

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
April 2, 2009**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:00 pm, on Thursday, April 2, 2009, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

PRESENT: Richard Barry, Janice Barton, Ann Canedy, Frederick Chirigotis, James Crocker (7:05), Jr., Leah Curtis, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., Thomas Rugo (7:10), James M. Tinsley, Jr. and Harold Tobey.

President Chirigotis led the Council in the Pledge of Allegiance and a moment of silence remembering the passing of Evelyn Coleman, who has been the recipient of the Boston Post Cane for the last several years.

PUBLIC COMMENT

Gary Ostrom of West Barnstable and Vice President of the Massachusetts Lobstermen's Association, spoke about the difficulty he will have putting his 200 Black Sea Bass Pots, weighing 61 pounds each, into the water when he enters the upcoming Derby Fishing contest. The event will occur in a few weeks and lasts for six days, three days in each of two consecutive weeks. Participants are required to catch 500 pounds of fish each day. His issue is that for the last several years he has been blocked out of the Osterville dock and cannot move his trailer close enough to get traps into the water. He requests the Jersey barrier be moved to facilitate the process, otherwise it will take him longer to put the gear into the water than to catch the fish. Town Manager Klimm suggested he talk to DPW Director, Mark Ells.

Mary Cummings spoke about a variety of subjects including the current recession, doing her part to support local businesses, and commented on the Charter and Commission.

Oliver Cipollini asked if the IT department could flash on a screen some of the materials the council has available at the meeting, or at least, could they be posted it beforehand for public inspection.

COUNCIL RESPONSE TO PUBLIC COMMENT None

**Update by the Hyannis Main Street Initiative Subcommittee
of the Leadership Council to End Homelessness**

Co-chairman Estella Fritzing, CEO/Executive Director, CAC, and co-chairman Mary LeClair gave the update. LeClair thanked the council for the opportunity to their progress (See Exhibit A) and introduced Fritzing. Fritzing's comments (See Exhibit B) referred to several other items in the packet prepared for the council and attached to these minutes. An interim report to Senator Robert O'Leary has been sent (See Exhibit C); a final report will follow. She reviewed the Work Plan (Exhibit D) and the Executive Summary of the study (Exhibit E). Tasks 1 & 2 of the workplan, identifying the "tier four" population, and conducting outreach to them, are outlined in Exhibit F. These were the most difficult pieces to address. A report on Work Plan Item 4, identifying concerns of the Hyannis residents and business community, is included as Exhibit G. LeClair spoke about meeting with the judges and the DA regarding legal services. There is zero tolerance and the police must do what must be done. After a discussion of establishing day resource centers in Cape communities, there is no intent to go forward with the idea at this time. One concern is whether to decrease the number of beds at the Noah shelter. Barnstable provides a better supportive atmosphere that the off Cape areas from where the people come. They will be guided back to the communities of origin

- Councilor Barry asked what 'guide back to community of origin' involved. Fritzing explained that case managers and the police department can find where the prior support system for the individual was located and guide them back there. HAC is doing that through the Star Program now.

- Councilor Curtis asked if there would be an increase projected, above the current 95 persons now identified as in need of serious case management. Fritzingler said the 95 will go down. Homelessness will increase due to economic times, but those are not chronic or problem individuals.
- Councilor Barton asked about any discussion on integrating Operation In From The Streets. It has not been discussed as of yet, but it could be integrated. Fritzingler feels the concepts will be there and must be integrated; however the real issue is to address the Tier Four Population.
- Councilor Rugo was very thankful for the presentation and thanked all who have supported it. Everyone needs to step up to help in this effort.
- Councilor Milne also expressed appreciation of all the efforts. What about summertime strategies in Hyannis, as tourists arrive, to avoid some of the prior situations? They are looking for zero tolerance and a specific Main Street outreach. The committee will work with the Police Department on strategies. Milne's constituents have found that camps are problem. There will be zero tolerance for camps. He also pointed out that ending homelessness and knowing many are employed in dealing with the homeless appear in conflict.

Sidney Chase, Director of Veteran's Services apologized for missing the last meeting at which the council approved his appropriations request. Everywhere on the Cape agencies have run out of money. His Hyannis office had 6,600 walk-ins last year. Many veterans have some type of problem. WWII and Korean vets require advanced senior services, which is now an issue. He has been angered with agencies that give vets a one-way ticket to Hyannis, Now the town of origin pays for the first year of services for the vet. The reason for the money that was requested is due to the high the number of veterans now seeking assistance.

Mr. Chase also commented on the question of conflict mentioned at the end of the prior discussion of the homeless. He stated that individuals who work with the homeless would not lose their jobs because they would be working on other related issues such as employment, health, etc.

- Councilor Joakim hopes there is light at the end of the tunnel. She asked about the stimulus money for vets. Chase said now every case for health care is denied, requiring an appeal process and guidance through the insurance process. Even "slam dunk" cases are now denied requiring an appeal.
- Councilor Milne asked about the funding mechanism for "town of origin" payments. Every town has a veteran's budget. Applications go to the Secretary of Veterans' Affairs and to the city of origin. This practice has been in place for 1.5 years. Chase pointed out that the Noah Shelter has an excellent reputation. He urged the council through the manager to consider pursuing a similar a reimbursement program with the non-vet population who are also sent to the Cape from other agencies off-Cape.
- Councilor Farnham said the council voted to approve the appropriation in his absence in recognition of that segment of the community and the excellent job he does. He is very appreciative. Chase said he has a wonderful staff. It is hard to use volunteers due to the confidentiality of the information.

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to postpone action on the minutes to the April 16, 2009 meeting.

VOTE: No opposition

Update on the Centerville Village & Craigville Beach DCPC

Joanne Buntich, Interim Director of Growth Management, gave a brief update of the status of the DCPCs. There will be a presentation to the Centerville Civic Association next week. She will make a more complete report to the council after the budget process is over. At that time she may request an extension to be able to have the public hearing in a timely fashion. Ruth Weil, Town Attorney, Lindsey Counsell, Wayne Miller and Roy Richardson, Meg Loughlin and Steve Brown have been involved. They are also moving towards resolution on the Craigville Beach effort.

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

Chairman Chirigotis announced that on March 26 a gentleman, an internationally renowned artist, Sam Barber, appeared in the Manager's office and asked the town to accept his oil painting entitled Hyannis Port, Late Afternoon, which he painted and dedicated as a memorial to Attorney Pat Butler. Councilor Canedy asked about contact information. Chirigotis mentioned the artist's website and said the painting will be hung in a place of honor.

Councilor Joakim spoke of the recent fire in a Quincy basement that killed a father and two children. It reminded her of the reason for establishing the town's ordinance regarding illegal apartments. Quincy is posting firemen around such buildings until the illegal apartments are broken down. Councilor Rugo said there needs to be enforcement behind the ordinance. Councilor Crocker said the legal staff had to defend that ordinance successfully finding that it was legal.

Councilor Farnham announced the upcoming spaghetti supper in West Barnstable. He thanks all for the happy ending for the lost dog, Dutch.

Councilor Barry said a contractor has been selected to do the drainage work in Cotuit. On the illegal apartment, where does the town stand on the enforcement issue? Chirigotis said there will be a report on enforcement at the next meeting.

ORDERS OF THE DAY

OLD BUSINESS

2009-074 ZONING ORDINANCE AMENDMENT – USE OF TEMPORARY SIGNS

2009-075 ZONING ORDINANCE AMENDMENT – USE OF REALESTATE SIGNS

2009-077 ZONING ORDINANCE AMENDMENT – TIME PERIODS FOR SPECIAL PERMITS

Upon a motion duly made and seconded to postpone items 229-074, 2009-075 and 2009-077 to May 7, 2009.

VOTE: No objection

2009-076 APPROPRIATION ORDER OF \$26,000 FROM INSURANCE RECOVERY FUND

Upon a motion duly made and seconded a public hearing was opened on this item at 8:08 PM.

VOTE: No objection

Manager Klimm gave the rationale.

Upon a motion duly made and seconded the public hearing was closed at 8:10 PM.

VOTE: Unanimous

- Councilor Farnham asked about the sharing of equipment. Bruce McIntyre, Superintendent, explained that they do share equipment between golf courses. Usually, the equipment is being used daily at the same time at each course. Sometimes they do use both at one course. In instances where they may have 5 or 6 pieces of an item, they do take them back and forth.
- Councilor Curtis is in favor. This is using insurance funding and only using several thousand dollars from golf funds.
- Councilor Munafo asked if they were approving the whole purchase. McIntyre said they have already received the check for \$26,000 and need approval to spend it as well as the 1 to 2 thousand.

Councilor Curtis spoke in favor. Golf courses are a big investment and need to be maintained. She added that this expenditure was mostly from insurance money.

Munafa asked exactly what was being approved. McIntyre said council approval is needed to spend the insurance check which is in hand. Lynne Poyant, Director of Community Services elaborated on the additional funding from the Golf enterprise account of one to two thousand dollars.

A motion was made and seconded to add “subject to approval of the town council” at the end of the item.
VOTE: 11 Yes, 2 No

Finance Director Milne, answered Councilor Crocker’s question by explained how town assets are collectively insured; the cost of the policy is allocated among all the assets to be insured.

On Item as amended:

2009-076 APPROPRIATION ORDER OF \$26,000 FROM INSURANCE RECOVERY FUND

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby appropriates the amount of \$26,000.00 from the Town’s Insurance Recovery Fund for the purpose of replacing a golf sweeper machine that caught on fire and was lost in the fall 2008 at the Hyannis Golf Course and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the town council.

VOTE: 13 Yes (Roll Call)

2009-086 ORDINANCE TO WAIVE WATER TOWER CONTRUCTION FEES

Upon a motion duly made and seconded a public hearing was opened on this item at 8:19 PM.

VOTE: No objection

Manager Klimm gave the rationale. The staff does not have the authority to waive such fees.

Upon a motion duly made and seconded the public hearing was closed at 8:19 PM.

VOTE: No objection

Councilor Tinsley asked for explanations of controlled build and valued engineering. Mark Ells explained valued engineering identifies ways to increase financial efficiency by doing something different on the Hyannis project; he would have certified licensed professionals on the site

Councilor Curtis pointed out that the Cotuit and Centerville water towers would not be under DPW control. Ells said the same building standards would apply to all.

Councilor Munafa asked about the history of the fee and what protections are afforded.

Mark Ells explained that the fee is in place for any type of construction. The fees support having inspectors, etc. on site to make sure all is in conformance. For town construction much of the inspection can be done in parallel with the construction. Costs are absorbed by the town, but the project is held to the same standards as other private projects. The projects will have town inspectors in conjunction with the building commissioner. Klimm explained that because of the requirement for on-site engineers for the way these are built, the staff will not be needed. Thomas Geiler agreed that the cost of his department to oversee the project was not needed. He does not have the authority to do waive the fees; hence the council’s assistance is required. Councilor Munafa asked whether the cost was \$10,000 or \$1,000 dollars. Klimm can have the answer if this item is deferred to next meeting.

Councilor Milne asked if there are some additional savings since three towers are being built. Can the engineering specialist be shared? Ells explained that the timing is not similar: Cotuit is in the process of pulling permits, COMM is in the design stage and the Town water district is just starting. Milne added that the bottom line is if the fees are not paid to the town, the rate payer will benefit. The size of the fee does not matter.

Councilor Canedy would like to know if the water tower projects can be coordinated.

Councilor Curtis made a motion to Move the Question which was seconded.

Councilor Munafo raised a Point of Order and the made a Charter Objection, which ended discussion. This item will be taken up at the next meeting.

2009-098 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

Upon a motion duly made and seconded it was

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

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE

Robert J. Ciolek, 325 Green Dunes Drive, West Hyannisport, to a term expiring 06/30/2011

HYANNIS MAIN ST. WATERFRONT HISTORIC DISCTRICT COMMISSION

Paul S. Arnold, 27 Foster Road, Hyannis, as an alternate member to a term expiring 06/30/2011

SHELLFISH COMMITTEE

Richard J. Haskell, 96 Scudder Road, Osterville, to a term expiring 06/30/2012

VOTE: Unanimous

TOWN MANAGER COMMUNICATIONS

- Manager Klimm thanked Oliver Cipollini for his suggestion.
- He is pleased that Mark Ells and Bob Bergman will be able to help the fisherman.
- He and Councilor Curtis recently spoke at a Community Preservation Committee meeting to seek their support for renovations to the Town Hall, under the category of historic preservation.
- He met with Tom Guarino, Bourne Town Administrator along with Bourne's landfill manager. Bourne is looking to use their facility as a regional facility for the Cape. The town's contract with SEMAS expires 2015. The manager may begin the conversation this summer.
- A workshop on grant writing, held at the town hall, was attended by 20 town employees.

NEW BUSINESS - None

A motion was duly made and seconded to adjourn the meeting at 8:43 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco
Assistant Town Clerk