

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
May 20, 2010**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:21 PM, on Thursday, May 20, 2010, 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, Jr. (7:50), Debra Dagwan, Henry Farnham, J. Gregory Milne, James Munafo, Jr., John Norman, Thomas Rugo (7:25). **Absent:** Janet Joakim, James M. Tinsley, Jr.

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

• **Residential Exemption Update**

Director of Assessing, Jeff Rudziak and Finance Director, Mark Milne gave an update on the status of the residential exemption. Well over half of the 4,700 plus property owners, who had not yet proved their residency in the town, and were receiving a residential exemption along with those who did qualify, have filed the required tax information by the May 3, 2010 deadline. About 1,800 property owners remain undocumented. They will be removed from the residential list for the FY2011 tax bill. There is an option to send these 1,800 home owners a supplementary bill for the taxes they owe for FY10. This will be discussed by the Board of Assessors, who makes the final decision. It was decided not to disallow the residential exemption to owners who did not file paperwork this year because those non-filers who were actually residents could have filed for abatements. There were insufficient funds in the overlay account to cover that possibility and potentially, the overlay account could have shown a deficit of over \$2M. Those who have not provided info will not receive the exemption in 2011. Director Milne is increasing the set aside money to over \$1.7 M in the FY11 overlay account. The tax levy will be up 2.5% next year. From now going forward, people who have not filed will be removed for FY2011. Councilor Rugo suggested sending one more postcard, closer to the bill time. Several other councilors requested a list of the questionable residents from their precincts for a personal follow-up. Councilor Milne pointed out that going forward there will be more in the overlay account for abatements to be funded. Director Milne pointed out that the overlay account is a buffer for other exemptions besides abatements, such as veterans, etc.

PUBLIC COMMENT

John Julius spoke about the taxpayers being over assessed and overcharged because they missed the deadlines. He also spoke about Patrick Paige and Jane Saunders judged not guilty. Mr. Paige deserves a no trespass order against him at town hall lifted.

Sara Cody read a statement on behalf of Barbara Hill, Executive Director of Clean Power Now, asking the Council to reconsider their vote in opposition to the Cape Wind project.

Tina Carey spoke about the overpayment of taxes, feeling that the deadline should have been firm and those who missed it kept off.

Carl Freeman spoke in favor of Cape Wind. None of the technical information has changed in 7 years. The wind farm will become a symbol of energy independence.

Ruth Bechtel, Secretary of Clean Power Now, asked the council to refrain from spending taxpayer money to overturn Cape Wind. The bay is not more special than other lovely places in the world. She suggested the councilors have open minds and become leaders for the community.

Richard Bartlett also commented on tax dollars having been spent in unsuccessful legal attempts to stop Cape Wind. He has heard that even more tax dollars will be spent fighting the federal government. He says that 75% of voters want to see it built. Economic prosperity has happened everywhere that wind power is harnessed.

George Gingold supports Cape Wind. He suggested job creation in a new industry as a common ground interest that is not tilting at windmills. Construction and maintenance are wonderful employment opportunities and should be aggressively explored.

Don Bernard pointed out that the councilors were not elected to follow the will of the people but to do the right thing for the town. The majority of people support Cape Wind and the project has the blessing of Salazar and the FAA. He mentioned the death of coal miners and of 5 oil rig workers. He urges doing the right thing and ending the fiasco of a futile law suit.

Nan Ingram of West Barnstable expressed her positive thoughts about Cape Wind. The council is going against the tide of popular belief that the wind farm will be environmentally sound, clean and safe.

Cliff Carroll spoke in opposition to the Cape Wind project. Nantucket Sound is the life of the Cape and the heritage of the Cape and Islands. He described the monumental building that will be involved including the use of dielectric oil. An oil breach will hit the shorelines within hours. The same group that approved the oil rig has approved this project. Such a project is too important to leave it in the hands of a private person. The FAA conclusions do not support the study. Keep doing the right thing on behalf of the majority.

