

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

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:00 PM, on Thursday, November 5, 2009, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

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

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

PUBLIC COMMENT

- **Proclamation – Firefighter Frederick Lewis**

Councilor Crocker read a proclamation from the council on the occasion of Mr. Lewis's retirement. (See Exhibit A) Mr. Lewis thanked all very much for this honor. Also standing with him were Chief John Farrington, Captain Phil Field, Fire Prevention Officers Martin MacNeeley and Frank Pulsifer, as well as Firefighter Jason Davern.

Rabbi Alperowitz addressed the council regarding the malicious defacing and destruction at the Chabad Center this week. He believed that such acts of destruction could never happen on Cape Cod. He feels the community must have a goal for its youth of combining ethics and moral behavior along with academics. He invited all to a unity rally on Tuesday November 10th, location to be determined. The desecration of houses of worship will not be tolerated. He feels that clergy meeting with students to establish and strengthen relationships should occur several times a year. The Chabad will also sponsor good deed awards to be given annually to five youth who have shown their compassion.

President Chirigotis said that we are one community.

Susan Rohrbach spoke on behalf of Sen. Rob O'Leary stating that he was sad to learn that this place of worship had been vandalized again. He wants the community to be a community of tolerance.

- **Proclamation – Harold Tobey**

President Chirigotis read a proclamation from the council to Harold Tobey for his extensive history of public service on the council and in other town organizations. (See Exhibit B) This evening was his final town council meeting. Councilor Crocker presented him with a mock-up of the gold handled cane he will be given when it arrives from the manufacturer. Councilor Tobey spoke poignantly and shed a few tears.

Paul Niedzwiecki, Executive Director of the Cape Cod Commission and former Assistant Town Manager attended tonight's meeting because it was Harold Tobey's last council meeting. He was proud to have watched Mr. Tobey in action over the years, as he endeavored to preserve town history that would have been lost in people's attics.

Milton Berglund congratulated the re-elected councilors. He appreciated their support on Stewart's Creek and feels, in hindsight, people will realize it was the right thing. He feels the 100% betterment is not a workable solution. He suggested the formation of a sewer authority, capitalized and able to issue revenue bonds. Betterments could then be brought down to the 30% range. The authority could include other Cape towns. He added that in the future, communication needs to improve to avoid the spreading of inaccurate information.

Sidney Chase, Veterans Agent, feels the stress brought about by the war in the last 18 months has impacted many. He also spoke of the recent killing of military personnel at Fort Hood. He asked all to

attend the proposed unity meeting on Tuesday. In addition, he reminded all of the Veterans' Day parade on Wednesday.

Sue Rohrbach, on behalf of herself, spoke of her relationship of 20 years with Councilor Tobey. She thanked him. He thanked her as well.

Jeff Wilkinson said he was in charge of the recount of the November 3rd vote on Question 1 (Charter). He lives in Precinct 2 and needs help getting the signatures from each precinct. One signature of a registered voter in each precinct must be notarized. He has arranged with his bank to notarize the signatures and has arranged for transportation to and from the bank.

John Alden also congratulated Harold Tobey. They ran against each other in the past and had a good campaign. He is appreciative and grateful for Councilor Tobey's service. He also spoke about homeless people receiving bus tickets to the Cape.

Mr. Tucker thanked Harold Tobey for a favor he had done for him years ago. He suggested people were driving without licenses and not paying excise taxes on their cars. This is resulting in a loss of revenue.

Roy Richardson spoke about Councilor Tobey. In addition, he is pleased by the example of the council. The candidates who just ran and were elected have good values and are willing to stay with them.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Barton applauds Rabbi Alperowitz's positive attitude in response to the attack on his synagogue. She said the 9th Annual Peace Breakfast had just been held where students are recognized who do the right thing every day and inspire others to do the same. The No Place For Hate Committee does outreach to youth in the schools. She said it is a fact that homeless people do get bus tickets to the Cape from Boston, cabs from Falmouth, etc. Agencies try to get that person back home and make sure there is a relative or an agency to care for the homeless person.

Councilor Canedy added her sincere regrets to the Rabbi and will do everything she can to prevent this in the future. She announced an event in Barnstable Village on Saturday. She thought Mr. Berglund's ideas were good. The price tag of a sewer authority is steep but can be doable with regionalization. She added that all councilors feel they could have done better on the sewer issue had it not been rushed.

Councilor Milne said that none of the documents on file state 100% betterments. Years ago 100% was the yardstick. He does not endorse it on paper, verbally, now or ever. A subcommittee of CFAC is looking at this issue. He also agreed that at such a close margin, a recount of the charter vote makes sense. The charter will short circuit the new term of the Town Clerk by two years. He feels the Clerk has a vested interest in the outcome of the recount and should not be involved. He suggested an outside agency, perhaps the Secretary of State, oversee the recount.

Councilor Tinsley was very horrified at the violence against the Chabad. On the recount he said that one vote makes all the difference. All people make a difference, regardless of their opinion.

Councilor Crocker invited John Norman, who had just been elected, to say a few words. Norman said he was glad to have been elected and is looking forward to joining them in two weeks.

Councilor Tobey recalled having lost by 4 votes in an early election. People need to get out and be heard.

Town Manager John Klimm was offended, embarrassed, saddened, hurt, ashamed and outraged by the attack of one of the synagogues; it was an attack of everyone.

- **Director of Finance – Update**

Finance Director Mark Milne reported the good news: the lottery revenue was not impacted; the \$18M reduction of transportation funding may impact the town's vocational school assessment; special education is impacted by a slight reduction in funding; the charter school may have small revenue deficit; there will be a slight reduction in sewer funding from the state since their budget was cut \$0.5M. There is

a need to be cautious going forward for the rest of the fiscal year. There is also a need for some contingency plans to cover cuts. The first quarter operating revenues are tracking where they should; he does not see any significant revenue shortfalls. Permit revenue is down due to less construction. Veteran's benefits are tracking a little high. The airport net impact is less than a negative \$100,000. Golf tracking slightly lower, about \$100,000; they will be reducing seasonal staff. Solid waste revenue is down about \$50,000.

Manager Klimm suggested a budget workshop at the next meeting to bring new members up to speed. The goal is to have a budget policy in place but there is very little time. He asked for direction on how to proceed.

Councilor Farnham thought having a classification presentation at the next meeting would be helpful. Councilor Canedy suggested scheduling two meetings in December. She would also like some discussion of sewer updates. Councilor Crocker asked about the receipt of budget awards. Director Milne explained the GFOA and announced that the GFOA awarded Barnstable again – its 7th year.

Councilor Milne would like a simple public forum with Q and A on the wastewater issue, to give the public clarity. Councilor Canedy agreed stating that an informational session would not require a council quorum, but there is a need to educate as many people as possible; Councilor Joakim agrees with this issue and other issues need to be addressed.

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to postpone action on the minutes of October 15, 2009 to the next meeting.

VOTE: Unanimous

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

- Councilor Milne thanked Police Chief MacDonald for bringing the Sea Street community together at a meeting that was attended by over 70 people. It provided an opportunity for open dialogue which set a good tone of cooperation and resulted in a spirit of making things better.
- Councilor Chirigotis congratulated the Chief on his use of verbal aikido by taking the force directed at him and turning it around. People left the meeting with a sense of cooperation and community.
- Councilor Rugo suggested doing a survey of the affected homeowners at Stewart Creek to get a sense of these issues.
- Councilor Crocker suggested no expansion of sewers until mandated. He suggested a survey as well as trying to answer the question of whether sewerage should expand. The town needs to know the parameters. Fifty percent of the population will never be satisfied.
- Councilor Chirigotis said many homes have failing septic. It can't be this or nothing.
- Councilor Canedy suggested asking if a resident is willing to pay a betterment and not speaking about a 100% betterment. It might bring less of a knee jerk and more of a soul searching response.
- Councilor Chirigotis asked how we spread the cost of betterments town-wide. Questions need to be phrased so all understand the options.
- Councilor Barton said eventually the entire Cape will need sewerage. CFAC and a citizens committee are working on coming up with a payment proposal.
- Councilor Farnham is not convinced the entire town needs it. A survey needs to be careful of what it asks. Has the citizens' committee formed and is CFAC coming up with options? People need to understand all the options.
- Manager Klimm explained that this is the annual citizens' survey and there is an opportunity to ask a few questions on the sewerage in order to recognize the importance of the issue. If the results are overwhelming one way or another, it may indicate what sort of education may be needed town-wide. It may be a way to validate one of the options. Councilor Canedy feels the citizens' survey may not be efficacious. All options must be considered before a town-wide tax.

ORDERS OF THE DAY

OLD BUSINESS

2010-016 APPROPRIATION & TRANSFER \$137,500 FROM COMMUNITY PRESERVATION FUND SET-ASIDE FOR OPEN SPACE

Upon a motion duly made and seconded it was voted to continue the public hearing to November 19th 2009

VOTE: Unanimous

B. NEW BUSINESS

2010-044 APPROPRIATE & TRANSFER \$356,286 FOR BARNSTABLE MUNICIPAL AIRPORT CAPITAL BUDGET EXPENSES

Upon a motion duly made and seconded this item was referred to a public hearing on November 19, 2009.

VOTE: Unanimous

2010-045 ACCEPTANCE OF A \$3,015,000 FEDERAL AVIATION ADMINISTRATION GRANT

Upon a motion duly made and seconded this item was referred to a public hearing on November 19, 2009.

VOTE: 11 Yes, 1 No (Munafò)

2010-046 APPROPRIATE \$ TRANSFER \$75,000 COMMUNITY PRESERVATION FUNDS FOR HISTORIC PRESERVATION –PAINE BLACK HOUSE

Upon a motion duly made and seconded this item was referred to a public hearing on November 19, 2009.

VOTE: Unanimous

Councilor Milne recused himself, leaving the hall at 8:40 PM.

2010-047 ORDER FOR RECALL ELECTION

Recess 8:45 - 8:51 PM

Councilor Crocker announced that the Recall Election would be scheduled for December 17, 1009 in the Hearing Room. The regular council meeting would also occur on that date and would meet in the Selectman’s Conference Room.

2010-047 ORDER FOR RECALL ELECTION

Upon a motion duly made and seconded it was

Pursuant to Section 8-8© of the Code of the Town of Barnstable, and upon the receipt of a certificate from the Town Clerk that a sufficient petition for recall has been filed; the Town Council does hereby order:

THAT, the warrant and notice for meetings be issued in due form, notifying and warning the inhabitants of Precinct 13 of the Town of Barnstable, qualified to vote in elections, to meet in their polling place on Thursday December 17, between the hours of 7:00 a.m. and 8:00 p.m. then and there to give in their votes on the following question:

“Shall J. Gregory Milne, Precinct 13 Town Councilor be recalled?”

YES

NO

VOTE: 11 Yes (Milne recused) (Roll Call)

Councilor Milne returned to the hall.

TOWN MANAGER COMMUNICATIONS

Manager Klimm thanked Councilor Canedy for her assistance in seeking funding for the bulkhead. He has spoken with US Rep. Michael Capuano and Sen. John Kerry regarding the funding. Degradation and collapse of the area continues. He also thanked all who have supported the effort.

Upon a motion duly made and seconded the meeting was adjourned at 8:55 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk