



## **TOWN COUNCIL MEETING** **December 17, 2009**

**A** quorum being duly present, Council President Frederick Chirigotis called the December 17, 2009 meeting to order at 5:00 p.m. in the Selectmen's Conference Room of Barnstable Town Hall, 367 Main Street, Hyannis, MA.

**PRESENT:** Richard Barry, Janice Barton, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., Debra Dagwan (5:20 p.m.), Henry Farnham, Janet Joakim (6:00 p.m.), J. Gregory Milne (after 8 p.m.), James Munafo, Jr., John Norman, Thomas Rugo, and James Tinsley. (9 present at 5:00 p.m.)

President Chirigotis led the hall in the Pledge of Allegiance, followed by a Moment of Silence

### **PUBLIC COMMENT**

Louise DiCecca is part of the Stewart's Creek area. She read two letters from neighbors who state that they will have hardships if they have to pay for the sewer. She said we are going to keep coming back to the council meetings until there is a decent solution to this.

Judy Barrett from Greenwood Ave., read a statement on sewerage, and stated that the families could not afford the financial impact of the sewer.

Meredith Farnworth of Dumont Dr., said that the CFAC sewer subcommittee has been meeting, and she would like to see all their minutes and agendas be posted on the web; and put project on hold until affordable financing can be brought forward.

### **ACT ON MINUTES**

Upon motion duly made and seconded it was voted to approve the minutes of December 3, 2009 with the following corrections: Councilor Canedy asked to amend on page 2 top, 3<sup>rd</sup> bullet, last sentence – add “before this project.”

**VOTE: Unanimous as amended**

### **RESPONSE TO PUBLIC COMMENT**

Councilor Canedy stated that one of the speakers asked for meetings to be publicized. She then spoke to the press who were present and asked them to advise the public as much as possible.

### **COMMUNICATIONS**

Town Manager John Klimm handed out the Town Report. He also said there is a representative coming from UMASS Dartmouth who will speak on the town survey, and wanted to return to the issue when the gentleman arrives.

Councilor Canedy announced that she had gone to a Fire District meeting where they discussed a Wildlife Prevention Preparedness Plan regarding Old Jail Lane Conservation and

Hyannis Ponds Conservation areas. The plan will be coming before the council for approval. She had a draft of the plan and will share a PDF of it. The deadline for comments on the draft is January 6.

Councilor Barton said that Operation in From the Streets had received a check from the town. She thanked the town for its support. Manager Klimm said the funding is from a trust fund and he recognized Councilor Barton for her work for those less fortunate.

Councilor Munafo asked for an update on the bulkhead in Barnstable. Councilor Canedy said she wanted to defer to official notice from the governor, but she believes they have the funding. They will have a late file for additional funding. She thanked Manager Klimm for his advocacy, Mark Ells and his staff, and Friends of Barnstable Harbor, particularly Ted Theodore and Pete Jasin.

#### **2010-57 ADOPT THE BUDGET POLICY FOR FY11 INTRO: 11/19/09, 12/03/09, 12/17/09**

##### **BUDGET POLICY WORKSHOP**

Manager Klimm gave the background on previous meetings and concerns. He announced that the finance staff and others were present in the building.

Councilor Munafo asked to take each item one at a time. President Chirigotis stated we are moving in the right direction and are trying to get the budget done ahead of schedule. Manager Klimm suggested using "hold" as the option on each item to be discussed. Councilor Munafo had an issue with the Town Manager going over the policy since it is a council policy.

**The council went through each item of the following policy statement – if a councilor asked for an item to be held the word "hold" is next to the item. Amendments are noted either in italics or with strike-throughs.**

#### **FY 2011 TOWN COUNCIL BUDGET POLICY STATEMENT**

The Barnstable Town Council established the following policy guidelines for the Town of Barnstable's operating budget:

##### **1. REVENUE POLICY AND ORDER OF PRIORITY:**

- a. To maintain a comprehensive and sound financial plan for meeting the prioritized operating and capital needs of the town within the confines of available resources.
- b. **HOLD** - To limit the increases on the property tax revenues to 2½ percent plus new growth. (*no consensus to change*)
- c. To maintain adequate fund balances and reserves at 4 percent of the general fund budget appropriation, net of transfers, to be set apart from certified free cash to protect against emergencies and unforeseen calamities.
- d. To support a revenue sharing agreement between municipal and school operations that includes the following:

- i. Increases or decreases in General Fund revenue will be shared 60/40 between school and municipal operations net of the amount set aside to cover fixed costs increases.
- ii. General Fund savings reserves in excess of the 4 percent reserve mentioned in item c. above will be made available for funding non-recurring municipal and *non-recurring* school operating expenses.
- iii. **HOLD** - The municipal and school operations savings account will continue to be credited with their respective appropriation savings from FY 2011; and excess General Fund revenue over budget estimates for FY 2011 will be shared 60/40 between school and municipal operations.

