

**TOWN OF BARNSTABLE  
TOWN COUNCIL MEETING  
October 2, 2008**

A quorum being duly present, Council President Janet Joakim called the meeting of the Barnstable Town Council to order at 7 pm, on Thursday, October 2, 2008, at the Barnstable Town Hall, 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

**PRESENT:** Richard Barry, Janice Barton, Ann Canedy (7:20), Frederick Chirigotis, James Crocker, Jr., Henry Farnham, Janet Joakim, Leah C. Curtis, J. Gregory Milne, James Munafò, Jr., Thomas Rugo (7:10), James M. Tinsley, Jr. and Harold Tobey.

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

- **Jane Eshbaugh Community Service Award Presentation**

Members of the Jane Eshbaugh Committee: Jeff Eshbaugh, Millicent Flynn, and James Crocker, (Jackie Barton could not attend) were present for the presentation of the 7<sup>th</sup> Annual Award to Carl Monge. President Joakim read the proclamation (See Exhibit A).

Mr. Monge thanked all on behalf of the ‘seven old men’ and ‘four gorgeous gals.’ He was visibly moved by the honor.

- **BHS Hockey Boosters donation of \$10,000 to the Hyannis Youth & Community Center**

Several members of the Barnstable Hockey Boosters presented President Joakim with a greatly enlarged copy of a \$10,000 check. Paul Everson explained some of the history of the Hockey Boosters and their activities. They pay for all the things the team is not able to obtain through the budget. The group began raising money for the new youth and community center several years ago. They presented \$10,000 to the town towards that effort. VP Chirigotis and Pres. Joakim accepted the 6 foot long check.

- **Leading by Example Award**

David Anthony, Chief Procurement Officer and Glen Santos, Supervisor of the Solid Waste Division announced the award. Barnstable is one of two communities in the Commonwealth to receive this year’s Leading By Example Award from the Executive Office of Energy and Environmental Affairs (See Exhibit B). Barnstable’s Green Team received the award at the State House today. The town also received two citations: by Sen. Therese Murray, offered by Sen. Robert O’Leary and by Rep. Salvatore DiMasi, offered by Rep. Demetrius Atsalis. (See Exhibits C and D)

- **Airport Commission Report**

Dan Santos, new Chairman of the Airport Commission, gave a brief update on the status of the airport. He said the commissioners understand that they work for the town. He is very comfortable working in such an environment since he is an engineer and CEO of an environmental consulting firm. Frank Sanchez is acting as interim Airport Manager while they find a new manager. Subcommittees are working hard to insure that there are no blips in the interim. He further updated the council on the status of the access road, which will be completed prior to the construction of the terminal, and the overall planning for signal lights, traffic flow, and land acquisition relative to the planned new terminal. Master planning needs to involve all state coalitions, neighboring towns, civic associations, etc., and should be reflective of not only the needs of the flying public, but what the town wants to see.

## **PUBLIC COMMENT**

Jon Julius thanked Peggy Dandridge who recently resigned and Lt. Heubler who had recently retired. He does not want people to blame the deficit on the national crisis or hear about an override. The council should be watching the school committee, who has been spending down the free cash reserves, because the council oversees them.

Kathleen Easen, a client of the Noah Shelter, spoke about multiple health issues at the facility that place the clients at risk. She would like to ask that the health issues be put on the next several agendas to inform the public.

Alan Burt spoke about the budget and thanked the council for managing such a large budget of \$155M so well. He is also troubled about the recall of President Joakim. It is tragic and a terrible waste of time.

Taryn Thoman spoke about a Cotuit resident who felt she was defamed by Pres. Joakim via emails.

Rob Anderson has been working with different public and private landowners regarding a process for the discussion of a location for an ATV park. They are meeting a roadblock. He would like some assistance to perform a feasibility study along with staff consultation, and then hold a public hearing so the issue will be heard.

Mary Clements also commented on the current political situation.

## **COUNCIL RESPONSE TO PUBLIC COMMENT**

President Joakim commented on the accusations about her. There have been no harassing emails, calls or conversations emanating from her.

Councilor Crocker apologized because he allowed third-party hearsay without objection. He is through listening to what he feels is wrong in his heart.

Councilor Curtis said it was a pleasure to see truly committed individuals who make contributions to the town. Ninety-nine percent of the town is like those individuals. That is why she is here: to do her best.

Councilor Barton commented on the School Committee that is doing as much as it can to take control of the items they can control. They have been proactive, working with administration and taking it head-on.

Councilor Barry feels this (recall) is out of control. He has seen some of the emails sent to Pres. Joakim and those about her family and daughters are unspeakable. People can get away with a lot more with an elected official than with other citizens. This is ugly, dirty and nasty.

Councilor Tobey said that people should appreciate what Pres. Joakim has done for the town. The process for voting someone out is at their re-election. She has not done anything to rise to the level of a recall and he hopes the constituents realize it.

Councilor Milne also thanked Peggy Dandridge and Eric Heubler. He suggested that the grant to evaluate land use could coincide with a possible ATV usage; in addition, the Otis base, which just received a \$1M grant for a land study, might provide some possibilities. He also pointed out that the School Committee is elected town-wide and not under the Council. The town manager manages the \$150M budget; the council only approves or rejects his suggestions.

Assistant Town Manager Thomas Lynch responded on the NOAH Shelter issue saying he would check with Regulatory Services and follow up with a visit if needed.

## **ACT ON MINUTES**

Upon a motion duly made and seconded it was voted to approve the minutes of September 18, 2008 with the following correction: change Page 8, P 3 from “asked if that would remain.” to “asked if the entrance to the parking lot would remain.” Page 4, P 10 replaces the comment after Councilor Crocker with “asked for a workshop with the Planning Board so that we could explain everybody’s role in the process. I am tired of getting dressed down by people who don’t understand their role. Page 7, P 1, delete “yes we could prepare statements” and add at the end “Thursday is Council Day in Barnstable. The Council could do valuable work in a workshop and inform our constituents of the outcome of the

vote. The town's legal counsel could be available to inform the public of what is next." Page 8, P 6, at the end add: "Crocker wanted it noted that the changes to the zoning map would affect all the parcels with frontage on Route 28, not just the liquor store portion."

**VOTE: Unanimous (Milne abstained – not present)**

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

Lynne Poyant named the restaurants participating in the year's Silver Plate Week supporting the Barnstable Senior Center.

President Joakim thanked the chief.

Councilor Crocker was pleased that the new sidewalk was being installed with a minimum of disruption. The DPW deserves credit and is on schedule for the sidewalk and other road work.

Councilor Barry announced the retirement dinner for Chief Frasier and gave the particulars.

Councilor Barton said that Paul Everson had done many good things for the town. She made several other announcements of upcoming activities. Peggy Dandridge, who will be moving out-of-state, will be missed.

Councilor Milne thanked Patty Daley for holding a well attended and successful meeting on the issue of moving the shanties. He announced an upcoming Selectmen & Councilors meeting. The group is planning to send a vote on Question 1 – to abolish state income tax. It is binding and if it passes it will be catastrophic for cities and towns.

Councilor Farnham announced that Coast Sweep, an annual beach cleaning event, was held on Sept 20 and was very successful.

Councilor Canedy attended the APCC dinner. Kris Clark, Lindsay Counsell, Jackie Barton, as well as Bob Duncanson, Dale Saad's husband were honored.

## **ORDERS OF THE DAY**

### **OLD BUSINESS**

President Joakim announced that Item 2008-131 has been withdrawn.

### **2009-014 COMMUNITY PRESERVATION FUND APPROPRIATION & TRANSFER FOR \$108,000 FROM COMMUNITY HOUSING**

Upon a motion duly made and seconded it was voted to postpone this item to November 6, 2008.

**VOTE: Unanimous**

### **2009-021 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND RUTH M. RUSHER TRUST**

Upon motion duly made and seconded it was

**ORDERED:** That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable, to enter into and execute a Regulatory Agreement between the Town of Barnstable and Ruth M. Rusher Trust, for the property shown on Barnstable Assessor's Map 326 Parcel 045, and located within the HD zoning district and the Downtown Hyannis Growth Incentive Zone, including zoning relief as follows:

HD zoning district permitted or conditional use  
Reduction in onsite parking requirements

Section 240-24.1.7  
Section 240-24.1.10 (4) (b)

**The Town Manager shall execute the Regulatory Agreement on behalf of the Town within seven (7) days of the Town Council vote authorizing the execution of the Regulatory Agreement in accordance with Section 168 of the Code.**

Atty. Michael Ford said the individuals involved in all aspects of this project were available to answer questions.

