

**TOWN COUNCIL MEETING**  
**February 15, 2007**

A quorum being duly present, Council President Janet Joakim called the meeting of the Barnstable Town Council to order at 7:00 pm, on Thursday, February 15, 2007 at the Barnstable Town Hall, 2<sup>nd</sup> Floor Hearing Room of Town Hall, 367 Main Street, Hyannis, MA.

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

Vice President Brown led the Council in the Pledge of Allegiance and a moment of silence, remembering Alexander Fuller and all fallen troops.

President Joakim announced that Item **2007-076 COUNCILOR COMPENSATION** will be postponed to March 15<sup>th</sup>. This evening public comment and comment during the public hearings on tax classification will be limited to 2 minutes.

**GIRLS' VOLLEYBALL PROCLAMATION**

President Joakim and Vice President Brown invited the team to the podium and introduced them. See Exhibit A for text of the proclamation and names of the team members. A plaque was presented to the team and each member received a copy of the proclamation. Coach Tom Turcotte thanked the council and the congratulated the girls.

**SCHOOL COMMITTEE REVENUE OVERVIEW**

The following members were present: Ralph Cahoon, Debra Dagwan, Peggy Dandridge, David Lawler, and Richard Murphy.

Finance Director Mark Milne made a PowerPoint presentation (See Exhibit B). The town's recent upgrade to an AAA bond rating is due to the town's recognition of liabilities and making plans to address them. Chairman Cahoon thanked Finance Director Milne and the council for having this session. The school department is well under way in completing its budget. He invited the public to view the budget on the school's website and attend meetings.

Councilor Crocker pointed out that the AAA rating affects the districts as well. Districts cannot get their bond rating upgraded above the town's bond rating.

**PUBLIC COMMENT**

Gloria Rudman spoke in opposition to the council pay raises. Among other points she pointed out that the positions in other town also manage fire and water so comparisons are invalid.

John Alden spoke against doubling the salary. It should be increased but not doubled.

Peter Doiron asked town's position on town employees who have been arraigned among other items.

Carol Horgan commented on Public Comment suggesting that the council consider allowing one person to speak on behalf of several others and use the total of the group's combined time. On the pay raise, she asked they consider the health benefit as part of the pay and add dollars to those who do not get the benefit.

Mimi McConnell opposes the pay raise feeling it is out of line when compared to others who give much and never see a penny. The council should have adjusted the initial stipend annually for cost of

living. While there is never a way to pay a councilor for the hard work, but in the spirit of public service, the pay raise should be foregone

Gwen Phillips opposes the salary increase, but thanked them for their time and efforts. She feels they deserve some salary in line with what the town employees get – 2%, 2 1/2% and mileage reimbursement. People will run for the money and benefits rather than for the interest of the town.

Diane Fay is concerned about the pay increase. She is an employee advocate and workers have not received a 100% increase in the same period of time. She suggested the council look at a catch-up of what percentages were given to town workers, then keep up.

Frank Paparo opposes the amount of the raises, suggesting they consider a smaller pay raise. He also suggested the town should express interest having the Wampanoag casino fearing that a casino in New Bedford will decrease the economy on the Cape. He also suggested establishing the Hyannis Film Festival to increase tourism during the winter.

Lou Gonzaga suggested promoting businesses through these tax decisions, which will create jobs and affordable housing. He also spoke about the Cape Cod Commission petition, complimented the police department and recommended a special committee to take a look at the councilor pay raise.

Robert Tucker is pleased that the Chief of Police is cleaning up the mess of cars in his neighborhood.

Charles Hagarty is pleased the town was upgraded to an AAA rating. He is opposed to the large pay raise for public service and the source of the proposal – the council. He asked for withdrawal of proposal and the creation of an independent citizens' committee make the recommendation.

Jerry Gilmore, former selectman, gave some history on the pay raise. At that time, he had proposed a higher pay than what was accepted. It is still artificially low and he commends them for bringing it up.

Bill Putman can't understand why anyone would oppose the salaries. The councilors are getting about 10 cents an hour for all their work.

## **COUNCIL AND TOWN MANAGER RESPONSE TO PUBLIC COMMENT**

Councilor Milne is intrigued by the idea of a dialogue with the public and feels town meeting could be used for such a thing. He loves public comment, and it was the covenant in the charter to keep the community dialogue. He explained the issue of the health benefits. It is a 50/50 split between the individual and the town and 50% comes from the councilor's stipend.