*(Discussion held on split and possible changes to percentage by: Councilor Rugo did not want the school's share to be reduced, Councilor Barry addressed the issue similarly; Councilor Canedy wanted council/school committee budget workshop; Councilor Farnham noted changes in population and believes split should be addressed soon; Councilor Dagwan believes percentage should remain the same, Councilor Barton and Councilor Tinsley agreed; Councilor Crocker suggested keeping as is but follow through on suggestions this year; Councilor Munafo asked about split and effect. Finance Director Milne updated the council on the fact that there are no revenues to split.*

*A motion was made by Councilor Munafo and seconded to change revenues in d.1 from 60/40 to 50/50.*

*Question moved.*

**VOTE: Majority 11 NO to 1 YES – Munafo – DID NOT PASS**

*A motion was made and seconded to add the word “decreases” so it reads in d.i- Increases or decreases.*

**VOTE: 10 yes 2 no Barton and Rugo - PASSED**

*A motion was made and seconded to add in d.ii. “non-recurring” before the words “school operating expenses.”*

**VOTE: 10 YES – 2 No – Dagwan and Barton**

*Manager Klimm said on d. ii – non-recurring should be the same on municipal and school.*

- e. **HOLD** - To seek new sources of funding through grants, impact fees, and other innovative revenue raising practices.

*(Councilor Canedy said the Council needs to look at the proposed fees. Councilor Munafo asked for staff guidance. Manager Klimm said the grant position was a good idea – they are studying what services should be provided by taxes and what should be fee based. Councilor Barry noted that there is an option for a meals tax and felt we should consider adding .75% as a set-off for municipal sewers to relieve the burden.*

- f. **HOLD** - Explore and create new revenue sources (including grants) for the town and schools to alleviate strain on municipal and school budgets and perform operational audits and work toward greater energy efficiency.

*Councilor Munafo asked about operational audits. Klimm said we are continuously running operational audits, right now one is happening in finance.*

- g. To ensure that enterprise programs shall be self-supporting, except where the provision of basic public services require general fund support.
- h. **HOLD** - To utilize revolving funds to fund senior service programs, recreational programs, shellfish propagation, building inspections, GIS and consumer protection programs.

*Councilor Canedy asked about historical funding mechanisms. Attorney Weil said they could explore additional sources. Councilor Barton suggested adding youth services programs – (it would need to be studied according to Klimm).*

*Brief recess to 6:45 p.m.*

#### **TOWN SURVEY DISCUSSION:**

President Chirigotis introduced David Borges from UMASS Dartmouth, who explained the town survey. Manager Klimm explained that the survey had standard questions that were asked each year so that changes can be followed from year to year. We are a small city and this tool is invaluable. Mr. Borges presented the results. He applauded the town for performing this survey, which he considered to be a good tool. He gave a description of CFPA, the methodology and the results. It will be posted on the town website. The DFPA is the Center for Policy Analysis at UMASS Dartmouth – they handle various public policy research. They conducted about 435 random land line telephone surveys and interviews of residents. The same issues and most questions have been asked each year.

Questions were asked about sewerage. They asked how important sewerage is – and 7 out of 10 feel it is an important issue. Over 55% of those asked feel that everyone should pay for sewerage. More are willing to have a tax increase to support sewers. Renewable energy was a new question and the majority is in favor of renewable energy. They were looking at the transfer station, high school/middle school, and West Barnstable conservation lands were opportunities for wind turbines. He reviewed other issues such as public schools; and crime and safety.

Councilor Canedy asked about analysis of results in relation to where the residents live. They did not work that into the results. There was discussion on incorporating that into some of the questions possibly in the future.

Manager Klimm said that Mr. Borges could come back if needed. Councilor Crocker said we have turned the corner on Barnstable roads and traffic issues.

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**Public Comment:** some additional individuals were allowed to speak at this time.

Alan Burt thanked the council and was troubled about the negative element who are coming to the council and throwing stones. He feels the recalls were shameful. He gave some updates on the activities coming up next week on the homeless.

Robert Tucker addressed people who don't pay their excise taxes and over-crowding in houses.

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**Budget Discussion continued....**

- i. **HOLD** - To maximize interest income through sound investment practices.  
*Mark Milne said they are re-writing their investment policy. There are 6 individuals on CFAC.*
- j. **This is now d. HOLD** - To maintain a capital trust fund by dedicating a minimum of \$6,725,000 in general funds annually and to enhance the fund where possible with revenues or expenditure reductions not otherwise necessary to sustain operations, or through grants and gifts.

