



TOWN COUNCIL MEETING July 20, 2006

A quorum being duly present, Council President Henry C. Farnham called the meeting of the Barnstable Town Council to order at 7:00 pm, on Thursday night, July 20, 2006.

PRESENT: Richard Barry, Janice Barton, Gary Brown, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., Leah Curtis, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., Thomas Rugo and Harold Tobey.

President Farnham led the Council in the Pledge of Allegiance and a moment of silence. The President also announced: The agenda item relative to creation of affordable housing overlay district (AHOD) is rescheduled for public hearing on September 7th.

PUBLIC COMMENT

Alan Burt read a letter from the Cape Cod & the Islands Board of Realtors in support of the efforts of "Operation in From the Cold" and thanks to the efforts of Councilor Crocker, presented a check to Councilor Barton in the amount of \$1,415.70 to support that program. Please see Exhibit A for Mr. Burt's comments on a proposal that the town give 1% of its budget to human services.

Peter Doiron talked about the proposed airport terminal and a recent meeting that discussed it. He noted that a report had described the airport as a break-even airport. He said that a \$16M bond issue will be brought forward this fall and that the planners are looking for a 2010 completion date.

Debra Tavano announced that she is homeless. She stated that as a homeless person, she only had problems with one store in Hyannis. There are at least 50 people at the shelter at this time. She explained that those people are spending money in the stores, because many get food stamps and other government funds. She noted that that adds up as far as business to the grocery and other downtown establishments. She also said that "I don't have to look homeless, I try to look nice."

John Brennan, the chair of the West Barnstable Prudential Committee made a number of statements regarding Resolve 2006-005. He said that maybe something should be put on a ballot to find out what the residents want, and then more people would be involved. A committee should review this and should look at possible excess staff and equipment. We should still pursue the idea of studying change within the districts. We need small steps prior to a giant leap before taxpayers. He suggested that we utilize town resources for the study.

COUNCIL AND TOWN MANAGER RESPONSE TO PUBLIC COMMENT

Councilor Curtis said she feels that consolidation is down the road. We need to look at the issue a step at a time and raising the consolidation issue at this time is premature. She thanked Mr. Brennan for his comments.

Councilor Barton thanked Mr. Burt for the check and the comments. She also thanked Ms. Tavano for speaking. She addressed Mr. Doiron by stating that the committee is not about consolidation but is preparing a study on the fire districts.

Councilor Crocker said that HAC also received a donation from the realtors.

Councilor Milne also thanked Ms. Tavano for coming up and “putting your story before us”. As far as Main St., it is a tough problem. He told Ms. Tavano that she is respectful, but there have been some individuals who have done things to merchants, where there has been offensive behavior. We should not make blanket judgments. Milne stated that Mr. Brennan spoke to putting the consolidation question on the ballot and he wanted to know if we had time to do that and if we have utilized the annual survey to get opinions on this question.

REPORTS FROM TOWN COUNCIL, BOARDS, AND COMMITTEES

Councilor Milne, as liaison to the airport commission, has been contacted by owners of small taxi-cab companies who were upset that the airport manager has decided to have a permitting and licensing process for the airport. There is a pending deadline in August that will crush several of these companies; and he would like to get some sense about whether we could ask the airport manager to extend the deadline. President Farnham asked Councilor Brown for a comment. Brown said he would like to hear both sides. He can’t understand both sides without hearing from Mr. Mosby. Councilor Tobey echoed Councilor Brown.

Town Manager John C. Klimm said we have not been involved and are not informed on this issue. President Farnham asked the Manager to check into it and inform the council.

Councilor Barton said the School Committee met with the new superintendent and she is looking forward to meeting and working with the Council. Barton announced a few other meetings including the Fire District Study Preparation Committee which will now allow public comment at the end of their meetings.

Councilor Curtis stated the new director of golf is melding well with the other employees and the courses. The Golf Committee is continuing to work on the First Tee program for young people.

Councilor Crocker noted that some of the superintendents of the water departments do not live in town and an exemption will be developed.

