

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
February 5, 2009**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order, despite a lack of quorum, at 6:35 pm, on Thursday, February 5, 2009, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

PRESENT: Richard Barry (6:45), Janice Barton, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., J. Gregory Milne (7:02), James Munafo, Jr., Thomas Rugo, James M. Tinsley, Jr. and Harold Tobey.
ABSENT: Leah Curtis, Henry Farnham, Janet Joakim.

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

Barnstable County Commissioners – Barnstable Update

Barnstable County Commissioners Sheila Lyons, Chairman, and Mary Pat Flynn, Vice Chairman, were present. Commissioner William Doherty was not present due to a conflict with a town meeting in his town.

Both commissioners were very eager for the commission to be of service to the towns by looking at the larger issues that affect the Cape as a whole such as wastewater infrastructure, energy, economic development and transportation. Inroads have already been made to have the entire Cape recognized as a 'regional' green community, allowing the entire area to obtain the benefits of the Green Communities Act. The Commission wants to assist towns to realize their hopes and work in partnership with communities. They are open and anxious to receive any and all input. Lyons stated that it is "a new day."

- Councilor Crocker spoke about sewers and the high DEP standards that require the building of larger structures in a place where most of the parcels remaining are small. The county has helped on sewer issues but we need more assistance to get the standard in line with the reality of building on the Cape. Lyons agreed and is willing to 'phase in' where the town cannot.
- Councilor Munafo was interested in cooperation and ideas for electric cooperatives and green energy. Lyons said that if they could get 'green needs' to be considered Cape-wide, all towns could take advantage. Efficient and effective transportation is also on their agenda,
- Councilor Barton encourages support of public transportation – part of a green response to get cars off the road. She also discussed Barnstable's homeless issue exacerbated by people from elsewhere congregating in Hyannis. Lyons said that Hyannis is the urban area of the Cape and, with all the services located here, people gravitate to it. She is trying to "put her hands around it." A possible solution might be to establish satellite offices in other towns.
- Town Manager John Klimm said the relationship between Barnstable and the county has become more important. He thanked both ladies for all their efforts. Lyons added that she is looking for partnership and not a dominant position. Flynn added that they will be working in the spirit of openness.

Councilor Canedy made a motion that the Council, as a whole, retire to executive session for the purpose of discussing land acquisition and to return to open session thereafter. President Chirigotis added that the council would return at 8:15 pm. The motion was seconded.

VOTE: Unanimous (Roll Call)

The meeting reconvened at 8:27 PM

PUBLIC COMMENT - none

COUNCIL RESPONSE TO PUBLIC COMMENT - none

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to accept the minutes of January 8, 2009 as written.

VOTE: 9 Yes (Canedy out of hall)

Upon a motion duly made and seconded it was voted to accept the minutes of January 22, 2009 as written.
VOTE: 9 Yes (Canedo out of hall)

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

- Councilor Munafo wanted to know what the public or animal control can do about coyote activity in his neighborhood. Charlie Lewis, Animal Control Officer, spoke on the issue. He advised the public to cease feeding birds as well as feeding pets outside. Dogs should be kept on short leashes and not let out at night, etc. Coyotes are out 24/7. Making noise will scare coyotes and keep them from feeling safe around people. They are creatures of habit. He suggested people carry noisemakers, tin cans with stones inside, anything to make noise, including screaming at them to chase them away. Keep brush in your area cut down.
- Councilor Munafo asked about trapping. Lewis explained that trapping them is difficult but would have to be done by a licensed trapper with a hunting license. The hunting/trapping season runs from October to March. People would have to dispatch 75% of the coyote population every year to have an effect. If a coyote acts out of the norm and does not run off, it is becoming people friendly; this is a problem. Munafo thanked the school department, town manager and all involved, for shutting off the high school's co-generation plant at night to help with the noise which can be heard for 1.5 miles.
- Councilor Crocker asked about Lewis's interaction with the permit holder who has been trapping them and thought if the town were aware of his findings, it could ease the tension in areas where he is trapping. The permit holder is Eric Strauss and he has several others named on the permit. Strauss's research is not public to the town.
- Assistant Town Manager Tom Lynch gave a brief update on the status of submissions for the stimulus funds. The town had an uplifting visit from the state as state officials are getting involved with the projects submitted. The funding to the state may be smaller than first anticipated. If town funding is already in place and the project is selected to be funded by the stimulus package, the town can reapply those town monies to other projects.
- Councilor Milne wants to know if the sidewalk on the southerly side of Ocean Avenue to Keyes Beach, that is now going to be replaced, would be constructed of material that would enhance the beachfront ambience. He would also like to create a mechanism to notify a councilor of any project in his precinct that requires certified mail notification to abutters. He appreciates the snapshot of finances for the town side and would like to see it for the schools.
- Mark Ells, DPW Director, assumed the sidewalk would be the same type of materials as others; right now it is in the permitting stage. Milne pictures something softer that would be in harmony with beach grass. Ells will look at other materials.
- Councilor Crocker attended the Horace Mann School Board meeting with parents. He commended all the attendees.

ORDERS OF THE DAY

OLD BUSINESS

2009-039 CONSERVATION RESTRICTION BETWEEN MCCOWAN COTUIT TRUST-1992 AND THE BARNSTABLE LAND TRUST, INC.

This item was withdrawn at request of the sponsor.

2009-058 APPROPRIATION AND TRANSFER ORDER FOR FY09 PARKING ENFORCEMENT OPERATING EXPENSES

Upon a motion duly made and seconded it was voted to open a public hearing on this item at 9:05 PM.

VOTE: No objection

Councilor Munafo wanted a clarification of the cost savings and more description of the use of the cars throughout the town.

Manager Klimm explained the kiosk system that will be implemented makes the van unnecessary. The smaller the vehicle used the better. This continues the movement towards energy efficient cars. This money is in the Bismore Park account and must be spent for park purposes.

Tom Geiler, Director of Regulatory Services, explained why the Smart Cars were chosen. They will get 33 to 35 MPG in town. They don't have good highway mileage, but they will rarely be on the highway. The Smart Cars are more in line with the reality of their usage in-town.

Upon a motion duly made and seconded it was voted to close the public hearing on this item at 9:12 PM.
VOTE: No objection

- Councilor Milne asked if the kiosks will help keep people from parking in the lot all day for free in the off-season when they go to the island. Locals can't use these lots for short-term parking. Geiler said with the new system the town should take in \$250,000 as opposed to \$25,000. Parking will never be free. The kiosks are programmed for three rate schedules depending on the season. Milne suggested that the winter schedule maybe could treat the off-season for less than a 12 hr. stint. Manager Klimm said these can be recalibrated for time and cost.
- Councilor Crocker asked about the use of the \$20,400 and the legitimacy of two cars coming out of the fund. Geiler said the \$20,400 are for start up costs. The money from the parking fees goes into this special revenue fund so the expense for the cars is appropriate. Crocker feels it is stretching the issue by funding the cars from these monies especially when the cars go elsewhere in town.
- Councilor Tinsley, with expertise in the auto sales business, offered to be available to the department to evaluate vehicles, warranties, etc. There are vehicles on the Cape that could be used as passenger vehicles, with excellent warranties. Mr. Geiler said they did not need passenger vehicles but need vehicles with high in-town mileage, which is rare. The revenue estimate is based on staffing. Right now there is only enforcement until 5 PM, but he wants to expand that. There will be regular patrols through the area; these can also go to other areas.
- Councilor Rugo asked about the revenue. The money collected for parking will go to the parking reserve fund and the ticket money to the general fund.
- Councilor Milne asked if the special revenue fund was restricted for parking related activities. Geiler said the fund could be used for repaving parking lots, etc. Klimm pointed out that there were more needs in the 10 year plan than can be addressed.

A motion was made and seconded to postpone further action on this item to February 26, 2009.

Manager Klimm will present research on the Smart Cars or ask staff to attend the meeting. Councilor Milne pointed out that the item has been on the agenda since Jan 8th.

To Postpone:

VOTE: 8 Yes, 2 No

2009-060 COMMUNITY PRESERVATION FUND APPROPRIATION FOR COMMUNITY HOUSING

Upon a motion duly made and seconded this item was withdrawn.

VOTE: Unanimous

2009-062 APPOINTMENTS

Upon a motion duly made and seconded it was

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

PUBLIC WORKS COMMISSION

Allen W. Morrissey, MD, 69 Country Club Drive, Cummaquid, to a term expiring 06/30/2010

VOTE: Unanimous

NEW BUSINESS

2009-063 GIFT ACCEPTANCE – SANDY NECK EDUCATION AND RESEARCH PROGRAMS

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council, pursuant to the provisions of G.L. c. 44, §53A, hereby establishes an account for the purpose of receiving gifts to help defray the costs of the Sandy Neck educational program including, but not limited to, the maintenance of the town owned cottage called the Halfway House.

Nina Coleman, Sandy Neck Park Manager, gave the rationale. (See Exhibit A.)

Rich French, Chairman of the Sandy Neck Board, discussed the changes made as shown in the photos. The house has been used for many years for educational purposes. He hopes the renovations will be completed by May. A local couple who were given a tour of the neck gave French a donation of \$1,000. Since then they have had donations of labor and supplies but would like to establish a fund.

A motion was made and seconded to move the question.

VOTE: Unanimous

On Item 2009-063

VOTE: Unanimous

LATE FILE

2009-067 AUTHORIZATION OF A TAX INCREMENT FINANCING AGREEMENT

Upon a motion duly made and seconded this item was referred to a second reading on February 26, 2009.

VOTE: Unanimous

President Chirigotis asked if the council would like to provide input regarding the wind farm. They have not been in favor of it in the past and have so stated in writing. The recent final Environmental Impact Study is incomplete, premature and has not taken concerns into consideration. Councilor Canedy said the council has addressed these concerns before. Chirigotis felt it was not moot and the council could write again. Councilor Curtis felt emergency response has not been addressed.

A motion was duly made and seconded to write the letter expressing our lack of support for this project.

Councilor Milne suggested going back 7 or 8 years and sending them a chronological package of all the letters that were sent. This would show that a variety of councils have been in opposition.

On a motion made and seconded to attach the earlier letters:

VOTE: 9 Yes, 1 No (Tinsley)

On the main motion:

VOTE: 9 Yes, 1 No (Tinsley)

Upon a motion duly made and seconded it was voted to enter into an executive session for the purpose of discussing pending litigation and not return to open session at 9:55 PM.

VOTE: Unanimous (Roll Call)

Respectfully submitted,

Lucia Fulco
Assistant Town Clerk