

TOWN COUNCIL MEETING
August 16, 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, August 16, 2007, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA.

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

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

BARNSTABLE LIFEGUARD PRESENTATION

Patti Machado, Assistant Director, Recreation & Human Services, announced that the Barnstable lifeguard competitive team was the 2007 Cape Cod Lifesaving Champions. The team has competed in this annual event for 33 years and this is its first win. She introduced Co-Captains Mark McLaughlin and Sarah Andryauskas. Mark said it was an honor and a privilege to be part of this community and the town's life guarding efforts. He gave out the awards to the members of the competitive team. Councilor Tobey offered congratulations on behalf of the council and the town.

President Joakim announced that public comment would be limited to three minutes.

PUBLIC COMMENT

Paula Yanover expressed concerns on the operation and upkeep of Covell Beach. (See Exhibit A outlining her concerns.)

Thomas Deremer from Osterville and Wellesley spoke about the town's assessment practices towards seasonal property owners. (See Exhibit B.) He asked if there might be a beneficial interest to the councilors. The Town budget is 65% allocated to school expenses, which is not an activity enjoyed by seasonal residents. The burden of taxes falls on part-time residents who are not voters.

Alan Burt gave updates on the efforts made from July 2006 through June 2007 on behalf of the homeless. (See Exhibit C.) The town needs to keep pushing towns within the county to take their fair share of the burden. He would like to see representatives of all eleven towns participating in the Memorial Day overnight. He complimented Janice Barton on all her efforts.

Gene Dumdey said he filed a petition on 7/13/2007 asking the council to contact the Secretary of State regarding a conflict he sees between the state Constitution and the SOC's "Bill of Rights for Voters" which involves whether the ability to read and write in English impacts voter eligibility. He also asked his councilor, Councilor Milne, to submit a letter on behalf of the issue raised in his petition. Mr Milne did so. President Joakim pointed out that a petition to require council action had to be signed by 150 voters. Councilor Milne was concerned that the subject of the petition, along with his letter, was not sufficient to put it on the agenda. Mr. Dumdey would like the council to research the issue.

Lou Gonzaga said he will get the signatures needed to put the withdrawal from the Cape Cod Commission item on the ballot since the council did not vote to do so. The suggestion of what voters understand or don't understand when they vote also holds for when they vote for councilors. This time there will be competition for council seats. He suggested that a rationale be required with petitions, and that requirement should be addressed in the town charter. He also feels it is time the town demands its share for human services, school funding, etc. from the state.

Arthur Harvey also spoke about the resident tax exemption. The town needs to look at the root cause of why people cannot pay their taxes rather than overtaxing non-residents.

John Alden stated that he is running for charter commission to take a look at the charter.

Peter Doiron spoke on several issues including the appointments committee not interviewing all potential appointees; support of Mr. Cipollini's appointment to the Water Quality Committee; campaign issues with the tax collector candidates; and moral politics.

John Julius spoke about the tax situation. He has a second home in Florida. He stated that Massachusetts law legally allows anyone to call a second home a residence. He also pointed out that it is the businesses in town that have skewed assessments. They pay less than homeowners and are paying fewer taxes in 2007 than they paid in 1992. He sees the problem residing with the town assessing department. In addition, the Council had no right to tell voters they did not have the right to vote on a question on the Cape Cod Commission.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Curtis, Appointments Committee Chairman, said that all candidates for appointments have been interviewed and come before the appointments committee.

Councilor Crocker pointed out that one of the speakers against the residential exemption lived in town, served on various boards and opted to move out of town to be closer to his family. Taxation and justice for the all is the issue of the day. Everyone has gotten feedback on the issue and feels it will be discussed in the future.

Councilor Milne recalled that the voters voted over two years ago in favor of a split-tax, a residential exemption and a small business exemption. An earlier committee recommended the same. The Council acted accordingly. He explained that the Legislature created tax classification and it must be voted every year.

