



TOWN COUNCIL MEETING March 3, 2011

A quorum being duly present, Council President Frederick Chirigotis called the March 3, 2011, Town Council meeting to order at 7:00 p.m. in the 2nd Floor Hearing Room of Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Richard Barry, Janice Barton, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., Debra Dagwan, Henry Farnham, Janet Joakim, J. Gregory Milne (7:10), James Munafo, Jr., John Norman, Thomas Rugo and James Tinsley.

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

PUBLIC COMMENT

- Jane Saunders spoke about first amendment rights. The Supreme Court decision this week reaffirmed all first amendment rights. This reasserts our right to speak and if we have to we will bring a Federal Marshall with us to stand with us, she stated.
- See Exhibit A for nine documents that were given to the Council by Patrick Page. He gave a brief history about the problems that he has had with his property on 21 Buttonwood Lane. He also explained the problems he has had with the Conservation Commission over the years. He felt that Rob Gatewood presented his case without due process, because he (Page) wasn't present. He also complained about a project that DPW has on Oak St.
- John Julius concurred with Mr. Page and Ms. Saunders. Julius said he's seen a lot of his evidence and Page has a lawsuit. They need to hire the right attorney. We all have a right to be here and everyone should be treated the same. He also mentioned legal cases against the town.
- Robert Tucker addressed that illegals are not paying excise taxes.
- John Alden from Hyannis has been upset about the tone of discussions. We need a calmer discourse to take place.
- Al Baker from Marstons Mills talked about the intersection of Route 149 and Main Street as far as making it more user friendly, safer and adding more parking.

COUNCIL RESPONSE TO PUBLIC COMMENT

- Councilor Barry said we're obligated to listen to what you say but if you scream and yell I can't listen to it. A little respect and dignity for all.

- John Klimm wanted to correct the number of legal cases against the town at the end of this year. There were 49 pending cases before any of our courts and 194 matters before any and all administrative agencies. Bob Smith use to inform the public about all legal matters pending before our courts and issues that were raised, the 1496 number was the number of issues that our law office dealt with in that given year.
- Councilor Crocker thanked the Town Manager for clarification of the issues that occur. It includes people that hit a pot hole and lost a hubcap that brings us to that number.
- Councilor Dagwan thanked John Alden for his comment. She said it makes a lot of sense. Calmer voices do prevail. Respect goes a long way.

ACT ON MINUTES

Upon motion duly made and seconded it was voted to approve the minutes of Feb 3, 2011

VOTE: 10 in favor, 3 abstained (Rugo, Farnham, Canedy)

Upon motion duly made and seconded it was voted to postpone the acceptance of the minutes of the Feb.17,2011 to next meeting.

VOTE: 12 yes 1 opposed (Dagwan)

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

- Vice President Barton made some announcements and thanked everyone who came to the breakfast on Monday morning at the High School. We are introducing the new drug free community coalition. She announced their meeting and one goal is to help build a stronger community with more resilient young people and families. They are hoping to get as many people involved as possible. She also announced the open house at BHS, and the fact that the School Committee will be discussing possible policies on school activities and resources.
- Council Munafo had a couple of issues one on the fact that the CFAC would like a letter about solid waste. The second Issue dealt with drug pipes being sold in stores in his neighborhood. He would like to pass legislation to deal with these issues.
- Council Farnham noted that we, as a body and as individuals, occasionally get subjected to less than cordial or friendly behavior and fortunately we also benefit from some good things that go on in our community. He stated that he and Councilor Dagwan experienced the raising of the last steel beam for the airport terminal. They got to sign the beam which had an American flag attached to it and an evergreen tree on it for good luck. He noted that it was a very positive event.
- Councilor Canedy announced a ham and bean supper being put on by the Barnstable Village Civic Association. She suggested to the council that they hold at least one meeting a year in each village. She would like the Council to consider this.

- Councilor Milne respectfully asked what staff might be able to do with private sector companies throwing phone books in driveways. Many homes are empty this time of year and now that the snow is melted there are papers everywhere. Maybe have some legislation to prohibit companies from throwing them everywhere. He sent out an email regarding the solar subcommittee. He also announced the Selectmen and Councilors Association breakfast at Ardeos. The subject will be on the Cape & Vineyard Electric Cooperative effort to create what could be the largest solar installation in the Northeast.
- Councilor Dagwan said the school department search committee has had some great candidates for Principal at Hyannis West and Superintendent. She also said we all need to take the real issues that have happened in our town very seriously. This is a whole town of Barnstable issue. The police can't do everything we need to try find some best ways to deal with these issues. She read something about the difficult week for Barnstable and said our thoughts and prayers go out to all in distress.
- Chief MacDonald said last Sunday night there was a tragedy where a young man was shot and killed through his window while watching TV. We think it was a planned premeditated murder. The Department is reaching out to the community and recently had a meeting and will have other meetings with residents. He discussed possible actions that may take place.
- Council Canedy remarked that she heard on the radio someone saying the police do not respond in a timely manner to certain areas in Hyannis. She said she knew that our police are extremely attentive to Hyannis and all our villages and do not differentiate. They are focused on the problems in town.
- Vice President Barton said this is why we formed the coalition and why we need to have everyone involved in it. It's is an "everybody" issue. She will get more information out to councilors.
- Town Manager John Klimm said many including legal and the police are reviewing what other communities are doing. He stated that he communicates almost every day with our Police Department and could not be more proud. He also thanked Councilor Dagwan for her leadership and for being out in the community.
- Councilor Farnham said that in the 1960's he lived on Fresh Holes Road and Hirimar Road for a year each and it was a nice place to live. The Police get the blame and don't get the recognition for all they do. There needs to be more attention to the legal system that deals with these criminals
- Councilor Dagwan commented that the issue is of substance abuse starting early with our young people. We need to find a way to find out why.
- Vice President Barton has been doing research on best practices on what we should be doing. We need funding and people to help with the coalition to get this activated.