Councilor Curtis explained that charter requires the council to look at its compensation and to make the decision. Citizen input would be beneficial.

Councilor Munafo pointed out that the compensation plan was a team effort, not specifically his and that it was a tortuous effort.

Councilor Canedy suggested that an independent committee with autonomy would put the recommendation at arms length. There have been many years of inattention to this issue and the raise should be comparable to employee increases or inflation.

President Joakim said the people who have spoken to her feel the councilors need a raise.

## **ACT ON MINUTES**

Upon motion duly made and seconded it was voted to approve the minutes of February 1, 2007.

**VOTE: Unanimous (Milne, Crocker and Curtis were absent and abstained)**

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

Councilor Canedy thanked Ruth Weil. Councilor Tobey thanked Lynne Poyant. Councilor Curtis spoke about committee vacancies and the need for interested people. Councilor Crocker reported on the councilor review committee. Councilor Barton reported on OPERATION IN FROM THE STREETS. They have raised \$22,000 in donations mostly from private donations and several other towns.

### **ORDERS OF THE DAY OLD BUSINESS**

Upon a motion duly made and seconded it was voted open a public hearing on **2007-042 ALLOCATION OF TAX LEVY, 2007-043 ADOPTION OF CHAPTER 653, SECTION 40 OF THE ACTS OF 1989 WHICH AMENDS MGL CHAPTER 59, SECTION 2A (a), ASSESSMENT OF NEW CONSTRUCTION and 2007-044 ADOPTION OF CHAPTER 59, SECTION 5 (54) PERSONAL PROPERTY EXEMPTION** at 8:09 PM.

**VOTE: Unanimous**

Jeff Rudziak, Director of Assessing, reviewed a PowerPoint presentation concentrating on the variables of tax shift and residential exemptions. (See Exhibits C & D)

Jeremy Gilmore, Chairman of the Board of Assessors, recommends a Factor of One and to not adopt any exemptions.

Skip Simpson supports a Factor of One to increase the commercial tax base. Expanding the commercial tax base is the only long term solution and splitting the tax rate does not address this in the long term, and is unfair.

Chris Kehoe supports a Factor of One. There was no election mandate for the spit tax rate and the money saved by businesses would be spent on wages, improvements, etc. Higher taxes mean sluggish growth and less money going into the town while lower taxes create economic growth.

Dee Petrella of the Hyannis Area Chamber of Commerce supports a Factor of One. Economic development starts locally; therefore the focus should be on cultivating business growth. The split-tax rate will stunt economic growth and decrease tax base.

Monica Parker, President of the Hyannis Area Chamber of Commerce also spoke for returning to a Factor of One which equals a unified community. Businesses have moved over the bridge so there is a need to cultivate business growth in the town. The Growth Improvement Zone has had a positive effect on Main St.

Peter Doiron recommends a Factor of 1.5, as well as a small business exemption and a residential exemption. Businesses have expanded and big corporations continue to move forward. He feels there was a mandate and a Factor of One is regressive and unfair.

Bill Putnam supports a Factor of One and a small business exemption. Businesses do not tax the school system, etc. Several B & Bs can't afford to stay in business and overtaxing those who are trying to get ahead makes no sense.

Tony Pelletier of the Hyannis Civic Association and a residential homeowner supports a higher factor on the split rate and a lower residential exemption. It is a complex subject and residential people will not come forward. Inflation has gone up and business valuations should be higher. He feels the town has difficulty assessing businesses.

Philip Scudder supports a Factor of One as the best way to help those people who need help the most. In addition, the town should adopt a meaningful exemption.

Carol Horgan, former member of the Board of Assessors, was concerned about fairness to non-residents, who pay close to 50% of the taxes. People who cannot afford the cost of housing will leave; the non-residents are also considering leaving due to high insurance and personal property tax.

Cynthia Cole Executive Director of the Business Improvement District read a letter to the council president (See Exhibit E) the split-tax rate. The growth in the community has been in the residential area, not in commercial development. A split tax rate does not accomplish the goal of growth. A 1% reduction equals a 10% increase to business owner.

Lou Gonzaga spoke in favor of assisting small businesses. He feels government has to start looking at cutbacks, commercial buildings are not being assessed at the proper value and burdening small businesses is not acceptable. In particular, the mall should be assessed. He suggests crunching budget numbers and curtailing spending.

Chris D'Agostino spoke on behalf of George and Sheila Largay (Exhibit F). She asked that the council not renew the residential exemption and increase the split-tax to 1.5%.

Diane Fay said the voters who showed up at the polls told the council what they wanted: a split-tax rate.

Upon a motion duly made and seconded it was voted to close the public hearing at 8:55 PM.

**VOTE: Unanimous**

## **2007-042 ALLOCATION OF TAX LEVY**

Councilor Brown made the following motion which was seconded:

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of One for the Fiscal Year 2007, and votes, further, to adopt a Residential Exemption of 20% and to not adopt the Small Commercial Exemption for Fiscal year 2007.

Councilor Brown said all his constituents want this. Businesses are small and the owners live in the town. Residents pay the tax increase through increased prices. Businesses give back to the community.

**Councilor Crocker** supports the Factor of One but not 20% residential exemption. More than a Factor of One is divisive. **Councilor Milne** will not support the motion. The committee last year recommended a Factor of 1.16 and the council adopted a factor of 1.15. He hopes the council will respect the voters' wishes on this issue. **Councilor Munafo** will not support. Last year the non-residents never got the right to vote on these issues. **Councilor Curtis** cannot support this motion. She would support a Factor of 1.15 and a small commercial exemption, but she is stuck in the issue of taxation without representation regarding a residential exemption. **Councilor Chirigotis** would support a Factor of One. He feels in reality, the council should be talking about tax incentives to build the commercial base. This would increase taxes.

It was decided to deal with the Factor number, the small commercial exemption and the residential exemption individually. The mover and second of the above motion withdrew it.

The following motion was duly made and seconded

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of One for the Fiscal Year 2007,

**Councilor Canedy** would prefer a small split-tax, no small business exemption and no residential exemption. **Councilor Barton** will support Factor of One; **Councilor Tobey** also supports a Factor of One; **Councilor Curtis** cannot support this but would support a Factor of 1.15. Director Rudziak said

the Small Commercial Exemption applies to the business property owners not the businesses. The income, cost and market approaches are all used in the assessment process. **Councilor Milne** will not support this motion and prefers a Factor of 1.15 to represent the voters' wishes.

A motion was made and seconded to move the question.

**VOTE: Passed**

On the motion to adopt a Factor of One:

**VOTE: Passes 7 Yes, 5 No (Roll Call – No: Barry, Canedy, Curtis, Milne, Rugo)**

The following motion was made and seconded:

Shall the Town Council adopt a Small Commercial Exemption for Fiscal year 2007?

**VOTE: Fails 4 Yes, 8 No (Roll Call – Yes: Barry, Barton, Joakim, and Milne)**

The following motion was made and seconded:

Shall the Town Council adopt a Residential Exemption for Fiscal year 2007?

**Councilor Crocker** is not in favor because residents whose value is above a certain amount will not benefit. **President Joakim** supports this because in precincts where houses are under \$800,000 homeowners are positively affected. **Councilor Rugo** supports the residential exemption. Second home owners pay taxes now and don't have a vote, therefore this is not taxation without representation. Snow birds can afford the second home. **Councilors Milne and Barton** are also in favor.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

On adoption of Residential Exemption:

**VOTE: Passes 8 Yes, 4 No (Roll Call No: Canedy, Crocker, Curtis and Munafo)**

The following motion was duly made and seconded:

The Town Council hereby votes to adopt a Residential Exemption of 20% for Fiscal year 2007.

A motion was duly made and seconded to amend the percentage of the Residential Exemption to 10%.

**VOTE: Fails 4 Yes, 8 No (Roll Call Yes: Canedy, Chirigotis, Curtis, Munafo)**

On the main motion of a 20% Residential Exemption:

**VOTE: Passes 7 Yes, 5 No (Roll Call No: Canedy, Chirigotis, Crocker, Curtis, Munafo)**

The meeting recessed at 9:45 PM to 9:50 PM.

Upon a motion duly made and seconded it was voted to open a public hearing on **2007-043 ADOPTION OF CHAPTER 653, SECTION 40 OF THE ACTS OF 1989 WHICH AMENDS MGL CHAPTER 59, SECTION 2A (a), ASSESSMENT OF NEW CONSTRUCTION** at 9:51 PM.

**VOTE: Unanimous**

Finance Director Milne explained that the adoption of this change accelerates the assessing of new construction. He referred to Exhibit C, Page 19.

A motion was duly made and seconded to close the public hearing at 9:53 PM.

**VOTE: Unanimous**

**2007-043 ADOPTION OF CHAPTER 653, SECTION 40 OF THE ACTS OF 1989 WHICH AMENDS MGL CHAPTER 59, SECTION 2A (a), ASSESSMENT OF NEW CONSTRUCTION**

Upon a motion duly made and seconded it was

**RESOLVED:** The Town Council hereby votes to accept the provisions of Chapter 653, Section 40 of the Acts of 1989 as it pertains to MGL Chapter 59, Section 2A (a): to assess new building structures or other physical improvements added to real property between January first and June thirtieth for the fiscal year beginning on July first. This provision shall take effect for the fiscal year of 2008.

**VOTE: 12 Yes (Roll Call)**

Upon a motion duly made and seconded it was voted to open a public hearing on **2007-044 ADOPTION OF CHAPTER 59, SECTION 5 (54) PERSONAL PROPERTY EXEMPTION** at 9:55 PM.

**VOTE: No objection.**

Director Rudziak explained the impact of this on second homes and small businesses. The burden is spread over all properties, business and residential, adding 1 cent to the existing tax rate.

A motion was duly made and seconded to close the public hearing at 10:00 PM.

**VOTE: No objection**

#### **2007-044 ADOPTION OF CHAPTER 59, SECTION 5 (54) PERSONAL PROPERTY EXEMPTION**

Upon a motion duly made and seconded it was

**RESOLVED:** The Town Council hereby accepts the provisions of Chapter 59, Section 5 (54) whereby personal property below the value of \$10,000 in value shall be exempt from taxation. This provision shall be in effect for the fiscal year of 2008.

**Councilor Curtis** asked about any financial loss. Rudziak said there is no loss because the tax not collected from this segment is spread out among the rest. **Councilor Chirigotis** asked for examples of what personal property is taxed. Rudziak gave examples such as small garages with old equipment whose total value may not reach \$10,000. If a business is unincorporated, everything is taxable, so this helps the small business owners as well as second homes with old furniture in a summer home. **Councilor Crocker** will vote against feeling that personal property should be taxed regardless of the value. **Councilor Chirigotis** asked if the tax is uncollectible. Often, it is. **Councilor Munafo** is not in favor. **Councilor Rugo** will support this because the management thinks it is an efficient idea. **Councilor Canedy** asked if this will help small business. Yes. **Councilor Milne** supports this because it is good for business and frees staff up for more profitable pursuits.

**VOTE: Passes 8 Yes, 4 No (Roll Call No: Barry, Crocker, Munafo, and Tobey)**

Upon a motion duly made and seconded it was voted to open a public hearing on **Item 2007-074 APPROPRIATION ORDER FOR BARNSTABLE MUNICIPAL AIRPORT** at 10:13 PM.

**VOTE: Unanimous**

Airport Manager Quincy 'Doc' Mosby gave the rationale.

Peter Doiron spoke against the item. Nothing has happened for noise abatement. More expensive vehicles, tires, etc. have been purchased. The town should have a lawyer familiar with airport issues on staff.

Lou Gonzaga spoke in favor. Noise issues don't bother him. Federal and state regulations determine what can be purchased. The FAA is tough. He feels the airport has deteriorated and a beautiful airport will bring the right people here.

Upon a motion duly made and seconded it was voted to close the public hearing at 10:21 PM.

**VOTE: no objection**

#### **2007-074 APPROPRIATION ORDER FOR BARNSTABLE MUNICIPAL AIRPORT**

Upon a motion duly made and seconded it was

**ORDERED**, that the Town Council does hereby appropriate the sum of \$915,000.00 for the airport's capital and operational expense budgets as follows: \$200,000.00 to be added to the original amount of \$250,000.00 approved in FY2004 for development of the Airport Master Plan under council order 2003-086; \$387,000 to be added to the original amount of \$175,000.00 approved in FY2006 to fund runway markings and runway and taxiway crack sealing repairs under council order 2006-078; \$200,000.00 to fund the increase in the FY2007 operating budget for jet fuel acquisition costs; \$40,000.00 to fund the increase in the FY2007 operating budget for utility costs (gas and electric); and \$18,000.00 to fund the increase in the FY2007 operating budget for custodial supplies and associated paper products; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$587,000.00 and that \$328,000.00 be transferred from the airports surplus funds, and furthermore that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept my grants or gifts in relation thereto.

**Councilor Curtis** questions the need to borrow and the purpose to which the borrowings will be used. Mosby explained that it was not borrowing. The town controls the checkbook and needs authorization to make these purchases from their budget. Finance Director Milne explained that this is an authorization to borrow until the reimbursement from FAA is received. The borrowing will later be rescinded. If it were borrowed, the airport would pay it back. **Councilor Rugo** had a question on the master plan. Mosby explained that this is a text substantiating and describing the need and follow up to support the graphic document. **Councilor Munafo** said it was also authorizing the federal grants.

**VOTE: 11 Yes, 1 No (Roll Call, 2/3 Required, No: Munafo)**

Upon a motion duly made and seconded it was voted to open a public hearing on **Item 2007-079 ACCEPTANCE OF A VIOLENCE AGAINST WOMEN STOP GRANT AND A SUPPLEMENTAL APPROPRIATION OF MATCHING FUNDS** at 10:30 PM.

**VOTE: No objections**

Town Manager John Klimm gave the rationale.

Upon a motion duly made and seconded it was voted to close the public hearing at 10:32 PM.

**VOTE: no objections**

**2007-079 ACCEPTANCE OF A VIOLENCE AGAINST WOMEN STOP GRANT FROM THE MASS. EXECUTIVE OFFICE OF PUBLIC SAFETY AND A SUPPLEMENTAL APPROPRIATION OF MATCHING FUNDS**

Upon a motion duly made and seconded it was

**ORDERED**, That the Barnstable Town Council does hereby accept a FY 2006 Violence Against Women STOP Grant in the amount of \$13,000, and further, that the amount of \$4,336 is hereby transferred from available funds to an account to be determined by the Town Manager for the purpose of funding the towns share of the matching funds of the grant.

Councilor Curtis supports this and hopes 50% of the people trained are women officers. Acting Chief McDonald said it is offered it to whoever is interested in it.

**VOTE: 12 Yes (Roll Call)**

## **NEW BUSINESS**

**2007-083 AMENDMENT TO THE ZONING ORDINANCE EXTENDING THE BOUNDARY OF THE HYANNIS GATEWAY ZONING DISTRICT.** Upon a motion duly made and seconded this item was referred to a joint public hearing with the Planning Board on March 1, 2007.

**VOTE: Unanimous**

#### **2007-084 APPOINTMENTS**

Upon a motion duly made and seconded it was voted to refer this item to a second reading on March 1, 2007.

**VOTE: Unanimous**

#### **2007-085 COMMUNITY PRESERVATION FUND APPROPRIATION FOR NICKERSON COTTAGE PRESERVATION**

A correction to the order changing “Sandy Neck Board” to “Town Manager” was noted.

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on March 15, 2007.

**VOTE: Unanimous**

#### **TOWN MANAGER COMMUNICATIONS**

Town Manager Klimm announced that Standard & Poors revised Barnstable’s bond rating to AAA. He pointed out to the press that the town has an exciting message to tell on finances, unlike the story that was told a dozen years ago. This is the result of council leadership and vision in its votes to make financial transparency and responsibility a primary focus.

Finance Director Milne made a PowerPoint presentation. (See Exhibit G)

**President Joakim** gave credit to Milne and staff as well as credit to the council for making the hard choices regarding finances. **Councilors Canedy, and Munafo** echoed praises.

Manager Klimm spoke about the Lombard Trust. Over the past years his role and responsibility over the trust have increased significantly. The Cobb Trust has been managed successfully by an outside individual, Atty. David B. Cole. Klimm will be transferring the Lombard Trust stewardship to Ret. Judge Joseph J. Reardon via a probate court transfer under the Trusteeship Act.

Upon a motion duly made and seconded it was voted to adjourn the meeting at 11: 00 PM.

**VOTE: Unanimous**

Respectfully submitted,

Lucia Fulco,  
Assistant Town Clerk