Councilor Munafo pointed out that the vote was presented as a tax decrease, not as a tax increase. It is asking the next door neighbor to pay your taxes. He encouraged those who are raked over the coals to continue to attend meetings and speak.

Councilor Barton took exception to the comment that councilors would become beneficiaries of the tax break. Also, the man on restricting the right to vote, should find ways to help people become enfranchised not the opposite.

Councilor Crocker said the council should find out, as a council, if there is anything illegal about voting in other languages.

Councilor Chirigotis said the research may find some conflicting rules within the Constitution. On the split-tax, it began with a group called FAIR, many of whose leaders were non-resident home owners. People were not happy before and are not happy now. If Barnstable had the high taxes of Wellesley, the revolution would be bigger.

President Joakim added that the root cause is in the value of the properties. Higher sales values have increased the assessments of the residential home owner's property. The council can't be responsible for assessment laws.

Councilor Farnham said a committee was formed to study how the town's assessing values are decided. The committee found that that the town does fair and good assessments. There is a tremendous disparity of properties in town which makes it difficult. Pres. Joakim is concerned about the large number of foreclosures.

Councilor Milne is disappointed that there was no response from the council on the voting issue for a month.

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to approve the minutes of July 19, 2007 as presented.

VOTE: 11 Yes, 1 Abstention (Milne)

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

President Joakim announced a cleanup at Lumbert's Pond. Councilor Farnham announced the West Barnstable Village Festival.

Councilor Milne, liaison to the Hyannis Main St. Waterfront Historic Commission, shared a communiqué relating to the armory property. The commission discussed it. They have regulatory powers and that property is within their purview. They feel they have been left out of the loop. At some point they will be involved with it and would like the council and administration to formally include them in the process.

Councilor Curtis announced the Marstons Mills Village Day in early September.

President Joakim publicly thanked Cheryl Phillips, the council secretary, whose last day is tomorrow.

ORDERS OF THE DAY

Councilor Crocker suggested taking 2008-018 out of order. Pres. Joakim agreed and did so.

2008-018 RESOLVE APPOINTMENT OF CHIEF OF POLICE

Upon a motion duly made and seconded it was

RESOLVE, that the Barnstable Town Council confirm the appointment by Town Manager John C. Klimm of Paul MacDonald as Chief of Police.

Town Manager John Klimm gave a brief summary of Paul MacDonald's work experience. All have had the opportunity to observe his actions as chief. He worked his way up with honor and integrity. He would not ask others to do something he would not do himself. He has the unequivocal support of every department manager.

VOTE: UNANIMOUS

Chief McDonald said he was honored and humbled to be selected as the next chief. He will work to improve services and continue community policing. He also thanked his family for their support. He pledged to give his best efforts to fulfill these responsibilities.

Item 2008-002 was taken out of order without objection.

2008-002 AMENDMENT TO ADMINISTRATIVE CODE SECTION 241.9 - COUNCIL ON AGING

Upon a motion duly made and seconded it was

ORDERED that the Town of Barnstable Administrative Code Section 241.9 Council On Aging be amended:

A. Term of office to read as follows:

241-9. Council on Aging.

A. Term of office. There shall be a Council on Aging consisting of three member classifications: 13 regular members, one alternate member, and two associate members.

The alternate member may serve on committees and will have voting rights at meetings if there is an absence of a regular member. Associate members may serve on committees, but have no voting privileges if a regular member is absent.

President Joakim gave the rationale. The Council on Aging requested the changes. Elyse DeGroot, Senior Services Director was available to answer questions.

Councilor Curtis asked if there were candidates for these positions. DeGroot explained that there are people who are interested. This will allow new members to get up to speed more quickly.

VOTE: Unanimous

OLD BUSINESS

2007-143 RESOLVE TO ADOPT M.G.L. C. 33 SEC. 59 MILITARY SERVICE AND PUBLIC EMPLOYEES

Upon a motion duly made and seconded it was voted to open a public hearing at 8:15 PM.

VOTE: Unanimous

Jason Laber, a town employee who is currently a reservist and a Desert Storm veteran explained this item. This is a benefit that the state legislature enacted for state employees. Town can extend this benefit to reservists who work for the town. He asks for their support of reservists by adopting this item. This is not a veteran's issue or a union collective bargaining issue. Human Resources said it would cost \$10,000 to \$15,000 a year as a worse case scenario.

Armando Feliciano is a Marine reservist who has returned from Iraq. This benefit will help him get days off for training without using leave time.

Ralph Cahoon supports the measure. People involved in this are fine public servants. We have a volunteer army and this is a way for society to show support of them.

Manager Klimm said the employees impacted are some of the finest, but that is not the issue. The town spends over \$100,000 for veterans' services. He could have veterans' groups at every meeting looking for funding. Veterans in town are in need of services. He feels this group is deserving, but the piece of the budgetary pie for veterans has been decided. The question for the council is, of all the priorities, would they like to commit additional funds for veterans? If so, which needs are most important? Once a need assessment is done, if the benefit should go to the reservists, they will receive it. It is not a matter of whether or not they are deserving, it is a matter of the council going through a reasonable process. His recommendation is not anti-veteran.

Upon a motion duly made and seconded it was voted to close the public hearing at 8:31 PM.

VOTE: Unanimous

2007-143 RESOLVE TO ADOPT M.G.L. C. 33 SEC. 59 MILITARY SERVICE AND PUBLIC EMPLOYEES

Upon a motion duly made and seconded it was

RESOLVED that the Barnstable Town Council moves to adopt the provisions of G.L. c. 33 sec 59 Effect of military service on salary or vacation allowance of public employees.

Section 59 Any person in the service of the commonwealth, or of a county, city or town which, by vote of its county commissioners or city council or of its inhabitants at a town meeting, accepts this section, or has accepted similar provisions of earlier law as, shall be entitled, during the time of his service in the armed forces of the commonwealth, under section thirty-eight, forty, forty-one, forty-two or sixty, or during his annual tour of duty of not exceeding 34 days in any state fiscal year and not exceeding 17 days in any federal fiscal year as a member of a reserve component of the armed forces of the United

States, to receive pay therefore, without loss of his ordinary remuneration as an employee or official of the commonwealth, or of such country, city or town, and shall also be entitled to the same leaves of absence or vacation with pay given to other like employees or officials.

Bill Cole, Director of Human Resources, clarified the rationale. Current town policy is to allow up to 15 days with full pay for non-activated duty; the town pays reservists the balance between their reserve pay and their salaries. This is a proactive step. Employees on active duty also fall within this guideline. Cole said this item would allow the person to receive the entire employee salary and the reserve stipend.

Councilor Barry brought this forward for the reservists. Training is 37 days a year but they are only reimbursed for 15 days. He pointed out that these individuals are not veterans. They are going off to train. The legislation was enacted to encourage enlistment in the reserves and the benefit has been provided to state employees.

Councilor Brown supports veterans but he feels Manager Klimm brings up some good points. He would like to see money go to the reservists but suggests a committee or process to find the best use for the money.

Councilor Brown made a motion to create a committee comprised of the Mr. Klimm, Mr. Laber, Mr. Chase, Mr. Cole, Councilors Barry and Tobey, and himself, to develop an advisory position on Item 2007-14 by October 1, 2007. Councilor Milne seconded the motion.

Councilor Curtis confirmed that this is about active reservists.

Councilor Farnham did not feel a committee was necessary. He pointed out that this item refers to payment of the full salary along with the reservists pay, not the differential and extends the number of days allowed.

Sid Chase, Veteran's Agent said a veteran serves for over 1,890 days for other than training purposes. The State has a clear definition of who is entitled to receive the benefits of Ch. 33, Sec. 59. Who will receive it needs to be defined better.

Councilor Barry pointed out that this item started out 18 months ago and asked why it has not gone through channels. Manager Klimm said the Personnel Advisory Board has not recommended it. There needs to be a process to define priorities for veterans. He suggests giving the veterans' agent an opportunity to advise.

Councilor Crocker said the pay can be made retroactively if it is voted in October.

On the motion to form a committee:

VOTE: 8 Yes, 4 No (Munaf, Farnham, Barry, Rugo)

2008-005 APPROPRIATION COMMUNITY PRESERVATION FUND FOR AFFORDABLE HOUSING

Upon a motion duly made and seconded it was voted to open a public hearing on this item at 9:00 PM.

VOTE: no objection

Laura Shufelt Vice President of the Community Preservation Committee gave the rationale. This represents the last piece of the funding puzzle.

Audrey Loughnane read a letter of support on behalf of the West Barnstable Civic Association thanking Manager Klimm for providing village based affordable housing. The Board of Directors recommends funding of the \$300,000.

Alan Burt looks forward to time when people cheer about low income, affordable housing. It sounds like a wonderful opportunity to help citizens. Manager Klimm gave recognition to the residents of West Barnstable for supporting these efforts.

Gay Black thanked all who have worked on this. It has been a long time coming.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:10 PM.

VOTE:

Upon a motion duly made and seconded it was

ORDERED That, pursuant to the provisions of G. L. c. 44B, the sum of Three Hundred Thousand and No/100 (\$300,000.00) Dollars be appropriated and transferred from the amount set aside for Community Housing in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144. The purpose of this appropriation is to partially fund the construction of up to 40 units of low income rental housing; all are to remain affordable in perpetuity. Of the 40 units, 28 will be single family units located adjacent to the YMCA on Route 132 and the 12 remaining units will be senior rental housing located on Route 149 at the old Lombard Farm. Both sites are in the village of West Barnstable. The Town Manager is authorized to acquire restrictions, easements, or other interests or rights in order to secure the purposes established hereunder.

Councilor Curtis questioned what a lift was compared to an elevator. Gisele Gauthier explained that a lift is less expensive than building and maintaining an elevator.

Councilor Farnham thought the project was well conceived and asks the council to support the item. Costs have gone up over the three years of planning.

Councilor Crocker said the civic association and Councilor Farnham have really moved the project forward. These are monumental efforts. Ms. Shufelt recapped the activities of the three years beginning in August 2004. In February 2006 the council authorized the project. Currently architects and engineers are working on plans. No money has been collected as yet, but there will be some rental income at some point. This is an example of the difficulty in creating affordable housing. The projected schedule is to break ground before the end of the year.

Councilor Munafo asked if another appropriation was anticipated and about eminent domain. This is a one-time appropriation and the last sentence does not include eminent domain.

President Joakim left the meeting.

VOTE: 11 Yes, 2 Absent

2008-001 APPOINTMENTS

Upon a motion duly made and seconded it was

ORDERED that the Barnstable Town Council appoint the following individuals to a multiple member town board/committee/commission.

WATER POLLUTION CONTROL BOARD APPOINTMENT:

Allen W. Morrissey, M.D., M.P.H., 69 Country Club Drive, Cummaquid, MA 02637, term expires 06/30/2009

VOTE: Unanimous

WATER QUALITY COMMITTEE APPOINTMENT: (VOTE FOR ONE)

Oliver Patrick Cipollini, Jr. 20 Biscayne Drive, Marstons Mills, MA, 02648, term expires 06/30/2009
Herbert McSorley, 117 Hinckley Circle, Osterville, MA 02655, term expires 06/30/2009

Councilor Brown recused himself due to a possible conflict.

Councilor Chirigotis said he had given this great consideration. Often a name is also suggested from the floor, as was Mr. McSorley's. His resume was reviewed. He suggested that the best candidate was Mr. McSorley.

Councilor Milne does not know either person. He requested that the council is given background information from the committee.

Councilor Curtis said she will instruct the staff person to provide minutes to councilors. They are public records and available to anyone.