*Councilor Farnham feels this should move up in priorities would like it to go up to d. President Chirigotis wanted the impact. Manager Klimm agrees.*

*A motion was made by Councilor Crocker and seconded reduce the minimum to \$6m.*

*Councilor Joakim wanted it figured as a percentage – Finance Director Milne said it is about 5%. It will provide for roads and a limited capital program. Councilor Canedy wants it as is or raised. Councilor Norman feels a hard number is better and it sets a hard floor. Milne said rating agency will look at this figure if it is reduced.*

*A motion was made by Councilor Farnham and seconded to move this item up to “d.” and renumber the others.*

**VOTE: Passed**

*Manager Klimm reminded the council that \$7M as a minimum does in fact reduce operating expenses. He is in support of moving the priority. Councilor Milne stated that the council is encouraging the reduction of our liabilities and facilities.*

**Vote on motion to reduce to \$6M.: 6 Yes 7 No – did not pass. (Nos were: Munafo, Crocker, Chirigotis, Barry, Rugo and Joakim)**

- k. To aggressively pursue tax title payments for prior tax commitments.
- l. Increase the education efforts in disseminating to the general public the municipal/school financial position including a detailed, clear, and easy to understand explanation of operational and capital budgets.
- m. **HOLD** - Continue to support lobbying efforts to change the Chapter 70 funding formula (changed in FY2006), Lottery aid and Municipal Aid.

*Councilor Joakim stated she would like to pick up the lottery aid.*

*A motion was made by Councilor Norman and seconded to add as “n” – “To preserve and promote the residential tax base.”*

**VOTE: Majority in favor (1 abstention – Munafo)**

## **2. EXPENDITURE POLICY AND ORDER OF PRIORITY:**

- a. **HOLD** - To not increase the net size of the municipal workforce and to reduce the municipal workforce, where possible, to levels necessary to provide efficient and effective services, first through retirements, second by attrition, and lastly through force reductions; however, where a legitimate need can be demonstrated, any requests for

~~new or additional Town personnel can be brought forward for Town Council approval.~~  
In the event reductions to the labor force affect the ability to deliver a quality service, such service should be considered for its possible elimination.

*Councilor Crocker asked to hear about the reason behind this item. Manager Klimm said it initially was put in a year that we definitely had to make cuts. If you wish to eliminate it you may do so.*

*It was suggested to strike the whole item.*

*Councilor Farnham talked about eliminating services with the Manager before; and suggested that a service analysis could be done. This language needs to be retained to continue that assessment. Manager Klimm said that is what we are doing now – we are looking at listing services and getting rid of those with the least priority. We are trying to develop a budget and look at services and what can be eliminated.*

*A motion was made and seconded to strike all except for the last sentence.*

*Councilor Canedy would like Administration to advise the Council of new hires. Klimm said new positions are through grants. Councilor Joakim feels we would be overstepping our bounds. Klimm is in agreement with Councilor Farnham. These are tough choices. Councilor Barton suggested that the last sentence be put into 1a (no vote was taken on this and therefore not moved).*

*On the motion to strike 2a except for the last sentence.*

**VOTE: 12 YES – passed 12 yes and 1 out of the room.**

- b. To maintain a consolidated administrative structure that will stabilize net operating costs, provide for cross training of employees, and improve service delivery by emphasizing:
  - i. Continued use of information systems technologies as a tool to increase performance efficiencies.
  - ii. Continued implementation of quality improvements in the operating departments of the Town.
  - iii. Continued implementation of a “user friendly” public service program for permitting, licensing and payment of taxes and fees.
  - iv. Continued implementation of innovative, cost-effective and meaningful programs and services and improve efficiency in the use of equipment and personnel.
- c. To ensure cost benefit analysis is performed on newly proposed programs to ensure cost efficiency and cost avoidance in implementation.
- d. Evaluate and assess on an on-going basis alternative methods to decrease the cost of services by exploring the financial benefits of regionalization, consolidation, privatization and collective bargaining.

### **3. GENERAL POLICY**

- a. Continued implementation of a municipal public relations program that encourages community understanding of and participation in local government and that responds to constituents' requests and needs.
- b. **HOLD** - Provide for adequate maintenance and repair of Town-owned property, maintain or improve the current level of service to the public schools and other municipal facilities through more efficient use of equipment and personnel.
- c. **HOLD** - Continue efforts to address infrastructure critical needs including but not limited to roads and wastewater needs.

