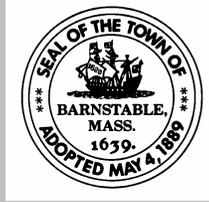


TOWN COUNCIL MEETING



January 22, 2009

A quorum being duly present, Council President Frederick Chirigotis called the regular meeting of the Barnstable Town Council to order at 7:00 pm, on January 22, 2009, at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Janice Barton, Richard Barry, Ann Canedy, Frederick Chirigotis, James Crocker, Jr. Leah Curtis, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., Thomas Rugo, James M. Tinsley, Jr., Harold Tobey

The Pledge of Allegiance was led by President Chirigotis, followed by a Moment of Silence.

PUBLIC COMMENT

- Guy Banner, Jr. was chosen as a representative from his neighborhood that has opposition to a person who is researching coyotes in his yard. The person (Mr. Way) is baiting the coyotes by placing meat in his back yard. Coyotes are yelping and they feel it may decrease their property values and be a safety issue for children and pets.
- Mary Ann Barboza referred to a comment made at the last meeting "race card". She feels individuals who use that are either naïve or a bigot. She said she has a big mouth but backs up her words. She gave examples of her action and work to get issues solved.
- Barry Pina spoke on the coyote study as he lives next door to the gentleman who is doing the research. He asked who will be libel if a child gets injured or a pet dies. Coyotes run in packs and he is concerned.
- Al Baker feels any coyote study should be done in a safer place. The town employees should forego a raise, since we are in tight times, if need be no more than 2 ½%. You are losing the village concept; you are losing it in precincts and now the schools.
- John Julius said the school budget needs to be cut, but are you cutting police? The K-Mart leases should be turned over to the manager. About \$200M will be collected by the airport and not the town. You need to break the lease and get the money into the town's general fund.
- Robert Tucker said RI is working to pick up the cars that are not registered. They collect revenues on these vehicles. We need to do this. Thank you for helping the homeless.

- Marcy Dugas feels closing schools should not be an option. Our children are too important. Seven villages are unique as is the education provided there. What are our children worth? Village schools need to be preserved.

COUNCIL RESPONSE TO PUBLIC COMMENT

- Councilor Canedy agrees with Ms. Dugas.
- Councilor Canedy asked that Mr. Banner's letter be reproduced for the councilors – and if action is needed that it be done.
- Councilor Munafo did meet Mr. Way and assumed he was living on a farm and not in a neighborhood.
- Manager John Klimm met with the Banners; and that while there is value to the coyote research, it should not be done in residential neighborhoods. He will write the state to make them know that the State should not license such things in these neighborhoods. It is dangerous for children and pets. It becomes a quality of life issue. The research is great but not in backyards.
- Councilor Munafo hopes that some action can happen on the coyote issue. He also agrees with the concept of no raises or limit them to 2 ½%. He said school closings are inevitable and mega schools are in the future unless we can become autonomous. People do want the neighborhood schools.
- Councilor Barton thanked everyone for action on the coyote issues. She reminded the council that we charged the manager with the financial mission of keeping within the budget with the money we have. It is \$6M that has to be cut from the schools and there is no easy way. She addressed the TAMS report and one of the suggestions from that report was that we close some schools.
- Councilor Curtis supports her colleagues. We look at fiscal responsibility and we need a balanced budget. The status quo is not possible. Change is difficult. She will support manager action on the coyote researcher.
- Councilor Farnham said that Mr. Way is obsessed with coyotes. He thanked the manager for his action and said the council will create an ordinance or whatever is needed to help the neighborhood.
- Councilor Barry said it is a sad day on the closing of the schools and he thanked the teachers. It is a tough situation but it has been in the works for a while. Dr. Grenier had a report on the physical status of the schools and a lot of the schools were rated as a "3" (which was on a scale of 1 – 4 with 4 being the worst.) We don't have a recreation area in Cotuit – they go to the school yard. We need to think about the needs of the community as we close schools.

- Councilor Milne would hope we could also sit down and talk to Mr. Way. Manager Klimm and Finance Director Milne have given us total detail on the budget. He does not understand about the numbers with the schools.
- Councilor Barton said the school can't form a budget until they know how many schools will close.
- Councilor Milne thinks this is a backwards budget approach. Think about the fire departments.
- Councilor Barry said in Cotuit, we don't have a police officer, the school is closing, no recreational areas, and all we have is a fire department. We want an ambulance where we are, our people are willing to pay for it, and we need that response time.