VOTE: Cipollini, 1 (Milne); McSorley, 9 (Barry, Barton, Cirigotis, Crocker, Curtis, Farnham, Munafo, Rugo, Tobey).

Councilor Brown returned to the hall.

2008-004 REAPPOINTMENTS

Upon a motion duly made and seconded it was

ORDERED That the Barnstable Town Council reappoints the following individuals to a multiple member board/committee/commission:

CABLE TV ADVISORY COMMITTEE REAPPOINTMENTS:

J. Douglas Murphy, Esq., 111 Wild Goose Way, Centerville, MA 02632, term expires 06/30/2010

Nancy L. Richard, 4022 Main Street, PO Box 196, Cummaquid, MA 02637, term expires 06/30/2010

COMMUNITY PRESERVATION COMMITTEE REAPPOINTMENTS:

Marilyn Fifield, 49 Colonial Way, PO Box 532, Barnstable, MA 02630, term expires 06/30/2010

Laura Shufelt, 1696 W Barnstable Rd, W. Barnstable MA 02668, term expires 06/30/2010

Joseph O'Brien, 65 Trinity Place, Centerville, MA 02632, term expires 06/30/2010

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE REAPPOINTMENTS:

William S. Brower, 890 Santuit-Newtown Rd, Marstons Mills, MA 02648, term expires 06/30/2010

Thomas Michael, 170 Buckskin Path, Centerville, MA 02632, term expires 06/30/2010

CONSERVATION COMMISSION REAPPOINTMENTS:

Tom Lee, 1081 Old Putnam Avenue, Marstons Mills, MA 02648, term expires 06/30/2010

Peter Sampou, 111 Cedar Street, West Barnstable, MA 02668, term expires 06/30/2010

Louise Riemenschneider Foster, 204 Clamshell Cove Rd, Cotuit MA 02635, term expires 06/30/2010

COUNCIL ON AGING REAPPOINTMENT:

Charlie Fox, 290 West Main Street, Hyannis, MA 02601, term expires 06/30/2010

DISABILITY COMMISSION REAPPOINTMENTS:

Jean Boyle, 24 W Hyannisport Circle, Box 624, W Hyannisport, MA 02672, term expires 06/30/2010

Susan Bethel, 85 Wakeby Road, Marstons Mills, MA 02648, term expires 06/30/2010

Ms. Raffaele L. Kaddy, Box 531, Hyannisport, MA 02647, term expires 06/30/2010

ECONOMIC DEVELOPMENT COMMISSION REAPPOINTMENT:

Howard K. Penn, 21 Lookout Lane, Hyannis, MA 02601-0068, term expires 06/30/2010

ELDERLY & DISABLED TAXATION AID COMMITTEE REAPPOINTMENT:

William Murdoch, 760 South Main Street, Centerville, MA 02632, term expires 06/30/2010

ENOCH COBB TRUST REAPPOINTMENT:

David B. Cole, Esquire, 420 South Street, Hyannis MA 02601, term expires 06/30/2010

GOLF COMMITTEE REAPPOINTMENTS:

Richard Aliberti, 126 Trout Brook Lane, Cotuit, MA 02635, term expires 06/30/2010
David E. Herlihy, 70 Bay Shore Road, Hyannis, MA 02601, term expires 06/30/2010

BOARD OF HEALTH REAPPOINTMENT:

Wayne Miller, 2231 Meeting House Way, Box 711, W Barnstable, MA 02668, term expires 06/30/2010

HYANNIS MAIN ST WATERFRONT HISTORIC DISTRICT COMMISSION REAPPOINTMENTS:

Marina Atsalis, 242 Ocean Street, Hyannis, MA 02601 term expires 06/30/2010
George Jessop, 863 Bumps River Road, Centerville, MA 02632, term expires 06/30/2010

JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE REAPPOINTMENT:

Jaci Barton, 87 School Street, Cotuit, MA 02635, term expires 06/30/2010

JFK MEMORIAL TRUST FUND REAPPOINTMENTS:

Henry L. Murphy, Jr., 243 South Street, Hyannis, MA 02601, term expires 06/30/2010
Hugh Findlay, 500 Ocean Street #153, Hyannis, MA 02601, term expires 06/30/2010

LAND ACQUISITION AND PRESERVATION COMMITTEE REAPPOINTMENT:

Allison Rescigno, 12 Calvin Hamblin Road, Marstons Mills, MA 02648, term expires 06/30/2010

LICENSING AUTHORITY REAPPOINTMENT:

Paul Sullivan, 209 Longview Drive, Centerville, MA 02632, term expires 06/30/2010

MID CAPE REGIONAL CULTURAL COUNCIL REAPPOINTMENT:

Patricia A. Kelly, 333 Megan Rd, Hyannis, MA 02601, term expires 06/30/2010

OLD KINGS HIGHWAY HISTORIC DISTRICT COMMITTEE REAPPOINTMENT:

George Jessop, 863 Bumps River Road, Centerville, MA 02632, term expires 11/30/2010

PERSONNEL ADVISORY BOARD REAPPOINTMENT:

Paul Sullivan, 209 Longview Drive, Centerville, MA 02632, term expires 06/30/2010

PLANNING BOARD REAPPOINTMENT:

David Munsell, 3528 Main Street, Barnstable, MA 02630, term expires 06/30/2010

RECREATION COMMISSION REAPPOINTMENTS:

Andrew Gauthier, 48 Eastwood Lane, Cotuit, MA 02635, term expires 06/30/2010
Joseph O'Brien, Jr., 65 Trinity Place, Centerville, MA 02632, term expires 06/30/2010
Katherine I. Pina, 49 Windmill Lane, Cotuit, MA 02635, term expires 06/30/2010

REGISTRAR OF VOTERS REAPPOINTMENT:

Agnes Sorenson, 187 Flintrock Rd, PO Box 927, Barnstable MA 02630, term expires 06/30/2010

SANDY NECK ADVISORY BOARD REAPPOINTMENTS:

William S. Carey, 171 Harbor Pt. Road, Cummaquid, MA 02637, term expires 06/30/2010
Holly Heaslip, 47 Chole Court, PO Box 905, Barnstable, MA 02630, term expires 06/30/2010

SCHOLARSHIP COMMITTEE REAPPOINTMENT:

Deborah J. Hill, 70 Fernbrook Lane, Centerville, MA 02632, term expires 06/30/2010

SHELLFISH ADVISORY BOARD REAPPOINTMENTS:

Stuart W. Rapp, 601 Lumbert Mill Road, Centerville, MA 02632, term expires 06/30/2010
Robert A. Lancaster, 21 Hannah Circle, Cotuit, MA 02635, term expires 06/30/2010
Barbara Enos, 103 Long Pond Circle, Centerville, MA 02632, term expires 06/30/2010

SOUTH CAPE BEACH ADVISORY COMMITTEE REAPPOINTMENT:

Robert Lancaster, 21 Hannah Circle, Cotuit, MA 02635, term expires 06/30/2010

HUMAN RIGHTS COMMISSION FOR BARNSTABLE COUNTY (TOWN REPRESENTATIVE) REAPPOINTMENT:

Rosario Quiroz, 55 Walnut Street, Hyannis, MA 02601, term expires 06/30/2010

TRUST FUND ADVISORY BOARD REAPPOINTMENTS:

Linda Gadkowski, 419 Huckins Neck Road, Centerville, MA 02632, term expires 06/30/2010

William A. Murdoch, 760 South Main Street, Centerville, MA 02632, term expires 06/30/2010

VILLAGE IMPROVEMENT FUND REAPPOINTMENT:

Christina Largay, 69 Shirley Point Road, Centerville, MA 02632, term expires 06/30/2010

WATER POLLUTION CONTROL BOARD REAPPOINTMENT:

Phillip C. McCartin, 10 Hollingsworth Road, Osterville, MA 02655, term expires 06/30/2010

WATER QUALITY ADVISORY BOARD REAPPOINTMENTS:

Thomas Camberari, 62 Joan Road, Centerville, MA 02655, term expires 06/30/2010

Jon Erickson, Box 546, Barnstable, MA 02630, term expires 06/30/2010

WATERWAYS COMMITTEE REAPPOINTMENTS:

Frederick Komenda, 65 Elliot Road, Centerville, MA 02632, term expires 06/30/2010

Guile Wood, 49 Blue Heron Drive, Osterville, MA 02655, term expires 06/30/2010

ZONING BOARD OF APPEALS REAPPOINTMENT (ALTERNATE):

Kelly Kevin Lydon, 8 Preakness Way, Box 244, West Barnstable, MA 02668, Alternate, term expires 06/30/2010

It was noted that the word “alternate” was added to the ZBA appointment in this agenda. (The word was omitted from the item as presented in the July 19th agenda. The error was noted by Mr. Grissom at that time.)

VOTE: Unanimous

NEW BUSINESS

2008-013 ORDER PRESERVATION RESTRICTION AGREEMENT CROWELL-SMITH HOUSE (AKA CROSBY HOUSE) 33 PINE AVENUE, HYANNIS

Upon a motion duly made and seconded this item was referred to a second reading on September 6, 2007.

VOTE: Unanimous

2008-014 GRANT ACCEPTANCE - ITEM PRICING/PRICE VERIFICATION GRANT

Upon a motion duly made and seconded it was

RESOLVED: that the Town Council hereby accepts an Item Pricing/Price Verification Grant in the amount of \$65,000 from the Massachusetts Office of Consumer Affairs, Division of Standards, to be used by the Regulatory Services Department, Consumer Affairs Division, to conduct Item Pricing/Price Verification Inspections throughout Barnstable County utilizing Division of Standards certified staff of the town.

Manager Klimm gave the rationale and recognized Tom Geiler, Director of Regulatory Services, for his leadership over the years.

Councilor Munafò asked about grant money and the temporary nature of the position. Geiler explained that the function has been in place for six years and is funded entirely by the state. The grant has to be issued each year and the staff is paid out of the grant.

Councilor Farnham asked if the town is paid since personnel travel to other towns. Geiler explained that the staff work county-wide under the auspices of the state, expenses are charged to the grant and they do not need permission from other towns. It is important to make sure other community businesses have to comply. Pricing errors are down to less than 3% at this point.

Councilor Chirigotis said this was similar to the program on weights and measures. Mr. Gelier said the town has provided other towns those services as well, because the town has personnel trained to do this county-wide. Kim Connors wrote the grant.

VOTE: Unanimous

2008-015 ORDER GRANTING LEASE OF FORMER HYANNIS ARMORY

Upon a motion duly made and seconded this item was referred to a second reading on September 6, 2007.

VOTE: Unanimous

2008-016 APPROPRIATION & LOAN ORDER - \$1,785,000 FOR TOWN-WIDE COASTAL ACCESS PLAN

Upon a motion duly made and seconded this item was referred to a public hearing on September 6, 2007.

VOTE: Unanimous

2008-017 APPROPRIATION COMMUNITY PRESERVATION FUND – COMMUNITY HOUSING

Upon a motion duly made and seconded this item was referred to a public hearing on September 6, 2007.

VOTE: Unanimous

2008-020 APPROPRIATION REFUND TO CERTAIN FY06 TAXPAYERS

Upon an order duly made and seconded this item was referred to a public hearing on September 6, 2007.

VOTE: Unanimous

TOWN MANAGER COMMUNICATIONS

Town Manager Klimm said he had received a note from DPW Director Mark Ells regarding Covell's Beach stating that he will have staff there tomorrow morning and report back at the end of the day.

Upon a motion duly made and seconded it was voted to enter executive session to discuss contractual issues and not return to public session at 9:51 PM.

VOTE: Unanimous (roll call)

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk