

**TOWN OF BARNSTABLE  
TOWN COUNCIL MEETING  
January 6, 2011**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7 PM, on Thursday, January 6, 2011 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, Frederick Chirigotis, James Crocker, Jr., Debra Dagwan, Henry Farnham, J. Gregory Milne, James Munafo, Jr., John Norman, and Thomas Rugo. **Absent:** Janet Joakim, James M. Tinsley, Jr.

Boy Scouts from Troup 54, Centerville: Daniel Burke, Sean Ford, Liam Furey, Sydney Holway, Kyle Leaver, Matt McKean, Connor Murphy, Nathan Ryan, Nick Thum and Zachary Tivey, led the Council in the Pledge of Allegiance. The boys are working towards Citizenship Badges and were required to attend a court session or a town meeting. In addition, they are required to explain the issues involved in one of the items discussed at the meeting.

A moment of silence followed during which President Chirigotis offered condolences to the family of retired Fire Chief Richard Farrenkopf.

**No Place for Hate Committee – Peace Builders Award Presentation**

Councilor Barton, Co-Chair of the No Place For Hate Committee, explained the idea behind the Peace Builders Award. This is the first award presentation and Councilor Barton hopes it will “catch on” and expand. Steve Carty Cordry, Minister and Cape Faith Coalition Representative, made the presentation to Dominique Donalson, employee of the Hyannis Youth and Community Center, on behalf of the No Place for Hate Committee. Dominique gave his place in line at the AT&T store to a woman who had been in line before him but had not signed in. (See Exhibits A & B)

**PUBLIC COMMENT**

John Julius asked councilors to consider making two friendly amendments to Items 2011-042 and 2011-043. One amendment to better encompass the scope of work and to be more definitive and accurate regarding Zone 2. A second amendment to require three bids for the work – on behalf of taxpayers and the town.

Robert Tucker said his car insurance has increased \$300.00 because of the people who drive without any. Insurers took a survey and learned that there were many people driving without licenses, car registrations or auto insurance and causing accidents. Some of these people also don't pay excise taxes. He would also like the town to reach out to other towns to share responsibility for the homeless.

John Alden asked about the reduction in the number of precincts, how is map drawn out and by whom. Several councilors responded: precincts can be no more than 4,000 residents +/- 5%; the population figures come from the federal census but towns can appeal if they can show an error in the numbers; the districts are determined by the state.

**COUNCILOR RESPONSE –**

- Councilor Rugo said an Assembly of Delegates person spoke at a recent meeting about the homeless issue suggesting the solution needed to include all towns.
- Councilor Canedy said the airport items will be discussed at a public hearing at the next meeting.
- Councilor Farnham asked that the airport manager address the issues raised during public comment.

- Councilor Crocker said the council does not put out RFPs on behalf of the Airport Commission; it only approves the expenditures.
- Councilor Canedy asked if procurement laws apply to expenditures for risks assessments or studies. Chirigotis said it was a question for the airport manager or commission and an answer will be found.
- Councilor Milne thanked all the Boy Scouts for leading the Pledge of Allegiance. On the airport: the town has no control of bidding, etc. because the airport is not a town department. He recommends a ballot question to change that status should it come before the public. Zones of contribution for water protection should be addressed as well. On town population: he is concerned about the number of people departing Precinct 9 – there should be empty domiciles. Various data in the GIS department should show population. This information should be compiled and analyzed before new precincts are decided. New precincts will not take effect until 2012 for Federal and 2013 for town elections.
- President Chirigotis said the census numbers will be certified by the state in March and the town will have a bit of time to review. Councilor Canedy would like to be on any redistricting committee that is created.

### **ACT ON MINUTES**

Upon a motion duly made and seconded it was voted to adopt the minutes of November 18, 2010 as amended.

**VOTE: Unanimous**

Upon a motion duly made and seconded it was voted to adopt the minutes of December 2, 2010.

**VOTE: Unanimous (Munafa recused himself)**

Upon a motion duly made and seconded it was voted to adopt the minutes of December 16, 2010.