ACT ON MINUTES

Upon motion duly made and seconded the minutes of the June 15, 2006 meeting were accepted with the following corrections:

Councilor Milne stated that on page two about 5 paragraphs down he wanted a change to “specific public hearing” instead of “notice”; next sentence, instead of meeting substitute “public hearing”. On page 4 it should be Paul Noonan (not Paul Newman). On the last vote of the meeting, he asked for the recusal of two councilors to be placed at the beginning (prior to the discussion and vote) and at the end it should just show 11 Yes.

VOTE: 13 yes as amended

ORDERS OF THE DAY

OLD BUSINESS:

2006-048 - ORDER TAKING OF GALLAGHER LANE EASEMENTS FOR HIGHWAY PURPOSES INTRO: 12/01/05; 01/05/06; 07/20/06

Manager Klimm said that this has a grant requirement that the road be a public way.

**HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION
APPOINTMENT:**

Dave Colombo, 51 Blantyre Avenue, Centerville, MA 02632, term expires 06/30/2009

SHELLFISH ADVISORY BOARD REAPPOINTMENT:

Les Hemmila, 4019 Main Street, Cummaquid, MA 02637, term expires 06/30/2009

WATERWAYS COMMITTEE APPOINTMENT:

Michael P. Hersey, 62 Homeport Drive, Hyannis, MA 02601, term expires 06/30/2009

VOTE: 13 YES

NEW BUSINESS

2007-001 - APPOINTMENTS	INTRO.: 07/20/06
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Councilor Crocker asked to postpone the appointment of the Board of Health nominee. Councilor Curtis said the committee will be meeting on August 9. It was noted that any changes or additions must be made at this reading.

Therefore, Councilor Curtis withdrew, temporarily, the first reading on the Board of Health appointment.

Councilor Milne asked that the name of Tom Dolby of Marstons Mills be added to the Airport Commission appointment.

Councilor Curtis stated that he has been interviewed for this position.

Councilor Canedy asked to postpone the second reading until September so that she could be present. Councilor Curtis said we have all worked hard on this. We are trying to keep up with things and keep positions filled. She would like the item to go forward at the August meeting.

Councilor Brown said regarding the postponement of the first reading on the Board of Health appointment, he would like names added to the current appointee's name. He did not want the current appointee's name removed. Councilor Curtis said we are just postponing this and his name will remain on. Brown said the committees need to have people appointed.

Upon motion duly made and seconded, it was voted to refer this item as directed above to a second reading.

VOTE: As amended – 13 yes

2007-002 - PUBLIC HEALTH INTERMUNICIPAL MUTUAL AID AGREEMENT	INTRO.:
07/20/06	

Manager Klimm said that we are being asked to enter into mutual aid agreements. These could be for such incidents as: pandemics, bioterrorism, etc. Failure for communities to enter into these agreements could have impact on our receiving help from the Federal Government. He was asked if these are only for specific areas of concern. Klimm stated that we could add things to the agreement if we wanted to.

Councilor Munafo said we have greater resources as a larger community. Might we see a serious drain on our resources if we supported other towns? How can we protect our own resources?

Tom Geiler said funding is the most important support for us. Most of these incidents involve the government declaring a state of emergency; and then we would qualify for reimbursement or funding.

Upon motion duly made and seconded, it was:

ORDERED: that the Town of Barnstable Town Council authorizes the Barnstable Town Manager, in accordance with G.L. c. 40, Section 4A, to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Public Health Division is authorized to perform, in accordance with an InterMunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto.

VOTE: 13 YES

**2007-003 - EXEMPTION OF AN INTEREST UNDER THE CONFLICT OF INTEREST LAW
INTRO.: 07/20/06**

Manager Klimm said this is standard procedure for an employee with more than one contract. Mr. Gobeil is a teacher and they are not teaching in the summer months. He is involved with the "Harbor Your Arts" program this summer. Every Sunday there is a play and Tuesdays there is a musical performance. Klimm said that at every successive performance we have had a larger crowd. We are seeing more and more people from all over town.

Councilor Curtis noted that this is free entertainment. Councilor Joakim suggested that people bring their chairs.

Upon motion duly made and seconded it was:

RESOLVED: that the interest of Leonard Gobeil, as a teacher employed by the Barnstable Public Schools, is hereby found to be not likely to interfere with the objective performance of his duties in the best interests of the Town in the position as Events Coordinator Intern for the Harbor Your Arts program a position funded under the John and Abigail Adams Grant.

VOTE: 13 Yes

**2007-004 - ORDER AUTHORIZING SALE OF LAND SHOWN ON ASSESSORS MAP 143
PARCEL 3 FOR AFFORDABLE HOUSING INTRO.: 07/20/06**

Upon motion duly made and seconded it was voted to refer this item to a second reading on August 17, 2006.

VOTE: 13 yes

**2007-005 - RESOLVE RE: SENTIMENT WITH RESPECT TO CONSOLIDATION OF TOWN
FIRE AND WATER DISTRICTS INTRO.: 07/20/06**

Councilor Crocker stated that he has reviewed the Fire District Study Preparation Committee records; and if the committee is given enough time to do their work, we will be discussing the outcome. He wants a good study, and he feels the passage of this item will assist them.

President Farnham stated that the council had decided to have the committee go onto the next phase, for a low level study of the economic and legal side of things, before getting involved in a full blown study to change the system. The committee is to include some other people. Councilor Barton said they are not adding any other people or councilors. She said the committee was told to continue working and doing research. This was the charge. Barton said they are taking things and doing it slowly and deliberately.

Councilor Curtis is confused by the request. She does not understand whether Councilor Crocker is bringing this forward as a Prudential Committee Member or a Councilor. She said she is on the committee and has not been asked about this by Crocker. Curtis said this committee is not considering consolidation and we are so far from that today. This resolve is inflammatory and not helpful.

Councilor Crocker said he brought this forward as a Town Councilor. He said things are going good and this might help the committee. This is about doing what is right for the town.

Councilor Barton said it is not fair to put a resolve on for a committee without input from the committee or its chair. She believes there is a larger issue of respect for the chairs. This resolve doesn't discuss whether the fire services are good. It discusses consolidation. We need to continue our work. I am disappointed this is on the agenda.

Councilor Canedy said she had been asked why we have five fire districts. We are trying to find out why and if it is the way we should be doing this. The resolve is premature.

A motion was made and seconded to table the resolve.

VOTE: 7 Yes 6 No

President Farnham announced that three substitute motions were being presented to replace items in the agenda. They are for 2007-009, 2007-010 and 2007-012.

Town Attorney Robert Smith said these are being substituted at the first reading stage. This is not a determination. If the substitution is not allowed, it would still be open to amend on the floor of the second reading.

Manager Klimm said this is a new point for you to begin discussion on the Hyannis Youth and Community Center. We wanted to start discussion at the new amount. He noted that that amount can be changed. This has the latest information on it.

Councilor Chirigotis said we met on July 18 and it was recommended for the item to conform to the design and economics that were the best alternative. There may be additions or deletions, but the recommendation was to go with the substitute proposal. Vice President Joakim said we need to give the public as much information in advance.

Councilor Munafo asked for some verification of the figures. Financial Director Mark Milne noted that it does increase the authorizations by \$600,000 and the bond for \$400,000 and we are redirecting other sources to this item.

Councilor Milne said the staff does the nitty gritty work and they should be commended. This conclusion is the best recommendation. Allow the administration to bring their recommendation forward.

President Farnham said the manager learned that he could go to the next level after the meeting of the 18th, which was after he had prepared the orders outlining the current amounts. Councilor Munafo agrees but he said he has a job to do and wants to look at it.

Councilor Canedy asked that the title of 2007-010 be the same as on the original item.

Manager Klimm said the gym and track were always in the original proposal. It was taken out at a later option. We wanted it. The proposal before you is a walking track. Again, if you want to take out or add other items, we will have a public hearing and a lot of discussion on this will be forthcoming.