ORDERS OF THE DAY

A. OLD BUSINESS

2011-54 APPROPRIATE \$1,292,000 OF AIRPORT RESERVE FUNDS FOR THE MAIN TERMINAL AIRCRAFT PARKING RAMP-PHASE I DESIGN & CONSTRUCTION –INTRO: 02/17/11
--

- Town Manager John Klimm gave the rationale and stated that our Airport Manager Bud Breault came to him and said that it was determined by the management of the airport and Airport Commission for a lot of financial reasons that it would make sense to move this project up. Not only because of favorable pricing on construction but also because of the ramifications in terms of the availability of FAA funding.
- Airport Manager Bud Breault gave councilors a handout (See Exhibit B). He gave an update on the permanent 20-year ramp and the financing. He noted that the enterprise fund reserve balance is at a level that allows them to afford it.

Upon motion duly made and seconded it was voted by the Town Council to go in to public hearing.

VOTE: Unanimous

- Lou Gonzaga said he has always supported the airport, even with the objection from the noise. He has lived near there all his life. Projects like the airport are what we need to bring people in and out of town to see our charming villages.

Upon duly made and seconded it was voted by the Town Council to go out of public hearing

VOTE: Unanimous

- Councilor Canedy asked Mr. Breault if the \$5 million balance exists after this expenditure or before? Breault replied before.
- Councilor Crocker asked for clarification on the 20 year pad, the structural design and and other questions regarding financing.
- Breault talked about the differences in the finished grade between the permanent and temporary ramp; 20 year ramp is because the FAA did not want to expend their grant funds twice over a short period of time. We were waiting to be approved to hire our engineers to complete the design. They will hopefully bid it out next month. We were pleasantly surprised to get our bids back on the roadway which came in almost 1 million under our planned budget.
- Councilor Norman asked where the reimbursement goes and questioned the funding design.
- Breault noted that it will go back into the account. He also said that they are hoping to come in within budget. They asked for an engineering cost plus about a 30% contingency. We have the right to refuse all bids and if I had to I'd come back and ask for another appropriation.

- Councilor Crocker said this money comes out of a reserve designated for this type activity & won't be used for the general fund.
- Breault said it would stay in that appropriation for that purpose only and if we didn't use it we would close it out and the money would go back into the reserve fund.
- Councilor Rugo asked if there was any news that Jet Blue is considering Hyannis? Breault said no.

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

VOTE: Unanimous

ORDERED: That the sum of One Million Two Hundred Ninety-two Thousand Dollars and no cents (\$1,292,000.00) be appropriated for the purposes of funding the design and construction of Phase I of the new permanent Main Terminal Aircraft Parking Ramp immediately in front of the new Terminal as required by the Federal Aviation Administration (FAA) aviation capital improvement program (ACIP); and that to meet this appropriation, \$1,292,000 be transferred from available funds within the Airport Reserve Fund, 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.

VOTE: (Roll Call) 12 Yes, 1 No (Milne)

Upon motion duly made and seconded it was voted to take 2011-063 out of order.

VOTE: Unanimous in favor

B. NEW BUSINESS

<p>2011-063 ACCEPTANCE OF A \$25,000 GRANT FROM CCEDC LICENSE PLATE GRANT FUNDS – INTRO: 03/03/11</p>
--

- Town Manager John Klimm gave the rationale. He said they have been working with non-profits to transform the armory into a performing arts center. However due to the economy it is difficult to raise funds. We applied for a grant to assist us in evaluating the building. When the results are known on the integrity of the building we will return to the town council to explain what we found out and discuss issues of use at that time. He thanked the Economical Development Council for their support.
- Councilor Canedy felt it was putting the cart before the horse. We have not had a discussion about this as a council. We need an analysis before we expend anymore resources or apply for anymore grants.
- Town Manager John Klimm noted that the purpose of the grant is not to study buildings. This is a grant for arts and culture from Economic Development Council. We need to explain to you the condition of the building before we have that conversation.

- Councilor Canedy mentioned the Selectmen's building in West Barnstable and Trayser Museum as two places with structural issues and felt grants should be applied for those buildings before grants are applied for promotion of the Performing Arts Center.
- Joanne Buntich from Growth Management stated that this is not capital money and can't be used for repair or anything of that nature.
- Councilor Canedy noted that this was how the grant application was structured.
- Councilor Milne said this is an historic site due to events that took place there in 1960. We had discussions years ago about making this a Performing Center with private funds. I like this idea but is that private organization out there still in existence? The economy has changed.
- Manager Klimm believes it will be some time before the economy rebounds. Why not through the graciousness of the Economic Development Council use their funding for this purpose. We have a building sitting there empty.
- Councilor Farnham agreed with the prior comments. A dozen years ago they met for a tour of the facilities. It is a very well build building. He would like to table this to get a better sense of this project before we spend a lot of money.
- Councilor Tinsley noted that this is a grant and specifically for this purpose. Before we can decide what we can do with the building we need to know what we can do with the building. Maybe we can spend the \$25,000 and do a youth performing arts center and help the children. We need to know what is up with the building first and this organization wants to help us and I support this.
- Vice President Barton said that she has come to the town with many uses for that building and both times was told that we would have to check out the building and the interior before we could use it for the public.
- Councilor Rugo said it was a while ago that we looked at this. This is a grant and if we don't use it someone else will.
- Councilor Joakim thanked the Economic Development Council for this grant.
- Councilor Canedy asked if there was additional money set aside in the Growth Management budget to supplement this.
- Joanne Buntich revealed that grants totaling \$51,000 have been accumulated for the purpose of promoting the Center which the Council has not approved. She will check on the grants. She also added that they should not be used for capital improvements.
- Councilor Crocker questioned how the building code changes in 2012 might affect this.

- Councilor Milne questioned who will decide who will be hired and how long will it take.
- Joanne Buntich stated we will act on it as soon as possible.

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

VOTE: 12 Yes, 1 No (Crocker)

Upon motion duly made and seconded it was

RESOLVED: That the Town Council does hereby accept the grant award in the amount of \$25,000 from the Cape Cod Economic Development Council's License Plate Grant Funds.

VOTE: 10 yes, 2 No (Canedy, Farnham) 1 Abstain (Crocker)

Executive Session

Upon duly made and seconded it was moved to go into Executive Session to discuss strategy with the respect to litigation on the basis that I declare that an open meeting may have a detrimental effect on the litigating position of the Town to Reconvene in Open Session once the Executive Session is concluded.

VOTE: Roll Call – 12 Yes – 1 No (Tinsley)

Reconvened at 9:15 p.m.

<p>2011-061 ACCEPTANCE OF A \$6,000 TRAFFIC ENFORCEMENT GRANT FROM EOPSS – INTRO: 03/03/2011</p>

Chief Paul McDonald said the police department applied for this grant which deals with drunk driving and click it and ticket. It is a state grant.

Councilor Crocker thanked the grant writers. Chief McDonald stated that they are told when to go out; it is usually tied to holidays. These grants come with obligations.

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

VOTE: PASSED

Upon motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of \$6,000 from the Executive Office of Public Safety and Security, Highway Safety Division.

VOTE: 13 yes

<p>2011-062 AUTHORIZING THE COUNCIL PRESIDENT TO SIGN BMA GRANT ASSURANCES – INTRO: 03/03/2011</p>

Town Manager John Klimm gave the rationale. (see Exhibit C). Airport Manager Breault and Attorney Bruce Gilmore were present. Breault said the grant was approved last fall and the assurances were approved by the airport commission in February 2011. He gave an overview with a reimbursement schedule that carries through FY2013. Time is of the essence.

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

VOTE: 9 Yes in favor of moving 4 No (Canedy, Crocker (no negative votes were recognized))

Upon motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Council President to sign the Massachusetts Department of Transportation Grant Assurances for a grant award dated September 7, 2010 to the Barnstable Municipal Airport, for the Airport Terminal Building construction project.

VOTE: 12 yes 1 no (Milne)

**2011-064 ACCEPT A \$2,000,000 GRANT FROM MASSWORKS INFRASTRUCTURE PROGRAM –
INTRO: 03/03/2011**

Upon motion duly made and seconded, it was voted to postpone this item to March 17, 2011.

VOTE: Unanimous in favor

ADJOURNMENT

Upon motion duly made and seconded, it was voted

To adjourn.

ADJOURNED: at 9:20 p.m.

Respectfully submitted,

Linda E. Hutchenrider, MMC/CMMC
Town Clerk/Town of Barnstable
Susan Maffei/Town Clerk's Office



NEXT MEETING: March 17, 2011

LIST OF EXHIBITS:

- A) – Nine large photos, plans and a letter (Patrick Page gave to us) – in envelope in vault.
- B) - Barnstable Airport plans (in envelope in vault)
- C) - Grant Assurances (in envelope in vault)