**VOTE: Unanimous**

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

- Councilor Munafa thanked the Hyannis Water Department for the vast improvement in the water quality in the last week.
- Councilor Canedy suggested a sub-committee of the council to look at charter changes suggested by the last charter commission and asked whether the Rules Subcommittee would take this on. President Chirigotis explained that a separate committee would need to be created and he will do so.
- Councilor Crocker spoke about COMM water activities. COMM will be releasing water from the tank and is using 0.8 ppm chlorination in that water to clean the tank (maximum allowed is 4 ppm). This is 0.2 ppm more than is used in the Hyannis water supply; the Hyannis Water Department is doing a great job.
- Councilor Farnham announced the West Barnstable Civic Association annual meeting at the Community Building, January 18th. On the agenda are the proposed zoning changes to VBB District; an NStar presentation and election of officers and directors.
- Councilor Barry said the Sunoco station on Falmouth Road has been broken into for the fifth or sixth time. The owner can't afford the deductible any more. Councilor Barton also has a shop in her area that has been broken into. He hopes the police department can team up with the Mashpee PD as they have done with the Yarmouth PD. He felt it would be negligent not to bring it to everyone's attention. The western part of town needs help; people are being hurt with repeated B & Es. Councilor Farnham said that, based on court reports and other available data, the town needs more police presence.
- Councilor Rugo announced an event on January 26<sup>th</sup> from 6:30 to 9 PM, at the Hyannis Golf Club entitled Come Celebrate the International Year of Chemistry at the Cape Cod Science Café. The topic of the evening is protection of the Cape Cod water supply. The public is invited.

**ORDERS OF THE DAY**

**OLD BUSINESS**

**Item 2011-039 taken out of order**

Planning Board Members Present: Paul Curley, Raymond Lang, David Munsell and Matthew Teague.

**2011-039 AMEND THE ZONING ORDINANCE C. 240, ART. III MAH RESIDENTIAL DISTRICT**

Upon a motion duly made and seconded a joint public hearing was opened at 7:45 and continued to January 20, 2011.

**VOTE: Unanimous**

Upon a motion duly made and seconded by the Planning Board, a public hearing was opened at 7:47 PM and continued to Jan 20, 2011,

**VOTE: Unanimous**

Councilor Canedy raised a point of information as to reason for postponement and was advised staff wanted more time to review and present revisions. She asked that suggested revisions be provided to the Council in advance of the next meeting.

**2011-036 AMEND ADMINISTRATIVE CODE-ADMINISTRATIVE POLICIES & PROCEDURES**

Upon a motion duly made and seconded it was

**ORDERED**

The Town Council does hereby amend Section 241-56D (3) of the Administrative Code of the Town of Barnstable as follows:

By striking out in the first sentence therein the term “4.25%” and substituting in its place the term “3.00%”.

So that as revised Section 241-56D (3) shall now read:

(3) Debt refinancing. An advance refunding of outstanding debt shall only be considered when present value savings of at least 3.00% of the principal amount of the refunded bonds are produced, unless: (a) a debt restructuring is necessary or (b) bond covenant revisions are necessary in order to facilitate the ability to provide services or to issue additional debt. An analysis shall be conducted when necessary to determine whether debt financing, cash purchase, or leasing is the

Debra Blanchette, Treasurer gave the rationale.

Councilor Crocker asked if there is a multiplier that could be added so there will be no need for a rate. Blanchette explained that there is no need for this ordinance; the state requires a present value savings with no minimum. Since there already is an ordinance with a 4.25% value in the code, they felt the council would be more comfortable with the lower rate.

Councilor Munafo asked for further explanation. Treasurer Blanchette said it is like refinancing a mortgage. General Obligation bonds could realize a savings if they are refinanced at lower interest rates.

**VOTE: Unanimous**

**2011-037 AUTHORIZATION TO REFUND GENERAL OBLIGATION BONDS**

Blanchette gave the rationale. This falls in line with the previous article and requires a vote authorizing the refunding. If all falls in place and a savings is realized, the treasurer will be able to act.