By unanimous consent and votes, the substitute motions were allowed to replace the original agenda items.

Vote: 13 yes on 009 and 010

Vote: 13 yes on 012

CONSENT AGENDA:

Upon motion duly made and seconded there was mutual consent of the Barnstable Town Council to the following actions:

2007-006 - APPROPRIATION ORDER FOR STUDY OF AESTHETICALLY AND HISTORICALLY APPROPRIATE STREET LIGHTING IN THE HYANNIS GROWTH INCENTIVE ZONE INTRO.: 07/20/06

Upon motion duly made and seconded it was voted to refer this item to a public hearing on August 17, 2006.

2007-008 - COMMUNITY PRESERVATION FUND APPROPRIATION FOR AFFORDABLE HOUSING PRESERVATION INTRO.: 07/20/06

Upon motion duly made and seconded it was voted to refer this item to a public hearing on August 17, 2006.

2007-009 - APPROPRIATION AND LOAN ORDER FOR THE HYANNIS YOUTH AND COMMUNITY CENTER INTRO.: 07/20/06

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on August 17, 2006.

2007-010 - TRANSFER OF UNEXPENDED BOND PROCEEDS FROM BUTAPS FOR CONSTRUCTING HYANNIS YOUTH AND COMMUNITY CENTER INTRO.: 07/20/06

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on August 17, 2006.

2007-011 - APPROPRIATION ORDER FOR HYANNIS YOUTH AND COMMUNITY CENTER INTRO.: 07/20/06

Upon motion duly made and seconded it was voted to refer this item to a public hearing on August 17, 2006.

2007-012 - ORDER AMENDING THE CODE, GENERAL ORDINANCES, PROHIBITING USE OF PERSONAL WATERCRAFT AT THE SHOOTFLYING HILL ROAD TOWN BEACH AND RAMP INTRO.: 07/20/2006

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on August 17, 2006

2007-013 - APPROPRIATION ORDER FOR COMMUNITY PRESERVATION FUND DEBT SERVICE INTRO.: 07/20/06

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on September 7, 2006.

2007-014 - APPROPRIATION ORDER FOR CONCEPTUAL DESIGN WORK ON SOUTH STREET IN HYANNIS INTRO.: 07/20/06

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on August 17, 2006.

2007-015 - COMMUNITY PRESERVATION FUND APPROPRIATION FOR HAMLIN MARKER WEST BARNSTABLE INTRO.: 07/20/06

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on August 17, 2006.

CONSENT VOTE: 13 Yes Unanimous on all above.

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

Vice President Joakim announced that Centerville Old Home week is coming up. Councilor Curtis commended the Master Gardeners' Association for their project with children at the Long Pond conservation area. The "Children's Garden" will be included in a book next year on gardens in New England. Councilor Barton commended the Indian Pond Association after a recent visit with President Farnham.

PRESIDENT/VICE PRESIDENT COMMUNICATIONS

Vice President Joakim said that she and Pres. Farnham had personal reasons to thank the West Barnstable Fire Department. She said things would be a lot different if her daughter did not have on a seat belt during a recent accident. President Farnham thanked everyone for remembering him after his recent accident at home.

TOWN MANAGER COMMUNICATIONS

Manager Klimm said because of Hyannis zoning changes, we have seen the new mixed use approval at the east end golf course. He also noted that Dave Columbo has done a good job, as has John Manoog, the Cape Cod Times with its renovation, and the Sturgis Charter School with its façade improvement. It won't be long before we have some regulatory agreements. The activity level is high in the downtown area. Klimm told the council that they took the chance to change the zoning and he told them to take credit for that.

PUBLIC COMMENT

None.

ADJOURNMENT.

Upon motion duly made and seconded it was voted adjourn.

VOTE: 13 Yes

ADJOURNED: at 9:00 p.m.

Respectfully submitted,

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

NEXT MEETING AUGUST 17TH.