- Deborah Converse, CEO of the Cape Cod Chamber of Commerce supports having a hostel in town but doesn't think this is the place. The harbor district was one of the growth incentive zone areas. A hostel will not be an economic benefit and not the highest and best use of the area.
- Ken Foster, an abutter to the property, said he visited both the hostels in Eastham and Truro. The overall condition of those hostels is poor. Will this hostel be different or will it become poorly maintained.
- Deborah Roux from Hostelling International, the company that will oversee this hostel, pointed out that it is financially difficult to create hostels. This is a rare opportunity since the property has been willed by Ruth Rusher for this purpose. The investment will be about \$750,000 and the money is there. Sandra Tubman of the Rusher Foundation will see that it happens. Hostels fit into the tourist destination with culturally diverse opportunities.
- Ken Komenda, Innkeeper of the Harbor House Inn, asked why hostels were not included in the zoning. This is giving a zoning variance and the neighbors would not be spending the money they have spent if they had known.
- Patty Daley explained that hostels have not been mentioned anywhere in town as a land use. It did not occur to anyone. The regulatory agreement was established to allow the zoning to be amended on a parcel by parcel basis.
- Councilor Curtis said that in the title Growth Incentive Zone, "incentive" pops out. Hyannis relies on tourists coming to visit. With the changing economy, attracting a diverse kind of tourist is a plus. She supports this as a clear incentive for the community.
- Councilor Barton will also support the item. To create a thriving community there must be diverse uses – a variety of different applications. It was Ruth Rusher's intent to have a hostel on her land.
- Councilor Milne is shocked by the type of objections. He is happy to have sponsored it. As a GIZ, these two houses will not be single family houses. It makes no sense to him to use this for anything other than density to create economic vitality. If it is not approved, there will be people and automobiles instead of foot and bicycle traffic. What other group will bring a \$750,000 investment to the location.
- Councilor Crocker had a question on #37 of the agreement. Atty. Ford explained that there are a few more hurdles in order to actually have 47 bedrooms. This will be dealt with, if the regulatory agreement passes; the council and the board of health will have the final say on the number of bedrooms. On #27, Crocker wanted a clarification regarding the tax. Patty Daley said the current tax is the \$5,355.40 based on the single family assessment. The issue of reserving a portion to cover the district tax that would be lost had not been discussed. Town Attorney Ruth Weil said the division of the payment could be part of the licensing. Crocker would like such a commitment to the district be added.

A motion was duly made and seconded to amend #27 of Item 2009-021 by adding the following to the end: "The Town Manager shall make provision for a proportionate share of said payment to be paid to the Hyannis Fire District."

**VOTE: Unanimous.**

- Councilor Munafo asked if the property had been willed to a non-profit. The property was conveyed to the trust during Rusher's lifetime. The title will be transferred from the trust to the Cape Cod Foundation. Munafo stated that once it is accomplished it will no longer be taxable. The payment will be paid by the taxpayers.
- Roux described the type of hostellers – church groups, youth groups, international travelers. They stay about 2.5 days and would probably leave \$350,000 to \$500,000 dollars in the community.
- Councilor Tinsley pointed out #23 which gives the Town Manager the latitude to terminate the hostel operation.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

A point of information was raised relative to the dates to be inserted in #26. Daley said the dates will be one year from now: October 2008 to October 2009.

A motion was made and seconded to amend #26 to read November 08 to November 09.

**VOTE: Unanimous**

**2008-021 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND RUTH M. RUSHER TRUST**

With all approved amendments to the Regulatory Agreement,

**ORDERED:** That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable, to enter into and execute a Regulatory Agreement between the Town of Barnstable and Ruth M. Rusher Trust, for the property shown on Barnstable Assessor's Map 326 Parcel 045, and located within the HD zoning district and the Downtown Hyannis Growth Incentive Zone, including zoning relief as follows:

<u>HD zoning district permitted or conditional use</u>	Section 240-24.1.7
<u>Reduction in onsite parking requirements</u>	Section 240-24.1.10 (4) (b)

**The Town Manager shall execute the Regulatory Agreement on behalf of the Town within seven (7) days of the Town Council vote authorizing the execution of the Regulatory Agreement in accordance with Section 168 of the Code.**

**VOTE: 10 Yes, 3 No (Crocker, Farnham, Munafo) (Roll Call)**

**2009-024 APPROPRIATION & TRANSFER ORDER OF \$250,000 SET ASIDE UNDER ITEM 2008-161 FOR BUY BACK OF 5 AFFORDABLE HOMES @ \$50,000 EACH**

Upon a motion duly made and seconded it was voted to open a public hearing on this item at 8:50 PM

**VOTE: No objection**

Laura Shufelt gave the rationale.

Nancy Davidson from HAC explained that this was modeled after a similar project in Sandwich. That town was pleased with the number of homes that were created in a short period of time.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:12, PM.

**VOTE: No objection**

- Councilor Curtis asked if this passes, should the money stay with the CPC until needed for the purchase and homes will be sought from across the town. Davidson explained that most of the units are outside the Village of Hyannis. What are the oversight procedures: contact with new homeowners, contact with the CPC on any activity with the homes, etc?
- Davidson explained the process. The home with potential is identified and inspected and approved by the CPC; the home is structurally inspected before HAC will purchase it. Once they own it they make the repairs to avoid any major expense to the buyer for the first 5 years. This is subcontracted. The process will be complete when the new owner takes over the home. HAC has a full-service real estate department who will oversee the sale and its legalities. HAC also has a weatherization department that oversees the related inspections. Weatherization money comes from the Cape Light Compact and they also have oversight. HAC has a pool of potential buyers who attend pre and post purchase workshops which include budgeting, etc.
- Councilor Farnham feels government has a role in assisting safe housing through rentals but not tax dollars to subsidize the acquisition of single family homes.
- President Joakim explained that these are CPA funds which have been set-aside for this purpose.
- Councilor Munafo feels there should be a special portion of the meeting for CPA spending so as not to confuse it with spending that uses property taxes. With the downtrend, Munafo asked about the dollar value of an affordable home. Davidson said based on a recent market study, the

price of the home they want to purchase is about \$220,000; The purchase price for people earning under 80% of median income is about \$150,000 to \$180,000. This has been made difficult by the inability to find people who qualify for a mortgage. HAC looks to subsidize about 23%. If there is a significant downturn and they don't spend \$50,000 on each home, they would buy a 6<sup>th</sup> home. They are ready to go out immediately to purchase the homes. This raised the question of how much flexibility there would be in the item to buy more or fewer than 5 houses. An amendment was suggested to add "a minimum" of five houses.

- Atty. Weil said you have some flex such as the amendment because it does not change the substance of the proposal and is consistent with it. Shufelt concurred.

A motion was duly made and seconded to amend Item 2009-024 by adding "a minimum of" five affordable homes and "a maximum of" \$50,000 per home.

**VOTE: Unanimous**

- Councilor Barton asked about another site visit after repairs. Shufelt said that was not anticipated in their vote. They would do the initial site visit.
- Councilor Curtis had suggested that the \$250,000 be held and released as each house is found. Atty. Weil explained that traditionally the town has not given out money until the house is in play. The town has not given out any lump sums and it is our practice.
- Councilor Crocker summarized when the town's money would be used. Other funds are used for the initial acquisition and repairs; one the buyer is found and the restriction is in place, the public funds are used at the time the new buyer is having the property conveyed.

Recess 9:20 – 9:25 PM

A motion was made and seconded to add the following to the end of the text: "No funds shall be disbursed until the time of closing with the qualified affordable buyer.

**VOTE: Unanimous**

As amended:

**2009-024 APPROPRIATION & TRANSFER ORDER OF \$250,000 SET ASIDE UNDER ITEM 2008-161 FOR BUY BACK OF 5 AFFORDABLE HOMES @ \$50,000 EACH**

**ORDERED:** That, pursuant to the provisions of G. L. c. 44B, the sum of Two Hundred Fifty Thousand and No/100 (\$250,000.00) Dollars be appropriated and transferred from the amount set aside for the creation of affordable Housing in the Community Preservation Fund on August 21, 2008 under agenda item number 2008-161, to buy down the cost of no less than five (5) affordable homes, at a maximum of \$50,000.00 per home, inclusive of closing costs and legal fees, for resale to first-time homebuyers at affordable prices by the Housing Assistance Corporation, through the Town of Barnstable's Inclusionary Housing Ordinance and that the Town of Barnstable Growth Management Department is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the creation of affordable housing and to acquire affordable housing restrictions, easements and other security on behalf of the Town. No funds shall be disbursed until the time of closing with the qualified affordable buyer.

**VOTE: 9 Yes, 4 No (Barry, Canedy, Farnham, Tinsley) (Roll Call)**

**2009-025 APPROPRIATION & TRANSFER ORDER OF UP TO \$5,500 FROM SET ASIDE FOR COMMUNITY PRESERVATION UNDER ITEM 2008-161 FOR PRESERVATION OF TOWN RECORD**

Upon a motion duly made and seconded it was voter to open a public hearing on this item at 9:30 PM

**VOTE: No Objections**

Shufelt gave the rationale.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:31 PM.

**VOTE: No Objection**

Munafu asked where the transcripts will be accessible. Copies will be housed in libraries, historical buildings, etc.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**2009-025 APPROPRIATION & TRANSFER ORDER OF UP TO \$5,500 FROM SET ASIDE FOR COMMUNITY PRESERVATION UNDER ITEM 2008-161 FOR PRESERVATION OF TOWN RECORD**

**ORDERED:** That, pursuant to the provisions of G. L. c. 44B, the amount not to exceed Five Thousand Five Hundred and No/100 (\$5,500.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on August 21, 2008 under agenda item number 2008-161; and that the Town of Barnstable, Growth Management Department is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for Historic Preservation and reproduction (photocopying, binding, digitally scanning and distribution) of the verbatim transcript of the Barnstable Town Record, Volume I, allowing distribution of the copies to public institutions across southeastern Massachusetts; further maintaining limited access to the original volume and lengthening its preservation through less handling and use.

**VOTE: 13 Yes (Roll Call)**

**2009-026 GENERAL ORDINANCE AMENDMENT ACCEPTING MGL C59 S5K SENIOR PROPERTY TAX WORK-OFF ABATEMENT**

Upon a motion duly made and seconded it was voter to open a public hearing on this item at 9:35 PM

**VOTE: No objections**

Mark Milne, Finance Director, gave the rationale. The Council on Aging has supported it.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:39 PM.

**VOTE: No objections**

- Councilor Crocker asked how many would be involved. Milne said there were no limitations, it is a budgetary issue; it could start at 20 people. The town manager can decide how many can be incorporated. Participants will receive a W-2 taxable income statement for federal taxes and they will be exempt for state taxes. The Board of Assessors will handle the abatements.

A motion was made and seconded to amend Section 183.3 D by replacing the current text with the following: "There shall be a maximum number of 20 residents who may participate in the program in a given year."

**Vote Unanimous**

- Councilor Munafò asked about the impact on other taxpayers. It does not raise taxes for rest of the taxpayers because the overlay account, from which the abatement of \$750.00 will come, is budgeted. It can be implemented now but the tax abatement will not occur until 2010. There is no sense to make it this early. Munafò feels there are things in place already to help people. No wisdom in a program which will reduce the budget further. It is one step too far.
- Councilor Tobey thinks it is a good thing; people have a sense of working and elevated self-esteem.
- Councilor Farnham pointed out that the credit was not in perpetuity but only available for no more than two consecutive years. He would like to insert "from all sources" in Section 183.2, C, after "yearly income" to include lottery winnings, dividends, etc. There was a question of whether the acceptance of a statute could be amended. Attorney Weil confirmed that amendments could be made.

A motion was made and seconded to insert "from all sources" in Section 183.2, C, after "yearly income."

**VOTE: 12 Yes, 1 No (Munafò)**

- Councilor Barton asked if it were postponed, what would be the impact. Director Milne said it was not time sensitive.

- Councilor Barry asked how long will it take to administer and how much more work would there be for assessors. The department with the worker will give the hours to Human Resources. It is a simple form and will take minimum work. The application process takes more work. There could be 100 applications for the 20 slots.

As amended:

**2009-026 GENERAL ORDINANCE AMENDMENT ACCEPTING MGL C59 S5K  
SENIOR PROPERTY TAX WORK-OFF ABATEMENT  
ORDERED, that:**

SECTION 1: Section 5K of chapter 59 of the general laws is hereby accepted.

SECTION 2: That the general ordinance of the town of Barnstable is hereby amended by adding a new Chapter 183, Senior Citizen Property Tax Work-Off Abatement Program.

SECTION 3: Chapter 183: Senior Citizen Property Tax Work-Off Abatement Program

§183-1: Purpose:

In accordance with the provisions Section 5K, Chapter 59 of the general laws, the town is offering a program which allows certain eligible seniors aged sixty and older the opportunity to perform work for the town in exchange for an abatement of property taxes for the maximum amount of \$750.00 yearly.

§183.2: Eligibility

In order to be eligible to apply for the program, an individual shall meet all of the following requirements:

- A. Owns and occupies a residential property in the immediate fiscal year preceding the fiscal year in which the taxpayer applies to volunteer his/her services;
- B. Has reached 60 years of age by the July 1 of the fiscal tax year for which the tax credit is given;
- C. Has a gross yearly income from all sources of not more than \$30,000 for single taxpayers and \$40,000 for married taxpayers, and
- D. Cannot be a compensated employee of the Town during the fiscal year for which the tax credit is sought.

§183.3: Program Administration

- A. The Town Manager or his/her designee shall be responsible for administering the Senior Tax Work-Off Program.
- B. The Town Manager or his/her designee shall review and approve the volunteer services to be included in the program and place and/or assign eligible residents to perform such services.
- C. The Town Manager or his/her designee shall certify the amount of volunteer services performed by each participating taxpayer to the Barnstable Board of Assessors on or before December 1 of the year for which tax credits are to be given. Upon timely receipt of this certification, the Board of Assessors shall credit the real property tax obligations of the participating taxpayers in an amount not to exceed \$750 per taxpayer. A copy of each taxpayer's certification will be given to that taxpayer. This credit shall be in addition to any exemption or abatement for which the volunteer may otherwise be eligible.
- D. There shall be a maximum number of 20 residents who may participate in the program in a given year.



§183.4: Program Criteria

- A. The hourly rate at which the volunteer services are to be credited shall be the minimum wage of the Commonwealth in effect at the time the services are provided.
- B. The Town will pay the volunteer's share of FICA taxes.
- C. The maximum amount by which the real property tax obligation of any one volunteer may be reduced in any given tax year shall not exceed \$750.
- D. Tax credits may be applied only toward real property, which the volunteer occupies as a principal residence and has property tax liability.
- E. Only one tax abatement per property per year shall be allowed.
- F. Participation will be awarded using a lottery system if qualified applications received exceed the number of available slots.
- G. Taxpayers in the program may not participate in two consecutive years unless the number of applicants is less than the eligible slots.

**VOTE: 12 Yes, 1 No (Munafò) (Roll Call)**

**2009-027 HOMELAND SECURITY GRANT ACCEPTANCE FOR \$90,000 FROM FEMA & SUPPLEMENTAL APPROPRIATION OF \$30,000 MATCHING FUNDS**

Upon a motion duly made and seconded it was voted to open a public hearing on this item at 9:50 PM.

**VOTE: No objections**

Lynne Poyant gave the rationale.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:55 PM.

**VOTE: No objections**

- Councilor Barry asked about the use of the police boat which is not being used instead of spending \$30,000. Dan Horn, Harbormaster, doesn't know what is in the police department's plans for this boat in the next budget. This request is to replace an existing vessel.
- Councilor Curtis was concerned that since the \$30,000 is coming from mooring fee special revenue funds and, that people may have to make some tough decisions which could involve relinquishing moorings, it might deplete the account. Horn explained that \$2,500 is for maintenance – commissioning and winterizing the vessel with a certified mechanic to avoid voiding warranties. This is a replacement boat to be used for harbor patrol and emergency rescue. The old boat will be used for the dirty work. The special revenue account can only be spent for waterways issues.
- Councilor Munafò asked if the mooring fee special account was an enterprise account. It is not. He also confirmed that it is a Federal grant.
- Councilor Farnham pointed out that the town has a large amount of water on both sides. It makes sense to him to do this upgrade and he will support a 21 to 30 foot Boston Whaler type of boat.
- Councilor Canedy feels there is a lot wrong with Barnstable Harbor that needs repair and the town has several boats available now. She is against taking \$30,000 from mooring fees for a boat when there are other needs to address. Horn explained that many of those concerns are being addressed. Canedy pointed out that those will cost millions and they are things that have not been paid. Horn said there will be funding requests for some of those.
- Councilor Crocker asked about the age of the old boat. It is a Boston Whaler that was donated about 30 years ago. The engine is about 7 years old. It is thoroughly waterlogged, rotting from the inside out and cannot be used for emergency responses.

- Councilor Chirigotis said there is lots of boat traffic on the north side. You do not see Coast Guard or the police on the water on a regular basis, the only people on the water are the Harbormasters. The boat is needed to deal with emergencies. This is only one of seven grants from FEMA and it is an opportunity to buy \$120,000 of value for only \$30,000. “Barnstable is the ocean.”

**2009-027 HOMELAND SECURITY GRANT ACCEPTANCE FOR \$90,000 FROM FEMA & SUPPLEMENTAL APPROPRIATION OF \$30,000 MATCHING FUNDS**

**ORDERED, that:** The Barnstable Town Council does hereby accept a Port Security Grant from the Department of Homeland Security, FEMA in the amount of \$90,000 and that the amount of \$30,000 in matching funds is hereby transferred from the mooring fee special revenue account, and further, that the Town Manager is authorized to expend these funds in accordance with the grant

**VOTE: 10 Yes, 3 No (Barry, Canedy, Munafò) (Roll Call)**

**2009-031 APPOINTMENTS**

Upon a motion duly made and seconded it was

**RESOLVED,** that the Town appoint the following individuals to a multiple-member board/committee/commission:

**ZONING BOARD OF APPEALS**

George T. Zevitas, 77 Winding Cove Road, Marstons Mills, an associate member to a term expiring 06/30/2009

**HYANNIS MAIN ST. WATERFRONT HISTORIC DISTRICT COMMISSION**

Meaghann Kenney, 26 Pearl Street, Hyannis, as an alternate member to a term expiring 06/30/2009

**GOLF COMMITTEE**

James M. Lawson, Jr., 49 Statice Lane, Hyannis, as a member to a term expiring 06/30/2010

**VOTE: 12 Yes, 1 No (Canedy)**

**NEW BUSINESS**

**2009-032 GRANT ACCEPTANCE OF \$5,000 FROM BARNSTABLE COUNTY FOR EVALUATION OF TOWN-OWNED LAND**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby accept the grant award in the amount of \$5,000 from the Cape Cod Commission Technical Assistance Program (TAP).

Joanne Buntich, Assistant Director of Growth Management, gave the rationale.

Councilor Canedy asked if the study would decide the suitability of an ATV park. Buntich doesn't think any of the parcels would be suitable, but that is not in the purview of this evaluation. This it to help determine for what the various parcels of town owned property would be suitable.

Councilor Curtis said it was to complete a process that has already been started.

Councilor Crocker asked if it would pay for outside assistance. It will continue to fund the consultant that is working on the project. \$5,000 will complete the study. Att'y. Weil said the funds will also identify tax title parcels that had not been evaluated.

Councilor Milne asked about parcels with buildings. All parcels to be evaluated and vacant and open space are not included.

**VOTE: Unanimous**

**TOWN MANAGER COMMUNICATIONS**

Assistant Town Manager Tom Lynch thanked the Green Team for winning by example. He announced that the town manager will begin a weekly e-newsletter beginning October 10. There will be a public hearing on the issue of smoking on the beach. The ATV issue rests first with the Conservation Commission. The Town Manager had ceded control of conservation lands to them.

**ADJOURNMENT**

Upon motion duly made and seconded it was voted to adjourn the meeting at 10:24 PM.

**VOTE: Unanimous**

Respectfully submitted,

Lucia Fulco  
Assistant Town Clerk