Councilor Munafo asked what other approvals would be needed. Blanchette said this is the approval. The last time a refunding was done was in 2007 and had a similar authorization. If there were new bonds eligible for refinancing, a similar article would need to be approved. Councilor Crocker added that this can only be done once to a bond. It will only apply if there is a 3% savings.

Attorney Ruth Weil offered a suggested amendment: inserting in the first sentence: “for fiscal year 2002 and 2004” after ‘issue refunding bonds’ and before ‘at on time or from time to time.’

A motion was made and seconded to adopt the amendment.

**VOTE: Unanimous**

**2011-037 AUTHORIZATION TO REFUND GENERAL OBLIGATION BONDS**

Upon a motion duly made and seconded it was

**ORDERED:** That in order to reduce interest costs, the Treasurer, with the approval of the Town Manager, is authorized to issue refunding bonds, FOR FISCAL YEAR 2002 AND 2004 at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all or any portion of the Town’s general obligation bonds outstanding as of the date of the final passage of the Order, and that the proceeds of any refunding bonds issued pursuant to this Order shall be used to pay the principal, redemption premium and interest on the bonds of the Town to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including one or more refunding trust agreements with a bank or trust company.

**VOTE: Unanimous**

**NEW BUSINESS**

**2011-040 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

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

**HUMAN SERVICES COMMITTEE**

Upon a motion duly made and seconded this item was continued to a second reading on January 20, 2011.

**VOTE: Unanimous**

**2011-041 CONFIRMATION AND RATIFICATION OF R-2C ZONING DISTRICT INCORPORATED ON THE MARCH 4, 2010 AMENDED ZONING MAP**

Upon a motion duly made and seconded it was

**RESOLVED,** that the Town Council hereby ratifies and confirms its vote passed on May 10, 2007 under Item #2007-101, creating a new zoning district known as R-2C, which covers the area that was shown on a reference map entitled “Proposed Pond Village DCPCs 1 and 2 Draft Map” and which district is currently incorporated into the Zoning Map of the Town of Barnstable Massachusetts Index Map, last amended March 4, 2010.

Councilor Canedy gave the rationale. There was a scrivener’s error in the original Ordinance that contradicted the map. (See Exhibit C and D)

**VOTE: 10 Yes. 1 No (Munafo)**

**2011-042 APPROPRIATE & TRANSFER \$70,000 FROM AIRPORT RESERVE FUND FOR STAGE II ENVIRONMENTAL RISK ASSESSMENT**

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on January 20, 1011.

**VOTE: Unanimous**

**2011-043 APPROPRIATE & TRANSFER \$92,000 FROM AIRPORT RESERVE FUND FOR FUNDING A DRAFT & FINAL ENVIRONMENTAL IMPACT REPORT (EIR)**

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on January 20, 1011.

**VOTE: Unanimous**

**TOWN MANAGER COMMUNICATIONS**

Manager Klimm said he will bring up the Cape-wide responsibility for the homeless at the upcoming town manager's meeting.

He met with the new Solar Committee led by Councilor Milne. The committee meets weekly and will take as much time as needed for committee members to become familiar with the issues, which are complicated.

Manager Klimm thanked all the citizens and staff involved with the Barnstable Harbor Improvement Committee, which had over 40 meetings. He also thanked the Dolphin Restaurant for hosting it, Councilor Canedy for her leadership and the Friends of Barnstable Harbor. Canedy also thanked the staff, especially Tom Lynch, Mark Ells, Eric Shufelt and Lynne Poyant who attended 8 AM meetings on mornings after council meetings.

Councilor Munafo asked about the fees for attending the annual MMA conference. The council will pay the meeting registration fees only. The food, lodging, mileage, etc. is up to the individual.

Upon a motion duly made and seconded the open meeting was adjourned at 8:15 PM.

**VOTE: Unanimous**

Respectfully submitted,

Lucia Fulco,  
Assistant Town Clerk

**EXHIBITS:**

- A. Barnstable's First "Peace Builder" Celebrated**
- B. Copy of the Peace Builders Award citation**
- C. Proposed Pond Village DCPCs 1 & 2 Draft Map**
- D. Map of R-2C area enlarged**