



## TOWN COUNCIL MEETING November 3, 2011

**A** quorum being duly present, Council President Frederick Chirigotis called the November 3, 2011, Town Council meeting to order at 7:02 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

**PRESENT:** Richard Barry, Janice Barton, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., Debra Dagwan, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., John Norman, Thomas Rugo, James Tinsley.

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

### **PUBLIC COMMENT:**

- Steven Scannell spoke about the current moorings and shellfish policies in the town. He stated he has attended waterways committee meetings and has designed a better system for handling mooring rights and shellfish rights. He would like to see fair and equal opportunity for mooring and shellfish rights. Steve explained that the Town needs to do business using the resources at the town's disposal. Items should be priced per the market and we should do a market quota system of doing business.
- Al Baker announced there will be a craft fair at Liberty Hall in Marstons Mills on December 3<sup>rd</sup> from 9 AM to 3 PM. Baker said he has listened to the meetings on television and the radio and thought it was a bad situation. He stated we have lots of good people, and thinks it is wrong what is happening now with a recall. Most of you have been up against the same thing. No one should be recalled just because of the way they voted. He said he is disappointed and hopes things get better. Good luck to all of you. Baker stated that he appreciated Councilor Barry for being here for 12 years.
- John Julius stated he wanted to re-clarify what the truth is, John Klimm asked for a buy out. The 6 councilors did nothing wrong. Julius said "Our media has participated in the lynch mob and defamation of characters." He stated that he hasn't seen one of the media stating the truth. Julius further stated that Manager Klimm should be fired not given a golden parachute. Those good six councilors have been smeared.
- Patrick Page brought to the podium a list of articles and many DVD's. He reported that this was documentation of everything he had done through the town. He stated he has the truth of what he and his wife have been through. Page said the YMCA is sitting on a town owned piece of property. and further stated he has the truth, and "Mr. Rugo slandered me at the last meeting." Page said these documents are real and he has three issues. Thank God for Ann Canedy and Mr. Milne. (See Exhibits A and B)
- Jane Saunders said that she rues the day she moved to Barnstable. Jane said "there is a very dirty underbelly that exists in this town." She further reported that no one has called us with the exception of our own Town Councilor. Does anybody really think this is the way things should be in Barnstable? Saunders said to the people watching the meeting on the television to "think before you vote, we need a fresh perspective here in Barnstable." Look around people, people are dissatisfied. She stated that people ought to be responded to no matter who they are. We need that here in Barnstable. We have entered a new era.

- John Alden stated that this election is a very important one. He said he has been active in the town before and this is the only council form of government specifically elected from their precinct. Alden asked for at large councilors, who look out for the entire town. He said there is still a big problem with the crime rate. We need to look at the town as a whole. Speaking to the television audience, "People at home I urge you to vote."
- Robert Tucker reported that Manager John Klimm told him, he wanted to work he didn't want the buyout. Tucker stated a friend of his who lives in Dennis wants to know where is the money coming from, and who is going to get our Federal money for the Airport now that Mr. Klimm is gone? He asked the six (6) councilors why they don't buy Klimm out. Tucker said the Assistant Town Manager is a good man.
- Alan Burt spoke about an upcoming ceremony for homeless persons. Burt brought up the fact that the homeless have been utilizing some Yarmouth motels. He stated "we are in a housing crisis." To discourage motels to be used is creating a crisis for the homeless. Burt stated that Housing Assistance talked about how they moved people from the motels to better living situations. However, they were homeless again because they couldn't afford the houses. He asked for real incentives for affordable housing. He stated the election that is coming up is very important, and thanked Councilors Barry and Milne for their years of service. Burt stated we need some new councilors.

#### **TOWN COUNCIL RESPONSE:**

- Councilor Norman spoke to Mr. Scannell's question. The concept of an open market appeals to him and we need to make sure there is an opportunity for working people to obtain a mooring. Norman stated that this was the reason for the mooring list as it provides that opportunity. Ocean front property is purchased by the wealthier of people of this town.
- Councilor Milne thanked the people for their comments. He stated that because of term limits he is not a candidate in the current election. Milne said this was the first instance in his years of service that anyone has labeled me in a derogatory manner. He said this was uncalled for, where is that negative energy towards me coming from? Milne stated this recall business is despicable, the Charter was written poorly. He hopes the voters will denounce this recall.
- Councilor Farnham stated he has listened to Patrick Page and Jane Saunders, and he isn't sure what the answer is, "it is very awkward to me." Farnham reported he has talked with many people trying to get some answers for them (Patrick and Jane) and asked is there a resolution? Farnham asked is litigation the only source, and can we come up with some sort of clearer understanding?
- Councilor Canedy said she was concerned about the same things that Councilor Farnham just stated. She said she has spoken with legal council, and as councilors we need to hear the information at the same time. Canedy asked if the council as a whole could hear the same information and have a commonality of response. Canedy suggested that the council may work collectively to come up with a solution that has not been thought of prior to today.
- Councilor Dagwan responded to Mr. Alden's concerns and said we need the people to get out to vote in the upcoming election. Dagwan said to the two councilors that are leaving, if it wasn't for Greg Milne she probably wouldn't have gotten involved in public service. She further stated that Councilor Milne is very astute, a true resource, very knowledgeable regarding town government. Dagwan reported that being a councilor is a tough job. She said the past 6 months have been very tough. She said that Councilor Barry gave me a big smile with his baby face and made me feel very welcome from my first day on the Council. She stated Barry has always been friendly to her and she appreciated that.

- Councilor Crocker asked through President Chirigotis if he could get some clarification from the Town Attorney in reference to a recall petition. Attorney Weil stated that she has only glanced at the petition, but further stated the Charter language is very broad. Councilor Crocker stated that his concern is the clock ticking and leaving a Councilor hanging. Crocker stated if the person with this petition has knowledge of what went on in an executive session they need to come forward. Attorney Weil answered she would look at the petition first thing tomorrow morning.

#### Brief Recess

- President Chirigotis responded to the earlier question regarding the steps to take with respect to Patrick Page. The parties must exhaust all of the appeals and bodies; the next step is to bring action to the Superior Court. President Chirigotis referenced the Massachusetts Constitution Part 1 Article 30; we are a legislative body only. Councilor Canedy asked President Chirigotis about the current issues to discuss upcoming litigation.
- Councilor Farnham stated we are elected to help people who have issues with the town. Councilor Farnham said if I understand what I am hearing tonight, you must go through the appellate process and then bring action through the Superior Court.

#### Brief Recess

#### **ACT ON MINUTES:**

A motion was made and seconded to postpone all the minutes that are before us tonight.

**VOTE: Postpone until next meeting on November 17, 2011 11 Yes, 2 No Tinsley and Munafa**

#### **WORKSHOPS:**

##### **A. Update-Municipal Insurance Health Reform Bill:**

Finance Director, Mark Milne stated that the features of the new municipal health bill would possibly make the co-pays and deductibles higher for the participants. The contribution rates are still under collective bargaining. He introduced the Treasurer, Debra Blanchette.

Ms. Blanchette stated there are 35 voting members on the committee and 9 members on the steering committee, which is making recommendations to the full board. She said as a group they have reviewed the regulations, possible approaches, implementation process, and estimated savings on the proposed changes. After reviews and meetings, we are going in the direction to redesign our health plan to match the GIC plan by adding deductibles, and co pays.

Bill Cole, Human Resources Director, stated in the new future we will bring forward a section of 32B Municipal Health Law. Once you begin these steps, the clock starts ticking. He explained the steps that need to be taken and if we cannot come to a conclusion, a review committee will look over the proposal.

Councilor Crocker asked when the council will be a part of this process. Expected time frame is January.

Director Milne stated a possible 25% savings which is intended to be shared with the employees. The 25% goes into escrow and is a one-year only credit. Milne said the money will be set aside and we could use the money to do things like a cafeteria plan, and/or set up a bank for unexpected costs, for high out-of-pocket costs or for procedures that are perhaps not covered. Due to the higher co-pays and deductibles, maybe we can help those people who are on the lower end. Retirees are impacted by this as well; some of these folks may be disproportionately impacted. Councilor Tinsley asked if the premium will be a lower cost. Milne stated that it should translate into lower premiums in the long run.

Councilor Crocker, asked if we break away from Cape Cod Municipal Healthcare what would be the impact? Milne stated that being part of CCMH allows us to spread the risk over 52 different groups, and if we shift into the GIC, there is a three-year commitment.

Councilor Dagwan asked Blanchette who determines the time table we have to follow? Deb answered that the steering committee has effectively set July 1<sup>st</sup> 2012. Do you have an actuarial other than the committee? She responded that they did hire an outside firm to give us a second opinion.

President Chirigotis asked when do we hear what are the possible ranges of co pays and deductibles. Bill Cole said by the middle of January the council will have that information. Are we talking about individual packages? Cole stated that they will make a presentation to the council at that time. Manager Lynch stated that the council will have the opportunity to participate in a workshop prior to taking any action.

Lynch reported the Distinguished Budget Award from the Government Finance Officers Association had been presented to Mark Milne and John Klimm. Milne thanked Bob O'Brien for keeping him on track.

Director Milne reported that the state has cut our local aid, but on October 31<sup>st</sup> we did receive a one time state aid payment. He also stated that the general fund has grown over the past year, and the enterprise funds are all in good shape.

Councilor Crocker asked a question on the unrestricted funds. When we go forward do you see a pattern with the State aid? Crocker stated our unrestricted funds are going down faster with cuts to the towns.

**B. Tax factor:** Assessor, Jeff Rudziak introduced the tax factor and stated it was a pleasure to be back before the Council again. He told the Councilors to ask questions as we go along. Rudziak went through the Agenda (Exhibit C) commenting that the Council could decide to lower the residential tax rate but would have to raise the business tax rate. He stated that the Council could vote for a residential exemption as it has for past years.

Councilor Milne thanked Rudziak for his presentation, and for imposing the fine for the commercial property owners who did not report their income. This year through legislation there will be a \$250 fine added to the tax bills. Councilor Milne asked about the residential exemption for this year, why will there be more requests this year? Rudziak reported that as of today we have 12,601 qualified homeowner's, due in part to word of mouth, where more people that are aware of the exemption. Councilor Milne asked how do you show proof of residence. Rudziak responded the proof is your federal or state tax return that shows this is your residence. Councilor Rugo stated that a resident can be a snowbird" but their primary residence is here in Barnstable.

Councilor Munafo asked when you figure out the levy limit does this have to do with growth? Rudziak stated it has no bearing on the levy, because it didn't exist before. Councilor Munafo stated we are allowed to increase the taxes to 2 ½ percent, what if we chose to raise our taxes only 1½ percent instead? Should Barnstable choose not to raise our taxes 2 ½ percent would that impact the levy limit? Milne replied that if the Council chose to do that we would have to take an appropriation from free cash to offset the taxes.

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

Councilor Canedy stated that some councilors would like to speak with the Interim Town Manager regarding budget items rather than waiting until March or April. Councilor Canedy said that after the no name storm, there was a complaint by a business owner regarding debris. She asked if that constituent received a response. Canedy brought up a previous council meeting, where it was stated there would be a workshop regarding land based wind turbines and legislative bills. She asked President Chirigotis when will we have that workshop. This is time sensitive to get our position known. Canedy wanted to know what the alternative to curbside pick up would be. President Chirigotis responded the CFAC and the Renewable Energy Commission are looking at a whole host of issues that we will be approaching very soon. Canedy announced two Veterans Day observances.

Councilor Farnham said he gave a booklet, "Keeping Backyard Chickens" prepared by the town's Agricultural Commission to each of the Councilors. This is an excellent book. If you have any issues with roosters and chickens you need this book. Farnham said we are blessed to have a fine team on CFAC. If possible they would like the budget sooner. Is it possible to have the school department submit their budget earlier? Director Milne responded that pieces of the budget are given to CFAC as we go along. Mark is giving CFAC a revenue projection next week. Those meetings are public anyone who would like to be in attendance is invited.

Councilor Canedy asked if Councilors who have priorities in their district should take them to the CFAC. Those concerns should be discussed with the interim town manager. Lynch responded that any councilor can come and see him with questions or concerns.

Vice President Barton shared some information on the raising chicken booklets, and with John Klimm's help had funding to get three or four hundred more published. Barton stated that the county is going to get involved to help produce more of these booklets.

Councilor Canedy asked if there are any plans for the Agricultural Commission to send out this booklet. Councilor Farnham replied that they have been sent out and you can obtain this booklet at feed and grain stores.

Councilor Milne thanked our assistant Town Attorney and all the others involved in the case with the FAA. The Town prevailed in that case which is great. Councilor Milne stated that the Cape Cod Selectman and Councilors are having a breakfast meeting tomorrow. Councilor Milne asked for a quick update from our DPW regarding the Stewarts Creek Culvert project.

Councilor Munafo, thanked the Hyannis Police and Fire Department regarding the fire at the Hyannis house apartments. Our thoughts are with the families of those who perished.

Mark Ells responded that the Stewart's Creek project is proceeding along with the utilities, reviewing final designs and awaiting a bid. As soon as I have anything more current than that I will let the Town Manager know.

Councilor Crocker asked Ells about any plans for paving that you might want the public to know? He responded that everything is done except for a grind and a pave on North Street and Lewis Bay Road.

Councilor Canedy asked Ells if he had any knowledge of the Barnstable harbor debris. Ells said he had not heard a thing about it.

President Chirigotis asked about the progress on Exit 5 and Route 149. Ells stated that the asphalt will be down, so it will be functional but not completed before Thanksgiving.

Councilor Farnham asked for updates as to what is happening at Route 149 and Exit 5. Ells will ask for a week ahead updates and forward that to the Town Manager.

Councilor Crocker said special thanks regarding the traffic lights on Route 28.

#### **ORDERS OF THE DAY:**

**2012-028 AMENDING THE ADMINISTRATIVE CODE FOR THE HYANNIS WATER BOARD INTRO: 10/20/11, 11/03/11**

Upon motion duly made and seconded it was voted postpone to November 17, 2011.

**VOTE: 12-Yes to postpone (Milne away)**

**2012-031 ALLOCATION OF TAX LEVY FY12 – TAX FACTOR INTRO: 11/03/11**

Upon motion duly made and seconded it was voted to refer to a public hearing on November 17, 2011

**VOTE: 12 Yes to send to public hearing on November 17, 2011 (Milne away)**

**2012-032 ALLOCATION OF TAX LEVY FY12 – RESIDENTIAL EXEMPTION INTRO 11/03/11**

Upon motion duly made and seconded it was voted to send to a public hearing.

**VOTE: 12 Yes to send to a public hearing 11/17/11 (Milne away)**

**2012-33 ALLOCATION OF TAX LEVY FY12 – SMALL COMMERCIAL EXEMPTION INTRO 11/03/11**

Upon motion duly made and seconded it was voted to postpone until Nov. 17, 2011

**VOTE: Unanimous to postpone until November 17, 2011**

**2012-034 ORDINANCE AMENDMENT CHAPTER 76, CODE OF BARNSTABLE, SETTING THE SCHEDULE OF FEES TO BE IN EFFECT IN THE TOWN OF BARNSTABLE INTRO 11/03/11**

Upon motion duly made and seconded it was voted to move to a public hearing on Nov. 17, 2011

**VOTE: Unanimous to move to a public meeting on November 17, 2011**

**TOWN MANAGER COMMUNICATION:**

The update on the gym floor at the HYCC, they have already begun the work. The facility will be closed due to the work, however, the voting for the three precincts will not be interrupted.

We have a time capsule that will be placed into the building will be placed on 11/11/11 not to be opened until 2111. A Veteran's Day parade will start and end on the Village Green, wreaths will be placed for several different wars, and a remembrance for Kevin Houston. The American Legion on will be having a ceremony immediately following the events on the green.

The family and friends of Kevin Houston have organized a memorial service at Barnstable High School. Governor Patrick will be in attendance, Kevin's mother and other individuals that were in the service with Kevin will be speaking.

**ADJOURNMENT**

Upon motion duly made and seconded it was

**VOTED: to adjourn.**

**Yes 11, 2 no Munafo and Crocker**

**Adjourned: at 9:55 p.m.**

Respectfully submitted,

Ann M. Quirk, CMC

Assistant Town Clerk-Town of Barnstable

NEXT REGULAR MEETING: November 17, 2011

Exhibits:

A - Patrick Page-Limited Additional No Trespass Order

B - Patrick Page-No Trespass Order

C – Proposition 2 ½ and Tax Levy Shifting Options