Upon motion duly made and seconded it was

**RESOLVED**, That the Town Council hereby adopts the following budget policy for the fiscal year 2011.

### **FY 2011 TOWN COUNCIL BUDGET POLICY STATEMENT**

The Barnstable Town Council established the following policy guidelines for the Town of Barnstable's operating budget:

#### **1. REVENUE POLICY AND ORDER OF PRIORITY:**

- a. To maintain a comprehensive and sound financial plan for meeting the prioritized operating and capital needs of the town within the confines of available resources.
- b. To limit the increases on the property tax revenues to 2½ percent plus new growth.
- c. To maintain adequate fund balances and reserves at 4 percent of the general fund budget appropriation, net of transfers, to be set apart from certified free cash to protect against emergencies and unforeseen calamities.
- d. To maintain a capital trust fund by dedicating a minimum of \$6,725,000 in general funds annually and to enhance the fund where possible with revenues or expenditure reductions not otherwise necessary to sustain operations, or through grants and gifts.
- e. To support a revenue sharing agreement between municipal and school operations that includes the following:
  - i. Increases or decreases in General Fund revenue will be shared 60/40 between school and municipal operations net of the amount set aside to cover fixed costs increases.
  - ii. General Fund savings reserves in excess of the 4 percent reserve mentioned in item c. above will be made available for funding non-recurring municipal and non-recurring school operating expenses.
  - iii. The municipal and school operations savings account will continue to be credited with their respective appropriation savings from FY 2011; and excess General Fund revenue over budget estimates for FY 2011 will be shared 60/40 between school and municipal operations.

- f. To seek new sources of funding through grants, impact fees, and other innovative revenue raising practices.
- g. Explore and create new revenue sources (including grants) for the town and schools to alleviate strain on municipal and school budgets and perform operational audits and work toward greater energy efficiency.
- h. To ensure that enterprise programs shall be self-supporting, except where the provision of basic public services require general fund support.
- i. To utilize revolving funds to fund senior service programs, recreational program, shellfish propagation, building inspections, GIS and consumer protection programs.
- j. To maximize interest income through sound investment practices.
- k. To aggressively pursue tax title payments for prior tax commitments.
- l. Increase the education efforts in disseminating to the general public the municipal/school financial position including a detailed, clear, and easy to understand explanation of operational and capital budgets.
- m. Continue to support lobbying efforts to change the Chapter 70 funding formula (changed in FY2006), Lottery aid and Municipal Aid.
- n. To preserve and promote the residential tax base.

## **2. EXPENDITURE POLICY AND ORDER OF PRIORITY:**

- a. In the event reductions to the labor force affect the ability to deliver a quality service, such service should be considered for its possible elimination.
- b. To maintain a consolidated administrative structure that will stabilize net operating costs, provide for cross training of employees, and improve service delivery by emphasizing:
  - i. Continued use of information systems technologies as a tool to increase performance efficiencies.
  - ii. Continued implementation of quality improvements in the operating departments of the Town.
  - iii. Continued implementation of a “user friendly” public service program for permitting, licensing and payment of taxes and fees.
  - iv. Continued implementation of innovative, cost-effective and meaningful programs and services and improve efficiency in the use of equipment and personnel.
- c. To ensure cost benefit analysis is performed on newly proposed programs to ensure cost efficiency and cost avoidance in implementation.
- d. Evaluate and assess on an on-going basis alternative methods to decrease the cost of services by exploring the financial benefits of regionalization, consolidation, privatization and collective bargaining.

### **3. GENERAL POLICY**

- a. Continued implementation of a municipal public relations program that encourages community understanding of and participation in local government and that responds to constituents' requests and needs.
- b. Provide for adequate maintenance and repair of Town-owned property, maintain or improve the current level of service to the public schools and other municipal facilities through more efficient use of equipment and personnel.
- c. Continue efforts to address infrastructure critical needs including but not limited to roads and wastewater needs.

**VOTE: Unanimous in favor (Councilor Milne out of the room.)**

8:02 p.m.

The results of the recall election for J. Gregory Milne were announced by Town Clerk Linda Hutchenrider.

266 voters went to the polls – election did not count since 13% voted, and lacked the 20% necessary for the election to be valid.

157 YES votes – those who wanted Councilor Milne recalled

109 NO votes – those who did not want Councilor Milne recalled.

<b>2010-63 APPROVAL OF A CONSERVATION RESTRICTION IN BARNSTABLE VILLAGE (WELSH &amp; MITCHELL, GRANTORS AND BARNSTABLE LAND TRUST, GRANTEE) INTRO: 12/03/09, 12/17/09</b>
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Councilor Canedy gave the rationale and urged passage. Councilor Joakim was concerned that again another conservation restriction would limit more public access to the water. Jackie Barton from the Barnstable Land Trust, said that it is all salt marsh in that area. There is a provision in the works for access through the Audubon Society. According to Jeff Rudziak the reduction in total tax income would equate to approximately \$1,265.18 the first year.

Councilor Munafo said he will not vote for this to increase our taxes for the benefit of one person. Councilor Milne noted that the tax difference is marginal. Councilor Canedy said that unless \$19 million in land value is removed or added to the town's inventory, the tax levy will not change one penny.

Upon motion duly made and seconded it was voted to move the question.

**VOTE: Majority in favor**

Upon motion duly made and seconded it was

**RESOLVED**, that the Town Council approve the Conservation Restriction between Douglas S. Mitchell and Christine Welsh (grantors), and Barnstable Land Trust, Inc. (grantee), over approximately 12.77 acres of land on Main Street, Barnstable Village, Map 258 Parcel 002-001 and 258-002-002, for the purposes of preserving open space, water quality, and scenic views, and providing for the potential of limited public access to future walking trails.

**VOTE: 10 Yes 3 No – Roll Call (Chirigotis, Joakim, Munafo – no votes)**

**2010-064 - APPROVAL OF A CONSERVATION RESTRICTION IN BARNSTABLE VILLAGE  
(KAESS, GRANTORS AND BARNSTABLE LAND TRUST, GRANTEE) INTRO: 12/03/09,  
12/17/09**

Councilor Canedy gave the rationale on this item as well. Councilor Joakim asked about the access issue. Jackie Barton said that public access to the property is from the water only.

Upon motion duly made and seconded

**RESOLVED**, that the Town Council approve the Conservation Restriction between Judith Exman Kaess and H. Walter Kaess (grantors), and Barnstable Land Trust, Inc. (grantee), over approximately 7.72 acres of land on Main Street, Barnstable Village, Map 279 Parcel 015 & a portion of Map 279 Parcel 061-002, for the purposes of preserving open space, water quality, and scenic views, and providing limited public access from the waters of Barnstable Harbor.

**VOTE: 13 Yes**

Councilor Dagwan asked if the Land Trust would be willing to take the councilors to the properties such as these ahead of time. Ms. Barton said that the Land Acquisition Committee goes to the properties – she will ask them to invite the councilors as well.

**LATE FILE: 2010-072 – APPROPRIATION & LOAN ORDER – MARINA ENTERPRISE FUND FOR \$525,000 – INTRO.: 12/17/09**

Upon motion duly made and seconded, it was voted to move this item to a public hearing to be held on January 7, 2010.

**VOTE: 12 Yes (Councilor Milne out of the room)**

**Election of officers**

Clerk Hutchenrider opened the floor for the annual election of the officers for the Town Council.

Nominations were made at a prior meeting and current President Frederick Chirigotis was nominated to serve a second term. The clerk opened the floor for nomination speeches either by or on behalf of the candidate.

President Chirigotis thanked the council for their support.

Speeches were closed and a roll call vote was taken.

**VOTE: 13 Yes in favor of Chirigotis**

The nominees for Vice President were: Janice Barton and James Crocker, Jr. The clerk opened the floor for nomination speeches either by or on behalf of the candidates.

Councilor Janice Barton stated she feels she will do a good job and has earned the position, and feels it will be good for her village. She wants to continue the work and help President Chirigotis provide a more positive environment. She likes to help and make the world a better place. If she does not win, she will certainly support Councilor Crocker.

Councilor Crocker said he and Ms. Barton have similarities. We all have to be effective in our positions. He would like to work with President Chirigotis and gets his humor; and will come prepared. It is an honor to serve the board.

Councilor Canedy is impressed with both candidates and both would make excellent vice presidents.

Councilor Joakim said she is impressed as well.

Councilor Dagwan was contacted by Mr. Crocker and asked for his support. She gave her word and will support him; she wished she had known that Ms. Barton was running she felt a woman would have made a nice balance.

Councilor Milne thought the speeches were very well done. He appreciates both candidates. Thanked the council for their support of him recently.

Speeches were closed and a roll call vote was taken.

**VOTE: Barton – 4 votes**

**Crocker- 9 votes**

The Officers for 2010 are: President: Frederick Chirigotis  
Vice President: James Crocker, Jr.

## **ADJOURNMENT**

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

**ADJOURNED: at 8:38 p.m.**

Respectfully submitted,

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

Happy Holidays to All...



P.S. – This is an actual photo that was taken this month in Virginia at a parade...it is so beautiful I wanted to share it with you.