Diana Duffley spoke in favor of the wind project. The design is a triple containment system to hold the oil. There has been eight years of debate. This will be the first off-shore wind farm in all of America. The town's focus should be on music, athletics and schools, not costly litigation.

Dorothy Hughes asked a question on the residential tax exemption regarding the number of people yet to respond.

Meredith Farnsworth spoke on the wastewater project. Despite no consensus on Stewarts Creek she is hopeful that a solution will be found. She also agrees with Mr. Julius on the status of Pat Paige.

Charles McLaughlin, town attorney, addressed the concern regarding litigation expenditures. The Cape Wind Project poses significant risk for the town. Over 1 M gallons of fuel are shipped to Nantucket that will pass very close to the towers – 2 minutes away from a disaster. He cited the Bouchard spill, which is comparable in volume of oil transported, whose cleanup cost was \$50M. Should a spill happen here, the oil would be on the beaches within 5 hours. The MMS did not answer questions regarding the Town being first responder – which would be the case as listed in the Cape Wind plan. The Town would have to spend millions of dollars to purchase equipment to deal with any emergency – boat crashes, plane crashes, injuries, oil spills, etc. In addition, the FAA determination that the wind project will interfere with radar has not been addressed. There are 120,000 flights out of Barnstable and over 400,000 overall. The suggestion of banning all air traffic without a transponder, eliminating the use of many smaller aircraft, was never debated or disclosed. The Town proposed, in good faith, moving the project to another location. Cape Wind needs to come to the table and negotiate. The Town's public safety is at risk and the response to potential emergencies will cost twenty-fold more than the cost of litigation.

COUNCILOR RESPONSE

Councilor Munafo pointed out that people have said they don't want the wind turbines built if the cost will be more than the current cost of electricity. He also questioned the tax rates set over 2½%. Director Milne said the residential exemption shifts the revenue from one class of taxpayers to another, which does not affect the total tax increase which meets the requirements of Proposition 2.5.

Councilor Milne pointed out that he and Councilors Barry & Joakim were the only three current councilors to view the original presentation by Mr. Gordon on Cape Wind. The three left the meeting to eliminate the quorum. He has been to many hearings on the subject and concluded that he was not in support of the project. He suggested the Cape Wind people use the charter and request a ballot question at the town election, which is the only way to settle what the public thinks.

Councilor Barry said no one is against clean power. The town has passed ordinances allowing windmills on private property. However, the issue is the place not the power. This will be an industrial power plant at Horseshoe shoal which is pristine. He suggested putting the towers along the power lines. Anything done to a pristine place will change it forever. Barnstable will get nothing but higher electric bills.

Councilor Canedy said the people in her precinct are mixed on the Cape Wind Project. She is not an enemy of wind energy; however, the town should be a major stakeholder and has never been. First responders, bear cost of clean up, etc. The current oil spill has safeguards in place; it was regulated and the accident occurred. The Cape Wind Project is an unfunded mandate of the Federal Government on the town which accrues to a private developer. She would like all at the table to discuss issues that have not been brought up.

Councilor Barton supports green initiatives and noted the recently formed Renewable Energy Commission. The council needs to look at the safety issues for the Town.

Councilor Dagwan commented on the tax exemption deadlines and the fact that they were extended was appreciated by many seniors. Clean energy has been an issue for some time. The trade-off should be more jobs and lower energy bills.

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to accept the minutes of May 6, 2010.

VOTE: Unanimous

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

Councilor Barry asked the public to contact him on the parking issue; one faction wants to reduce parking others don't.

Councilor Barton will share that the Council on Substance Abuse is looking for a grant.

ORDERS OF THE DAY

OLD BUSINESS

2010-146 AUTHORIZING THE TOWN MANAGER TO ACQUIRE EASEMENTS

Upon a motion duly made and seconded it was

ORDERED: That the Town Manager be authorized to acquire by purchase, within the amount appropriated under Town Council Order 2010-017 for the sewer collection expansion at Stewart's Creek—West Side (Phase II), three easements for the purpose of constructing a sewer pump station and related equipment, and an easement access on land located on Marston Avenue in the Town of Barnstable, Barnstable County, Massachusetts, Assessors Parcel 288180, as follows: (1) A permanent easement containing 4,195 square feet of land, more or less, for a wastewater pump station building and related equipment; (2) a permanent easement containing 2,916 square feet of land, more or less, for the purpose of access to the pump station; and (3) a temporary construction easement containing 1,473 square feet of land, more or less, all as shown on a plan of land entitled "Plan of Sewer Pump Sta. Easement in

Barnstable (Hyannis) MA For the Town of Barnstable as made by the D.P.W. - Survey Section . . . Dated Dec. 2, 2009," a copy of which plan is on file in the Town Clerk's Office.

DPW Director Mark Ells gave the rationale. The cost has come in under budget.

Councilor Milne said his favorite pump station is on Estey Avenue; it is well landscaped and screened. He asked how this one will be screened. Ells said a cedar roof and shingles as well as vegetative cover.

A motion was made and seconded to move the question.

VOTE: Unanimous

On 2010-146

VOTE: 9 Yes 1 No (Munafò)

Recess from 8:50 – 9 PM

NEW BUSINESS

- **FY 2011 BUDGET**

Town Manager John Klimm reviewed the budget preparation process. Finance Director Milne gave an overview. (See Exhibit A) The budget reflects no more than a 4% cut in state aid, as well as no funding for COLA in the budget for any employee. The budget hearings on June 3 will be interactive with the public who can call in with questions.

2010-128 FY11 APPROPRIATION-\$57,530,731 LOCAL SCHOOL SYSTEM BUDGET

Patrick Murphy, School Committee Chairman, introduced Superintendent Patricia Grenier.

Superintendent Grenier made a PowerPoint presentation (See Exhibit B) Grenier said she did not ask each of her departments for what they needed, but for what they could do without.

Councilor Munafò heard the average teacher's salary was about \$66,000 and would like to know if it is accurate. He thought that was steep. Grenier explained that the lower paid staff with less seniority were let go which may have inflated the average salaries. Eighty percent are at the top step and did not receive any step increase.

Councilor Canedy was concerned about the inclusion of the \$700,000 stimulus funding and the possible reliance on it. Grenier explained that funding comes from a Special Education Grant and Title 1. This year they funded salaries of people who would be retiring or whose position were to end this year and were not going to be replaced, with ARRA funds. The impact of using the funds next year would have meant layoffs, loss of programs, etc. In conjunction with consolidated finance department personnel, a two year budget was developed based on assumptions and scenarios. For example, the circuit breaker never hit 100%; it was more like 76% and is now down to 40%. Next year it may be less. However, basing next year on 40%, if assumptions are correct and there are no catastrophes, a level serviced budget for FY2012 is without the \$700,000.

Superintendent Grenier said they will begin the new budget once this one is in place. She has \$12 M in the school savings account but if the \$700,000 is not used it will go back to the government. Expenses are down in the SPED area due to several of the high cost, out-of-area placements who are ageing out and leaving the program. The department can use 50% of ARRA for maintenance of effort, such as professional development, instead of taking the funds from the budget. Of course, SPED claims to the state will go down with less expensive billing and the circuit breaker will decrease too.

Councilor Milne asked about whether busing was contracted or in-house. The current contract has two more years ending in 2013 before the town can reconsider busing in house. Grenier added that they are looking at doing an analysis of the costs one way or the other now, in anticipation. The town will need

a service department to service the buses, but there will be revenue from leases which can be put aside for the maintenance. If a bad repair occurred it would be a problem.

Councilor Dagwan asked about state transportation funding. Grenier said the state was not giving us any.

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

Councilor Barry left the meeting.

2010-126 FY11 APPROPRIATION-\$11,404,968 POLICE DEPARTMENT BUDGET

Police Chief Paul MacDonald gave the rationale via a PowerPoint presentation (See Exhibit C)

Councilor Canedy spoke about the growing use of ATVs and other vehicles on conservation lands. The department has dealt with it before. There is no legal space for ATVs unless they are used on a person's own land or private property. Councilor Munafo asked about the alarm registrations, which are due every two years. The decrease in the Quinn Bill is due to state cutbacks.

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-127 FY11 APPROPRIATION-\$6,017,576 BARNSTABLE MUNICIPAL AIRPORT ENTERPRISE FUND BUDGET

Airport Manager Bud Breault gave the rationale. He referred to the 2011 Budget Book for his presentation. Projected revenues are down 20%; expenses down 18%. He is projecting a small surplus for this fiscal year. He has reduced the budget by 17%. Enplanements, fuel sales, etc. are down. He is projecting a flat year in 2011. He is not anticipating any COLAs or filling two positions. The resolution of the contract with the Teamsters is not known at this time. Breault said he may be back for a supplemental appropriation next year if the economy turns downward. Projects are on track; he is going out to bid on the fully funded tower. He hopes to have the tower up by July.

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous (Councilors Canedy & Rugo were not present for this vote.)

Note: Items 2010-129 through 2010-132 were placed on the floor together.

DPW Director Mark Ells gave the rationale and made a PowerPoint presentation. (See Exhibit D)

2010-129 FY11 APPROPRIATION-\$8,324,722 DEPT. OF PUBLIC WORKS GENERAL FUND BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-130 FY11 APPROPRIATION-\$2,583,674 DEPT. OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-131 FY11 APPROPRIATION-\$4,789,070 DEPT. OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-132 FY11 APPROPRIATION-\$2,763,500 DEPT. OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

Councilor Rugo left the meeting.

2010-133 FY11 APPROPRIATION-\$2,285,769 REGULATORY SERVICES DEPT. BUDGET

Director of Regulatory Services Tom Geiler gave the rationale with a PowerPoint presentation (See Exhibit E)

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to suspend the rules in order to continue the meeting past 11 PM.

VOTE: 6 Yes, 3 No

2010-134 FY11 APPROPRIATION-\$2,601,880 COMMUNITY SERVICES DEPT. BUDGET

Director of Community Services, Lynne Poyant introduced the staff and began a PowerPoint presentation (See Exhibit F).

At 11 PM Councilor Munafò left the meeting room causing the quorum to be lost. He consented to return, reconstituting the quorum, in order to allow the remaining items to be moved to public hearings.

2010-134 FY11 APPROPRIATION-\$2,601,880 COMMUNITY SERVICES DEPT. BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-135 FY11 APPROPRIATION-\$\$3,042,415 GOLF COURSE ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-136 FY11 APPROPRIATION-\$3,028,705 HYANNIS YOUTH & COMMUNITY CENTER ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-137 FY11 APPROPRIATION-\$592,162 MARINA ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-138 FY11 APPROPRIATION-\$555,325 SANDY NECK PARK ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-139 FY11 APPROPRIATION-\$973,274 GROWTH MANAGEMENT DEPT. BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-140 FY11 APPROPRIATION-\$343,010 TOWN COUNCIL BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-141 FY11 APPROPRIATION-\$573,820 TOWN MANAGER BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-142 FY11 APPROPRIATION-\$5,274,724 ADMINISTRATIVE SERVICES DEPT. BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-143 FY11 APPROPRIATION-\$27,072,099 OTHER REQUIREMENTS BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

2010-144 FY11 APPROPRIATION-\$1,295,000 REVOLVING FUNDS BUDGET

Upon a motion duly made and seconded this item was referred to a public hearing on June 3, 2010.

VOTE: Unanimous

LATE FILE

2010-147 ACCEPTANCE OF GIFTS FOR SPECIAL COUNSEL SERVICES AND RELATED LEGAL COSTS

Upon a motion duly made and seconded this item was postponed to June 3, 2010,

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to adjourn the meeting at 11:10 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk