



TOWN COUNCIL MEETING September 20, 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 September 20, 2007, at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

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

Vice President Brown led the Council in the Pledge of Allegiance and a Moment of Silence

Announcements: President Joakim

President Joakim announced that there will be a presentation on the Airport, after which she will allow public comment specific to the airport.

Lou Cataldo and Joe Dugas—JFK Memorial Presentation

Mr. Cataldo and Mr. Dugas presented to the Town Council memorabilia related to the statue of JFK, which is now standing in front of the JFK Museum on Main St. in Hyannis. Cataldo thanked many individuals, who helped the committee, as well as the police and fire departments. The statue is a living history.

Dugas presented a book that had over 200 photographs of the dedication ceremony to President Joakim along with a DVD of the proceedings and a medallion. They presented Supt. of Schools, Patti Grenier, a bronze marquette of the statue for the students of the Town of Barnstable.

David Lewis, the sculptor, reminded the council of the quote from President John F. Kennedy that included, "I always go back to the sea...". Lewis said that that quote, more or less, set the scene for the statue. He has been pleased with the reactions to the statue and thanked the town for the help in completing the project.

Mr. Dugas thanked Mr. Cataldo for all of his efforts. Supt. Grenier appreciated being included and announced that the schools will create a curriculum to follow the statue through all grades.

Cape Cod Bay – No Discharge Area Working Group Presentation

Dr. Jo Ann Muramoto, APCC /Mass Bays Program Coordinator for Cape Cod, Stephen McKenna, CZM Cape Cod & Islands Regional Coordinator, and Dr. Dale Saad, from the Town of Barnstable, gave a brief presentation on the project to designate a "no discharge area" in Cape Cod Bay. McKenna stated that boats would be prohibited from discharging any sewage, treated and untreated into all the waters of Cape Cod Bay. They are going to request approval from the 11 towns that border it. So far they have been to 4 towns and all have supported the project.

Massachusetts is lacking in protected areas – especially north of Cape Cod. Pumpout facilities, public education and public support are required for a no discharge area.

Councilor Canedy supports this endeavor. Barnstable Harbor has a pumpout station for small boats; but she asked about upgrading a facility to accommodate larger vessels. McKenna said it is simple to upgrade facilities and the funding sources in this program could be used for that purpose. They hope to address the commercial boats with a goal of hooking up to the sewer system. Canedy asked about yearly maintenance. McKenna said they have not compiled that information. The goals are not to have boats go out beyond the 3 mile limit but to provide pumpouts.

Councilor Canedy asked if it would help to have a local committee work on this with them. Dale Saad said anyone who wants to work with us is welcome. However, Saad would like a working group to assist them instead of a committee.

Councilor Munafo asked about wanting to see the legislation on this so that we can see what we are adopting. McKenna will provide it and CMZ has a link on the web.

Councilor Chirigotis noted that pumpout services are generally free. We have 3 pumpout vessels, but currently there are no such services on the north side.

President Joakim said there are a couple of links on the literature provided to the councilors. (See attachment "A")

Councilor Farnham felt it was a great effort but wanted to know what the town needs to provide as well as the costs including annual operating. Is there a penalty for non-compliance?

Councilor Milne wants to know if we have made any progress on the whole clean waters issue.

Dale Saad said that the 3-bays project went forward in 2001. The idea was to go forward in areas where we felt we could get approval. Things have changed. We have pumpout boats now and have been maintaining them. Now we can go forward with the no-discharge areas. We are doing it with a group and it saves us time and energy. A working group will start in October for the south side of town and the other communities that border Nantucket Sound. We need to do it together.

Town Manager John Klimm said that he was not aware that the council was going to go forward with any action on it at this time. We can bring this back to you as early as next week. He would have liked to have had the departments

involved be present. McKenna said that this is preliminary and we are asking for support in the form of a letter. We are a long way from the application. A wait of a week is not a problem.

President Joakim said we will re-visit the letter on October 4; and then make a commitment. Klimm asked for additional questions and figures to come forward before that date.

PUBLIC COMMENT

President Joakim asked for airport comments to follow the airport presentation.

Peter Doiron does care. Low voter turnout is not good. Charter candidates will be highlighted by the Patriot. Airport appointments are not fair.

Robert Tucker said seasonal people do not want to come back. You need another skating rink.

Christine Greeley, from the Hyannis Park Civic Association, said the association is concerned with the airport appointments.

John Alden said he ran for town council and has been involved in a lot of things. We need a free dialogue in town and need to revise the charter.

Tim Ferreira asked why did Tom Geiler refer to me as "brownie" at a recent meeting. Please review the tape.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Canedy thanked Misters Cataldo, Dugas and Lewis for their work on the statue.

Vice President Brown said he is missing 24 political signs and all candidates were victimized. Unfortunately there are vandals out there and that happens.

Councilor Milne reiterated the thanks on the statue. He also commented on the airport commission appointment process and its possible relationship to the terminal expansion.

ACT ON MINUTES

The minutes of September 6, 2007 were briefly reviewed and any changes or corrections are to be sent to the Town Clerk. The minutes will be voted on at one of the next meetings.

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

President Joakim noted that the Hyannis East Elementary School was highlighted on Channel 5 for their award for Healthy Eating, Nutrition and Exercise program.

Councilor Canedy reported on the planning board. She also noted that the Barnstable Historical Society honored 7 people, one from each of the villages in the town, for their work.

Vice President Brown: thanked the clerk for her work on the election; noted that the Sandy Neck lighthouse house has been fixed; three lieutenants have been appointed in the Hyannis Fire Dept.; and Baybridge just celebrated its 25th anniversary.

Councilor Munafo announced that the Hyannis Civic Association is having its candidates' night on the 27th. He stated that he will be in attendance at the council meeting and not at the association meeting, because this is where he needs to be. Councilors Brown and Milne will also be in attendance at the council meeting.

President Joakim said the next meeting is the 27th and they will have 12 public hearings for CPC. She will work with the Hyannis Civic Association to see if anything can be done.

Councilor Farnham asked about a planning board meeting on Monday. Ruth Weil said it is the kick-off meeting on the LCP and hopes that people will come.

AIRPORT TERMINAL PRESENTATION/WORKSHOP

Arthur Kimber, Chairman of the Barnstable Municipal Airport Commission, Quincy "Doc" Mosby, Airport Manager, as well as consultants and commissioners were present to ask for support of the proposed new terminal.

Kimber is convinced that we can build the terminal and roads within their funding budget. The Mass Aeronautics Commission will vote to release the first of the monies the first week in October. (See attachment "B" for a copy of the power point that was utilized.).

The existing terminal was dedicated in 1958, and currently is in violation of safety regulations. Due to limitations, we have airlines operating out of two terminals.

The new terminal is about meeting safety regulations and having efficient facilities for passengers and airlines.

The town is a critical stakeholder. The commission is a steward on behalf of the town.

Kimber outlined the plans for the land acquisitions, building construction and road and parking lot construction.

Manager Mosby introduced the consultants, and said this has been a long project; now, we are ready with a financial plan and hope to move it forward. He explained the funding sources and thanked Financial Director Mark Milne for his help.

The total cost is just over \$32 million dollars. This is where the rubber hits the road. The money needs to be spent or it goes away. We did look at revising the current terminal; but we were not allowed to do it since it is in violation. The bond bill stated that we need to build a new structure. We have to stay within our budget. We are removing one of the most serious groundwater threats – Blackburn's Auto Salvage; the airport will purchase it and clean it up.

Councilor Farnham acknowledged the airport commissioners.

Public Comment on Airport:

Peter Doiron stated that the new terminal is smaller than the original design, but not improved. There are still access and sewage issues. There are doubts on the funding sources.

Lou Gonzaga is for the airport. The airport reflects the town. He has concerns and hopes that both sides are talking together to make sure that the water system is intact and safe. What is it going to cost to pay for the clean up at Blackburn's?

Councilor Farnham asked about the money and acquisition.

Richard Hallett would like to put a hold on this for at least 2 years. Let's see what happens to Otis Air Force Base. What a great airport that would make. It makes more sense to move this to Otis. We don't need any more traffic. It is time to vote this white elephant down. Use higher capacity aircraft.

John Alden flies in and out of the airport regularly. The airport is only filled up 3 months of the year. The terminal is never crowded. He doesn't see the need to upgrade.

Robert Tucker said Otis is a good idea.

Paul Fichter lives near the airport. The town does not profit enough from this. The airport is intrusive on our lives with the noise, and the quality of life is reduced.

Public Comment closed at 8:45 p.m.

Manager Klimm gave a staff report and stated that they have worked closely with the airport staff and commission. What was clear was that the council had concerns about environment, traffic and financial aspects. We have been consistent, focused and clear.

The staff looked at the proposals. They looked at 16 concerns – (See attachment “C” for the full list). Klimm said there is no expectation for a vote tonight because you have not had the ability to look at the specifics. You do have a week to act, and you should have a 2/3’s vote for borrowing purposes.

At that point, the Town Manager reviewed all of the 16 conditions that the staff would like to see met in order to fully support this issue. He said that this is under the CCC and we have to take any revisions to them.

Councilor Milne noted that there were conflicting figures.

President Joakim said we will need one more meeting and we will have to vote on this at the next meeting.

Councilor Milne would like something in writing from the MAC regarding the deadline. He wants to see that included in the resolve. Milne would also like to add that all the deeds to the properties outside of the fence would be returned to the town.

Councilor Tobey would like to see a new terminal. With the addition of input from staff he feels that it can be worked out. He hopes that all those things put together will make this a viable project.

Councilor Munafo has felt the terminal is a pit and needs help. The need is clear. His problem starts at liability; and are taxes going up in order to pay for a new terminal. You have made the numbers work. He is concerned about expansion of services.

Councilor Crocker pointed out the importance of the large number of employees at the airport. Councilor Munafo is on cue. We need a new building but do not want unreasonable expansion. Funding is similar to school funding. We hopefully can resolve this issue.

Councilor Farnham asked about the acquisition of the properties. Chairman Kimber stated that negotiations are in place. Town Attorney David Houghton suggested that these issues could be or should be discussed only in executive session and should not be addressed at this time.

Councilor Farnham asked about the reserve amounts, and the number of current gallons of fuel stored on the site. Kimber said the number is from the DRI and is the maximum; we currently do not have the maximum amount.

Councilor Farnham noted that a level principal payment option may be a better option and save a lot of interest. He noted that the airport has over 1,900 jobs and a \$165 M impact on the economic community.

Councilor Curtis said that the airport is here and is ours. It is incumbent upon this body to help direct policy that has the most benefit for the airport and town. She applauded the staff that worked with the commission.

Curtis asked Financial Director Mark Milne what is the impact on the town regarding this. She also asked about the use of the surplus. Milne said the bond commitment is coming from the airport's capacity to repay. They are not asking the town to forego other municipal projects and trade off. The pro forma is built on the fact that the airport will make the payments from their operations. If they couldn't pay they would have to cut their budget or worse case they would ask us to help. Milne is comfortable that they can pay this. As far as surplus goes – they have about \$6.5 now and will use less than half of this. That too he feels is achievable. They have surplus left to cover other possible issues or shortfalls. If they cannot make this pro forma work they have a lot of other tools that they can use. For instance they could implement a PFC charge. He said the pro forma is conservative.

Councilor Chirigotis asked Milne about exclusive rights to fuel sales and if they no longer had exclusive rights, that would impact the revenue. They might need our help. Would taxes go up at that point? Milne said the taxes would not increase; we would have to shift funds.

Councilor Canedy agreed the airport is old and inadequate; but she is not prepared to vote. President Joakim said that we need a vote next week to just write a letter of support.

Canedy wants to underline suggestion #6 that the BMA construct two new access roads, acceptable to the Town Manager using FAA entitlement money and airport surplus funds. She asked about the action items requested by CCC and if they have to go back to the CCC for another review. She would also like the Town Manager to have input on the renegotiation of the leases. Do you have assurances that if we do write the letter we will have the money?

It was explained that the project changed and the building is smaller and we will need to go back to CCC for a modification of the DRI. The action items were annual, like an update on the project – samplings are at a lab – we are continuing to comply with the requirements.

Councilor Rugo noted that the building is a lot smaller. It was cut 20,000 square feet. He asked about the traffic light near Barbyanns. Is there a plan B if the fuel revenues go away? He suggested an agreement on a default whereby lease revenues would trigger to pay the bond.

Mosby said he knows that there is litigation and we only did a minimal increase in fuel sales in case there was a problem. We have other opportunities for revenue. The commission was unanimous on this, said Kimber.

Mosby explained that once property is owned by the airport, it has to be deeded back as it was deeded over. That can be a very expensive legal process.

Finance Director Milne reminded the council that the airport's budget comes before them every year. He stated that they could direct the debt service to be paid first, and if there are insufficient monies, they will have to cut something else.

Councilor Brown noted that TD Banknorth has gone off the map. Kimber said that bank would be eliminated. The additional roads will reduce rotary traffic. It will not change much. Brown said people are parking at other places to avoid the payment. Do you know what kind of revenue the parking will bring - \$350,000 is projected for the parking. He does not see any problem.

President Joakim stated that this is something that is a result of the town manager, airport manager, staff and consultants working together. We should be proud of them working together. The airport has made a lot of concessions.

Councilor Canedy asked what happens if the items on the resolve are not met?

Councilor Barton asked if we are going to lose the parking in front of the terminal but make up for it in the overflow. Yes.

Councilor Curtis asked about the water protection. We need the plan to be adhered to. The access roads are vital and must be completed.

Councilor Farnham asked about #8, the completion of the terminal and access roads. Kimber said because of the terminal construction, the access roads from Airport Road to the new parking area will be completed simultaneously. Farnham noted that the deed says the property shall be used for airport purposes so there may not be any flexibility.

Councilor Munafo talked about the lighting plan for downtown Hyannis and if they would consider lighting consistent with that lighting plan.

Councilor Tobey thanked the manager and the airport staff for working together – if we continue, we can solve these problems.

Councilor Milne asked why they decided not to put PFCs into the business plan. Mosby said that there is a contentious nature to the PFC (passenger facility charge) and they are arduous to get approved. It could affect the island airports

as well. It would not have worked time wise. Manager Klimm said they were not assured that they could get it approved, so we took it out. There were a number of other things that were pulled as well.

Councilor Rugo stated they can use that if they don't have enough revenue.

Manager Klimm said that we need to build in the promises so that we are protecting our interests. We need to make sure that there are no surprises.

Councilor Milne asked what is the revenue from K-Mart? About \$55,000. If you loose that will it break the bank? No. He still wants a letter from MAC on the deadline; and similar from the FAA .

Councilor Chirigotis questioned the access road that goes to Airport Rd. Mosby explained that it originally was going to go all the way out and they were going to acquire the bakery. But, since we need to save more money, we are using the roads we have.

Mosby said the noise issue is sometimes better in larger airplanes and the FAA has changed the design of planes. Larger doesn't necessarily mean more noise. Mosby noted that he does not see anything on the resolve that we are not doing or haven't already done. Some things are right out of the DRI.

Pres. Joakim thanked Arthur Kimber and all who attended. She stated that the council will vote on the resolve next week and there will be no public comment, and limited discussion.

ORDERS OF THE DAY OLD BUSINESS

2008-016 - APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,785,000 FOR THE PURPOSE OF A TOWN WIDE COASTAL ACCESS PLAN INTRO.: 08/16/07; 09/06/07; 9/20/07

Upon motion duly made and seconded it was voted to continue this item to the 18th of October

VOTE: No objections to continue

2008-019 - APPROPRIATION AND LOAN ORDER - TEMPORARY REPAIR PRIVATE ROADS PROGRAM REGARDING THORNTON DRIVE (BARNSTABLE), ELLIOT ROAD (CENTERVILLE), EVANS STREET/ROBBINS STREET (OSTERVILLE) AND ACADIA DRIVE (MARSTONS MILLS)

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing above-named 2008-019 at 10:13 p.m.

VOTE: Unanimous to go into public hearing.

Councilor Curtis read the item into the record and gave the rationale. She thanked the roads committee for their work and various other individuals and departments such as: DPW, Engineering, Legal, Finance.

Former Councilor Richard Clark addressed Thornton Drive. It is highly commercial and has a lot of traffic with 22 lots abutting. The water in the road has created serious problems. We got more than ½ of the abutters to support it. We have a lot of public use; and we don't want people suffering because of the puddle and other issues.

George Gingold from Elliott Road wanted it noted that on Elliott Road a culvert will be added and one area will be widened. We support it.

Upon motion duly made and seconded, it was voted to go out of the public hearing at: 10:22 p.m.

VOTE: Unanimous

Councilor Crocker submitted a letter (see attached "D") for the record from Thomas P. Gorman regarding concerns on Evans/Robbins Street.

Councilor Munafo questioned Evans/Robbins Roads as far as what protections are in place and what was the process regarding the abutters. Mark Ells, Director of Public Works, said there is a section that was paved. Initially a larger number of lots were included. There was a determination that those, who bordered the improved area, were not to be further improved – so they were taken out. Now the remaining lots will receive a temporary repair.

Upon motion duly made and seconded it was:

ORDERED:

That the sum of **\$1,607,978** be raised and appropriated for the purpose of making temporary repairs to private roads within the Town of Barnstable, and that to meet this Appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,607,978**, and the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, and the Town Manager is further authorized to accept any grants and/or gifts and/or assessed betterments, in relation thereto.

VOTE: Roll Call 12 yes - unanimous

2008-021 - APPOINTMENTS - INTRO.: 09/06/07

Councilor Canedy announced that Mr. Shuman asked to have his name withdrawn.

Councilor Milne announced that Tom Dolby also wants his name to be withdrawn. He also asked how the same individuals were named for appointment and reappointment.

Attorney Houghton stated that there is a vacancy in a position on the commission as well as an expired term to fill.

Councilor Milne spoke on behalf of Mr. Krau.

Councilor Crocker moved the question.

VOTE: Unanimous to move

Upon motion duly made and seconded it was voted:
That the Barnstable Town Council appoints the following individuals to a multiple member town board/committee/commission.

AIRPORT COMMISSION APPOINTMENT: (Vote for One)

Ronald Pursuite, 59 Colonial Way, West Barnstable, MA 02668, term expires 06/30/2010

Ralph Krau, 312 Compass Circle, Hyannis, MA 02601, term expires 06/30/2010

VOTE: Pursuite 10

Krau 2

Persuite appointed.

AIRPORT COMMISSION REAPPOINTMENT: (Vote for One)

Michael Dunning, 399 Old Jail Lane, Barnstable, MA 02630, term expires 06/30/2010

Ralph Krau, 312 Compass Circle, Hyannis, MA 02601, term expires 06/30/2010

VOTE: Dunning 9

Krau 3

Dunning appointed.

2008-034 - APPROPRIATION ORDER TO FUND COLLECTIVE BARGAINING AGREEMENTS INTRO. – 9/6/07
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Town Manager Klimm explained that this has been discussed in executive session and is the funding for the BMEA contract. He thanked the Town Employees for their commitment, dedication and willingness to work with us. Our employees make this organization tick and he wanted to thank each and every one of them.

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing above-named 2008-034.

VOTE: Unanimous

No comments.

Upon motion duly made and seconded, it was voted to go out of the public hearing at: 10:38 p.m.

VOTE: Unanimous

Councilor Munafo thanked the Town Manager and Bill Cole, the Human Resources director.

Councilor Crocker also thanked everyone and asked about the other contracts. Cole said that we have 1 ratified contract and another one with a police union that is in process. There are 4 outstanding contracts. We are moving through them and are making good progress.

Upon motion duly made and seconded, it was

ORDERED:

That the Town Council hereby raise and appropriate the sum of \$545,300 for the purpose of funding the FY2008 General Fund operating budget salaries, and that the sum of \$14,500 be appropriated for the purpose of funding the FY2008 Solid Waste Operating Budget salaries, and that \$14,500 be raised from current year revenues in the Solid Waste Enterprise Fund.

VOTE: Roll Call 12 yes

ADJOURNMENT

Upon motion duly made and seconded, it was voted to adjourn.

ADJOURNED: At 10:43 p.m.

Respectfully submitted,

Linda E. Hutchenrider, MMC/CMMC
Town Clerk