place of birth-83 were from Hyannis] why do they come here? [I can't answer that, we take care of the homeless population] Are the state agencies getting involved, how do we get assistance from Boston? [Camp dwellers do not want to abide by the restrictions of the homeless shelter] If Boston's homeless population is 600, ours seems strikingly high

### **Report from Rick Presbrey, Housing Assistance Corporation CEO; Michael Sweeney, Vice President Administration and Finance, Housing Assistance Corporation (HAC) and Greg Barr**

Michael Sweeney referred to a packet of information given to the Councilor's responding to their questions regarding the Noah Shelter clientele: (Exhibit B)

- 422 different individuals came through the Noah Shelter;
- The day center worked with the homeless to get them into a job, healthcare, finding housing.

- Average length of stay - median is 19 days,
- 29 individuals stayed between 180 to 365 days
- more males than females
- A social worker has been provided to work with the police
- Biggest issue is the opiate problem

Councilor questions and comments:

Are you changing the model [staff people are trained to intervene which is a change, emphasis is on behavioral change] the model is not successful where it is you can't just move it. Where are the year end figures [typically a little bit of a loss or gain] Will not support anymore money from the Town of Barnstable to fix this problem; try to find ways to effect a solution; as Councilors we need to know where our money is going; [often times we run short, the loss is state funding we make it up with fundraising] financially that is a bad model; services are not reaching the clientele; protect the people that need the help; people in the camps are a social services issue not a police issue; lack of affordable housing is a problem; the services were created because of a need; [homeless not hopeless; looking for a benefactor from other towns to be a part of this effort] residency number how is that determined [some form of id-hard evidence] service agencies, do not seem to be as involved as they should be [have to add something productive to the relationship; connecting clients to services which are listed in the packet] recovering programs need to meet more than once a week [we do not have the space to provide access to the programs at the Noah Shelter] happy we are working together on this problem; everyone should try camping out to help understand the plight of the homeless; we need to understand why some of these folks want to remain in the camps; now that Noah Shelter is a dry shelter have you seen changes; [a couple of people have gone into treatment, some have moved back home now that they are dry] what has been the maximum length of stay at the shelter [one person has been there since 1989, he works sometimes, has had no interest in connecting with anyone; we now require every person who comes into the shelter to work with the transition team] a lack of intervention is entirely unacceptable; having one person in the shelter for 26 years is an area of grave concern; we need hard data.

**Reports from:**

**Elizabeth Wurfbain, Executive Director, Hyannis Main Street Business Improvement District (BID); Chair of the Day Center Executive Committee on the Task Force progress**

**Deb Krau, Vice President, Hyannis Civic Association; Day Center Executive Committee member on proposed model framing and**

**Paula Schnepf, Network Coordinator of the Cape and Islands Regional Network on Homelessness**

Elizabeth Wurfbain, Paula Schnepf and Deb Krau came up together to give their reports. Wurfbain started off explaining concerns for community and the homeless person; we are reaching out with a new vision for the town.

Deb Krau gave the new vision for the new model, in a new location, under a new name; the following are some of the highlights:

- Client focused environment
- Integrated case management
- Social Service co-op
- Geared to build self-sufficiency
- Food Service manager on duty
- Three meals a day
- Teaching laundry, computer and cooking skills

New name is "Transitional Living Center of Cape Cod"

When asked, Deb Krau read the Mission Statement which is to end the cycle of homelessness.

Councilor questions and comments:

Is this model evidence based, [this model is working in other communities now, everyone involved in their own recovery ] currently the Hyannis fire department is bearing the brunt of emergency calls; will the new model reduce those costs; [this only addresses those who want to rehabilitate] anyone choosing to remain on drugs/alcohol will not be part of the new center; we need zero tolerance for the camps; how would we work both fronts;[this is just one piece of the puzzle, serial inebriates, mental health issues and drug treatment beds are needed] Hyannis fire district is being impacted the most [the county is now getting involved as is the state; is it in all of our interest to bring everyone else in to help us share the costs] thank you for your energy; where are we on location [no where] time frame [year to two years, need you to help us expedite this] keep it away from the schools, can you reach out to the selectmen from other towns [it would be more powerful from Council level].

**PUBLIC COMMENT:**

Rodney Livingstone spoke to the Council about an arrest made by the police department.

Lou Gonzaga talked about the eviction of people who are in need of social services, and went into detail about an eviction of an individual who is now out on the streets of Hyannis. Find the homeless jobs.

Irene Alymer spoke about the lack of affordable housing; the camps are located on town property and are littered with needles and human waste. These camps are in our neighborhoods.

Peter Cross watched the interaction between the police and the homeless while cleaning up the camp near his home and stated they treated the homeless with dignity. This is our town land, right in our back yards and near our schools; we shouldn't be allowing this to continue.

Kevin Head of Project Humanize said he is concerned about taking the camps away; the homeless will not have a place to sleep. Remember the decisions you make can cost lives.

Luis Lebron said the problem is not having a place to sleep; drugs happen all the time. He stays in the camps because there is no other place for him.

Sue Rohrbach speaking for Senator Dan Wolfe, he supports the work being done by the committee, stating how the Council chooses to proceed is a community decision. Senator Wolfe will do what he can to support the town.

Devin Kruljac stated the services provided in Boston have wait lists, some of the homeless in Boston have been denied services for over five years; he would not like to see the shelter moved; and asked for evaluations of the social services.

Bo Chu read a prepared statement that a friend wrote about him. Bo is a 75 year old homeless man.

Meaghan Moore noticed a lack of Cape Cod Healthcare involvement in the homeless issues, there are many homeless minors in school; wish we could take the negativity out of the headlines.

Pat Princi said the County has established a human service agency, what we can do at the county level is spread out the issue, this has the potential.

Tara Wallace expressed regret at the term lifestyle; addicts need recovery programs, housing, and case management.

Alan Burt stated we have seriously mentally ill people on the street. We need affordable housing, we do not have enough detox beds, and we need to become human. "Liberty and justice for all"

Michael Harris said the homeless problem is everywhere; do we have a total cost of all the services? Is there a place on Cape Cod that is not a residential area?

Christopher Kassarijon works in human services, has had clients that went to Noah Shelter. . Addiction is a disease; people on drugs don't care where they live when they are on drugs. We need to create sustainable housing

Nate Robinson currently in recovery and working for human services, has used transitional housing, people can't get sober if they don't have a place to live.

Kara Blake works at two different social services jobs to afford to live on the Cape; she asked what brings someone to the point of living in homeless camps? Blake believes a huge barrier is trust, because many of the homeless have been victimized.

George Lloyd went into the camps to blend in and learn about the homeless situation. He said most of the long term homeless people have post traumatic stress syndrome.

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

- one out of every 30 children are homeless nationwide; we have no services for our children; working two jobs to maintain a place to live here; humanizing this problem; Cape Cod Healthcare needs to be involved; follow through necessary and commitment. Addiction is strong that is happening with some of the folks in the camps; we have been trying to get people out of the camps it is not a lifestyle someone wants. Businesses, property values, all are affected by the homeless situation; thank everyone for coming out

**TOWN MANAGER COMMUNICATIONS:**

2017 Budget Action Calendar (Exhibit C)

Shooting Range Meetings

E Permitting Update from Mark Ells, Assistant Town Manager

- Mark Ells, Assistant Town Manager gave updates on the Shooting Range, first reading tonight 2016-026
- E permitting is right on schedule, staff will have training in October

Councilor Questions and comments:

Did the survey question the types of guns (long range, etc) [Yes] did the survey ask about days of the week/weekend for use of the range [Yes] Can you send the survey to other people [Yes we could] the new indoor gun range does not allow for long range guns.

- Mark continued with information on the new Hyannis Loop provided by the RTA for the Hyannis area is up and running now.

Cobb Early Learning Center opening yesterday

Mass Municipal Suffolk University

Site planning and improvements to the Transfer Station study

**ACT ON MINUTES:** Upon a motion duly made and seconded it was voted to approve the minutes of the September 3, 2015 meeting as written

**VOTE: PASSES UNANIMOUS**

**COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements:**

Councilors gave the following:

- Committee updates
- Letter from BEDC
- Announced receipt of a letter from Town Manager, Tom Lynch contract ends next year
- School Committee Search for Superintendent
- Community forums with School Committee
- Thanked Town Manager for his service to the Town
- Letter sent to the Town Manager wishing him well in his next endeavor

**2015-180 APPROPRIATION ORDER OF \$504,000.00 COMMUNITY PRESERVATION FUNDS FOR AFFORDABLE HOUSING HI RIVER ROAD, MARSTONS MILLS INTRO: 06/04/15, 06/18/15, 09/17/15**

Upon a motion duly made and seconded it was

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the sum of Five Hundred Four Thousand and NO/100 (\$504,000.00) Dollars be appropriated and transferred from the amount set aside for community resources in the Community Preservation Fund, for a grant to Habitat for Humanity, Inc. for the acquisition, creation and support of affordable housing on nine (9) acres, more or less, on Hi River Road in Marstons Mills shown as Parcels 33 – 36 on Assessors Map 0600; and that the Town Manager is authorized to contract for and expend the appropriation made available and execute and record documents on behalf of the Town for this purpose to be secured by grant agreements, regulatory agreements, deed riders, title insurance policies, notes and mortgages, subject to the oversight of the Community Preservation Committee.

**VOTE: WITHDRAWN-unanimous**

**2016-008 AMENDMENT TO CHAPTER 121 OF THE CODE OF THE TOWN OF BARNSTABLE, "LICENSING" BY ADDING ARTICLE III, CIVIL FINGERPRINTING CRIMINAL HISTORY RECORD CHECK FOR CERTAIN LICENSES INTRO: 08/13/15, 09/03/15, 09/17/15**

Rationale given by Town Attorney, Ruth Weil

Open public hearing seeing no one, close public hearing

Upon a motion that was duly made and seconded it was

**ORDERED:** That Chapter 121 of the Code of the Town of Barnstable, "Licensing" be amended by adding Article III, Civil Fingerprinting Criminal History Record Check for Certain Licenses as follows:

**"§121-8 Criminal History Record Check Procedure**

A. The Police Department shall, as authorized by **MGL c. 6, § 172B 1/2**, to conduct state and federal fingerprint-based criminal history checks for individuals applying for the following licenses:

- (1) Hawking and peddling or other door-to-door salespeople
- (2) Ice cream truck vendors

B. At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records and shall obtain the individual's consent.

C. The Chief of Police shall periodically check with the Executive Office of Public Safety and Security ("EOPSS"), which has issued an informational bulletin which explains the requirements for town ordinances and the procedures for obtaining criminal history information, to see if there have been any updates.

D. Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this ordinance to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this ordinance.

E. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this ordinance.

F. The Town authorizes the Police Department to receive and utilize state and FBI records in connection with such background checks, consistent with this bylaw. The state and FBI criminal history

will not be disseminated to unauthorized entities.

G. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department.

H. An applicant who wants to challenge the accuracy or completeness of the record received under **§121-8G** shall make application directly to the agency which contributed the challenged information. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority until the applicant has been afforded a reasonable time to correct or complete the information,. Where an applicant has sought to challenge the accuracy or completeness of the record, no license specified herein shall be issued until a determination is made by the applicable state or federal agency regarding the applicant's request, at which point either the original or corrected record, depending on the determination, shall be transmitted to the applicable licensing authority.

I. The Police Department shall communicate the results of the fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town pursuant to **§121-8A**. The Police Department shall, in addition, render to the licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information known to it. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

J. No such suitability evaluation or communication shall be disseminated to unauthorized entities.

K. The Town Manager is authorized to promulgate regulations for the implementation of the proposed ordinance, after consultation with the Chief of Police.

**§121.9 Use of Criminal History Record by Licensing Authorities:**

A. Town licensing authorities shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this ordinance.

B. Town licensing authorities may deny an application for the license on the basis of the results of a fingerprint-based criminal record background check and upon the evaluation provided by the Police Department if it determines that the results render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and town policies bearing on an applicant's suitability in making this determination.

C. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application, including renewals and transfers thereof, for any person who is deemed unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this ordinance.

**§121.9. Fees:**

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be fifty dollars (\$50.00). A portion of the fee, as specified in **MGL c. 6, § 172B 1/2**, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

**§121.10. Severability**

The provision of this article is severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

**VOTE: PASSES 13 YES**

**2016-021 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO 09/03/15, 09/17/15**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council appoint the following individual to a multiple-member board/committee/commission:

**LIBRARY COMMITTEE:** Elena Schuck, 56 Cinderella Terrace, Marstons Mills, as a member with a term expiring 06/30/16

**VOTE: PASSES UNANIMOUS**

**2016-026 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$35,000 FOR THE INSTALLATION OF GROUNDWATER MONITORING WELLS AT THE BARNSTABLE SHOOTING RANGE 09/17/15**

Upon a motion duly made and seconded it was referred to a public hearing

**ORDERED:** That the sum of \$35,000 be appropriated for the purpose of funding the installation of groundwater monitoring wells and other associated costs at the Barnstable Shooting Range, and that to meet this appropriation, that \$35,000 be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE:** refer to a public hearing on 10/01/15-unanimous

**2016-027 ORDER AMENDING THE GENERAL ORDINANCES OF THE CODE OF THE TOWN OF BARNSTABLE, CHAPTER 228, VEHICLES, STORAGE OF INTRO: 09/17/15**

Upon a motion duly made and seconded it was

**ORDERED:** That the General Ordinances of the Code of the Town of Barnstable, Chapter 228, Vehicles, Storage of, be amended as follows:

SECTION 1: by adding to the title, after the word "vehicle" the words "and boats," the title to read after amendment "Vehicles and Boats, Storage of."

SECTION 2: by striking § 228-1, Limit of one vehicle on premises, and substituting the following.

**"§ 228-1. Limit of boats and vehicles on premises.**

No person shall have any unregistered boat, motor vehicle or trailer, any or all of which are required by law to be registered, or any part or portion thereof, ungaraged on premises owned, occupied or controlled by him or her at any time unless screened from neighbors' view and from public view by shrink wrap, fencing, evergreen trees or other plants capable of providing year-round screening.

**VOTE:** refer to a public hearing on 10/01/15-unanimous

**2016-028 ORDER AMENDING CODE OF THE TOWN OF BARNSTABLE GENERAL ORDINANCES BY ADDING CHAPTER 54 BUILDING AND PREMISES MAINTENANCE INTRO: 09/17/15**

Upon a motion duly made and seconded it was

**VOTE: Refer to a public hearing on 10/01/2015-unanimous**

**2016-029 ORDER AMENDING CODE OF THE TOWN OF BARNSTABLE GENERAL ORDINANCES CHAPTER 224 VACANT AND FORECLOSING PROPERTIES INTRO: 09/17/15**

Upon a motion duly made and seconded it was

**VOTE: Refer to a public hearing on 10/01/15-unanimous**

**2016-031 APPROPRIATION AND LOAN ORDER OF \$450,000.00 FOR REPAIRS AND RENOVATIONS TO THE CRAIGVILLE BEACH BATHHOUSE INTRO 09/17/15**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of \$450,000 be appropriated for the purpose of funding the repairs and renovations to the Craigville Beach bathhouse, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow \$450,000.00 and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Refer to a public hearing on 10/01/15-unanimous**

**ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn:**

**Unanimous**

**Adjourned at 10:55 PM**

Respectfully submitted,

Ann M Quirk, CMC  
Town Clerk – Town of Barnstable

NEXT REGULAR MEETING: October 1, 2015

**EXHIBITS**

- A. Homeless Analysis-Chief Paul MacDonald
- B. HAC document
- C. FY 2017 Budget Action Calendar