ACT ON MINUTES

Upon motion duly made and seconded it was voted to move approval on the minutes of January 8, 2009 until the next meeting.

VOTE: Unanimous in favor

President Chirigotis asked for any changes to be sent to the Town Clerk.

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

- Vice President Tobey announced the 10th Annual Heart and Soul event at the Senior Center on Feb. 14.
- Councilor Crocker thanked the Chief of Police and Vice President Tobey for attending a recent meeting in Osterville that addressed recent safety issues and concerns.
- Councilor Barton went to the service at the Zion church on Sunday in honor of Martin Luther King. She announced that Operation in From the Streets received a grant from the United Way. Cape Cod and the Islands Commission on the Status of Women has been legislatively signed into order. Mass.gov/women is the website.
- Councilor Farnham said the West Barnstable Civic Assn. had their annual meeting. He thanked Kris Clark who stepped down as President after three years, and welcomed new president, Lee Ann Bergal.
- Councilor Milne asked about discretion on the 3 minute rule. He thanked the Manager for info on how the town and schools have taken care of the reserves. He wants feedback on the Finance Director interfacing with the Supt. of Schools.
- Councilor Munafo said it would be a desire not to sell the schools. He received letters from people who live on Pontiac Street because of the recent shooting and other issues in the area. Where do we stand with the area?

- Police Chief McDonald explained how the police set up surveillance in the area. He stated they were selling drugs on Woodland Ave which backs up to Pontiac. Yesterday the SWAT team broke in. We are hoping for a 100% clearance rate. There will be marked increase in patrols.
- Town Manager Klimm said he asked for this to be a priority. He said the chief has spent a lot of time there recently. We also need to get more lighting down there.
- Councilor Canedy announced an upcoming hearing on Feb. 9th that the planning board is having. She also noted that Pat Anderson stepped down as chair of Old Kings Highway and Bob Stahley will take over. She thanked all for the meeting on the Barnstable bulkhead today. The Barnstable Harbor dredge has started.
- Councilor Crocker asked for clarification of councilors attending the planning hearing and whether they should since they will be voting on the issue.
- Attorney Weil said you could participate – these are complex matters. In most instances, if you were acting as judges, you couldn't. You are approving the regulatory agreement so it is zoning. Councilor Crocker said he votes against it because of height and he will say it again. Weil said it is contract zoning so you are acting legislatively but not as a permit granting authority. If enough councilors attended the hearing to make a quorum then it would need to be posted-it is.
- Councilor Farnham thanked the manager for upping the snow and ice budget. How do we prioritize sanding and is there more product coming in? Mark Ells, Director of DPW said salt and sand are in short supply but we will get more. We treat the roads with a new blend before a snow storm that stays on the road, it has cut our need down.
- Councilor Tobey said that we had a busy, happy week. The manager had an inauguration viewing for some of the classes of Hyannis East and West on the large screens in the hearing room.
- Pres. Chirigotis reminded all that we have a 3 minute rule and V-Pres. Tobey tries to be lenient but we need to be fair and play by the rules. Everyone knows the rules when they arrive.

ORDERS OF THE DAY began at 8:25 p.m.

A. OLD BUSINESS

2009-040 - APPROVE THE SECOND AMENDMENT TO THE CONSERVATION RESTRICTION BETWEEN CATHERINE M. CONOVER (GRANTOR) AND THE BARNSTABLE LAND TRUST, INC. (GRANTEE) – Intro: 11/06/08, 11/20/08, 12/04/08, 01/22/09

Councilor Crocker made a motion, which was seconded, that the council withdraw this item without prejudice and ask the proponent to bring it back when they are ready to go forward.

Attorney Weil suggested that this be indefinitely postponed. Crocker withdrew his motion.

Upon motion duly made and seconded, it was voted to indefinitely postpone this item.

VOTE: 13 yes

2009-058 - APPROPRIATION AND TRANSFER ORDER FOR FY09 PARKING ENFORCEMENT OPERATING EXPENSES Intro: 01/08/09, 01/22/09
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Upon motion duly made and seconded, it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: 13 yes

It was requested that this hearing be continued to February 5, 2009.

Upon motion duly made and seconded, it was voted to postpone this item until Feb. 5th.

VOTE: 13 yes

2009-060 - COMMUNITY PRESERVATION FUND APPROPRIATION FOR COMMUNITY HOUSING Intro: 01/08/09, 01/22/09

Town Manager Klimm gave an introduction on this item.

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

VOTE: 13 yes

Paula Schnepp from the CPC gave the rationale.

Councilor Farnham questioned the source of the funds-housing or unreserved.

Attorney T. David Houghton said this will come out of the unreserved funds of the Com. Pres. Fund.

Councilor Milne asked if it could come out of the housing monies. Houghton said it would not be the better approach.

Councilor Crocker asked if this would not be a legal expense under the housing component. Houghton said the set aside is for housing. It is more proper to come from the undesignated fund.

Upon motion duly made and seconded, it was voted to go out of the public hearing.

VOTE: 13 yes

Councilor Canedy thought this would come out of monies that were set aside for the use of the committee. Is there any money left in the administrative funds?

Finance Director Mark Milne said there was \$185,000 in that fund for 2009. He said you can take it out of unreserved or the administrative; he feels that you do have two options.

Councilor Canedy moved to amend the item but first needs to clarify if the funds can come from administrative funds.

Councilor Canedy also stated that she had trouble with a recently proposed project in the industrial park. She would like the councilors to be able to help on placement of affordable housing in the individual communities.

Councilor Milne moved to amend the item by striking "set aside for unreserved funds" and replacing it with "set aside for administrative funds"

Councilor Munafo reminded the council that we can't amend these items, we can just vote yes or no.

Councilor Joakim said we need to know why they are pulling what from where.

Councilor Milne said unreserved funds are left for other initiatives.

Councilor Crocker said it has been appropriated. He made a motion which was seconded, to postpone this item to the next meeting.

Councilor Curtis said if they take it out of administrative funds they don't have to bring it back.

VOTE: 13 Yes Postponed to next meeting

B. NEW BUSINESS

2009-061 - ACCEPTANCE OF A GIFT FROM THE BUSINESS IMPROVEMENT DISTRICT Intro: 01/22/09

President Chirigotis confirmed the number is 2009-061.

Chief McDonald said this is a gift from the BID district. The cameras will go at the intersections of Center and Main, and High School and Main.

Councilor Milne asked about a camera on the green (McDonald said there is one). Chief McDonald said we do want one at the far end of Main St.

Councilor Canedy asked where the funds are coming from. They are coming from a 2007 grant from police and \$12,000 from the town.

Councilor Munafo asked if this pays for staffing. McDonald said the monitors will be in the area that is already staffed. There is room for them and they will be recording if there is a problem.

Councilor Curtis asked where the “town” money is coming from. Manager Klimm said it is coming from already appropriated and unexpended money that was set aside for this purpose.

Councilor Joakim thanked Cynthia Cole for her work and efforts on the BID.

Ms. Cole said that we have been able to do these things because the BID is funded by the property owners on Main St. We are privately funded and we could not do the work without the organization.

Upon motion duly made and seconded it was

RESOLVED, that the Barnstable Town Council does hereby approve a gift from the Business Improvement District in the amount of \$12,000 to be used in partnership with the Town of Barnstable and the Barnstable Police Department for the placement of security cameras on Main Street in the Village of Hyannis.

VOTE: 13 yes

2009-062 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION Intro: 01/22/09
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President Chirigotis confirmed that it is 2009-062.

Upon motion duly made and seconded it was voted to refer this item to a second reading in February:

VOTE: 13 yes

Upon motion duly made and seconded it was voted to go in to Executive Session at approximately 9:30 p.m. for the purpose of discussing contract negotiations with non-union personnel and return to open session.

VOTE: Roll Call – 13 Yes

The meeting reconvened at 10:25 p.m.

2009-064 – APPROVAL OF CONTRACTS WITH TOWN PERSONNEL – Intro. 01/22/09

Upon motion duly made and seconded it was

RESOLVED: that the Town Council confirms its approval of the following two contracts with town personnel:

A. An extension of the contract with Town Manager John C. Klimm, from June 30, 2010 until June 30, 2015 with no cost of living increase in FY2010 at the request of the Town Manager.

B. An extension of the contract with Finance Director, Mark Milne, from June 30, 2010 until June 30, 2015 with no cost of living increase in FY2010 at the request of the Finance Director.

Councilor Joakim announced that this item reflects that Manager Klimm and Director Milne’s salaries will remain the same as they currently are with no COLA per their request and their decision.

A request was made by Councilor Tobey to divide the item.

VOTE: On A – Roll Call – 12 Yes 1 No (Tobey)

On B – Roll Call – 13 Yes

ADJOURNMENT

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

AJOURNED: Unanimous vote in favor at 10:36 p.m.

Respectfully submitted,
Linda E. Hutchenrider, MMC/CMMC
Town Clerk/Town of Barnstable