



TOWN COUNCIL MEETING
January 21, 2010

A quorum being duly present, Council President Frederick Chirigotis called the January 21, 2010 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, Ann Canedy, Janice Barton, Frederick Chirigotis, James Crocker, Jr., Debra Dagwan, Henry Farnham, Janet Joakim, J. Gregory Milne, 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.

Guest: Thomas S. Cahir, Administrator of the Cape Cod Regional Transit Authority

Town Manager John Klimm introduced the new chief officer of the CCRTA , Thomas Cahir. Cahir gave a history of his past positions including State Representative in the upper Cape area.

- Cahir said he had served with Manager Klimm in the legislature. His focus has been on transportation and the various transportation authorities. He hopes to make a positive difference here on the Cape. He said they have a good vision in place and they hope to bring in some new initiatives.
- They have recently added hourly service and have noticed a 20% increase in ridership since that was initiated. They have new bus shelters they are placing across the Cape. Cahir said that they are looking at the Villager routes and hope to improve them and he is working with Mark Ells on services. Barnstable is the hub and we want to work with Barnstable to improve the movement of people across Cape Cod.
- We are working on various plans which may include getting a train route from Sandwich to Lakeville and then on to Boston. We are investing in software to create greater notification and efficiencies. He will pay attention to the bottom line as far as assessments.

Councilor Canedy asked who is the new mobility manager. Cahir suggested that he be called if the councilors have any questions. Julie Q. Schultz is the new manager.

Councilor Barton asked about young people and transportation. Is there anything in the works targeting that age group? Cahir said they are looking at all needs for all age groups.

Councilor Crocker asked about the history of ridership and how it pays. What is our assessment? Cahir said we will have public hearings on the B bus and how they assess the fares. Over 40% of the riders are not paying. It will be a straight \$3.00 a ride or \$1.50 for seniors. The local assessment falls under MGL Ch. 161B. He explained it briefly. You can opt in or out of the CCRTA. Crocker thanked him for his service.

PUBLIC COMMENT

- ✓ Al Baker would like the council to consider taking some of the simple charter changes and passing them through the legislature and change the charter. He sees vehicles of people working that have no markings on them. There are lots of plates that do not say Massachusetts. River Day will be held in May. They are looking for new items that may feed off the watershed theme. He stated that the new Zion Museum is very nice.
- ✓ Robert Tucker addressed the plates on vehicles that are not from here. Go after the registrations. You are losing excise taxes. There are still overcrowded houses.
- ✓ Patricia Grenier, Supt. of Schools invited the councilors to the new Pro Shop at the HYCC that is organized and run by current and former students. Sunday is a Cape Cod Cubs game and part of the proceeds from the shop will go to the Carolyn Fries fund.
- ✓ Meredith Farnsworth said it has been over 9 months since the sewer project passed and they have heard nothing. It is hanging over our heads.
- ✓ Kate Gulliver said we presented a petition for a moratorium on the sewer project. There are no non-compliant homes in the Stewarts Creek area. We have falling revenues, rising taxes and we need cutbacks. You will owe \$8M – and have no way to pay it back. There is no reason for moving this forward except for the small savings. You have a committee looking at the whole town for sewerage. Please do not go forward. You have never discussed this issue since it was passed. People's lives are at stake.

COUNCIL RESPONSE TO PUBLIC COMMENT

- Manager Klimm said we have a triple A bond rating; we have not lost it. The CFAC is to report shortly.
- Councilor Milne asked for clarification on the costs for the sewer system as well as Title 5 clarification. He also agreed that there are a few things that could be changed in the charter.
- Councilor Canedy said she would recommend another dedicated meeting for an open discussion on the sewer. It is important to these people and we should continue our discussion publicly.
- Vice President Crocker noted that the council does hear about the hardship; but there are some title 5 systems that are in failure. Hardships on septic systems are real. This is a real issue for all of us.

- Councilor Rugo asked for Mark Ells to respond. Mark Ells has to defer to the Board of Health. Health said there are systems in failure or in some need. There is an 8.8% subsidy. Ells does not have the information but will get it. As far as the Stewarts Creek project, the contracts are in place and DEP is reviewing the paperwork. We would need to get out of the contract for a legitimate reason if they were to stop it.
- Councilor Dagwan met the new ladies at the Pro Shop – she found them capable Barnstable High graduates who were excited for the opportunity. The issue on Stewarts Creek shows that residents want clarity – there is a lot of anxiety and that is not good. We need to give a ball park figure. There is information being circulated that she feels cannot be accurate.
- Councilor Barry said everyone is up in arms and it is not an easy issue. You are hooking up to an existing system. We need to wait for CFAC to do their job. We don't know what they will propose. We need to relax, wait for them, and have an open discussion.
- Councilor Barton said the CAC is going to look at the whole town. The CFAC is going to be looking at the whole town and the Stewart's Creek area for financing suggestions. President Chirigotis said CFAC is a standing committee and they have a subcommittee which is looking at Stewart's Creek and other areas.
- Councilor Canedy asked for CFAC timing. It will be soon (Pres. Chirigotis).
- Councilor Milne said mid March or April at the latest was when he heard CFAC would report back.
- Councilor Milne asked process wise about the moratorium group petition and how this is handled. How do we respond on this? President Chirigotis said we will look at it and act appropriately.

ACT ON MINUTES

Upon motion duly made and seconded it was voted to postpone action on the minutes of January 7, 2010 until the next scheduled meeting.

VOTE: 10 Yes, 2 Abstain, and 1 no vote

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF

Councilor Munafo brought up the Manager's yearly review. He asked President Chirigotis what and when are we going to do this. President Chirigotis noted that what we did last year was in compliance with the latest Supreme Court order. It will be scheduled and then we will have a hearing. Chirigotis said he was out of order.

Councilor Munafo said there were portions that met compliance. We did not get to ask questions of the Town Manager. President Chirigotis said the review was in compliance. Munafo said we should do it out in the open. He wants a public review. President Chirigotis said we will have a review committee and it will set up the format.

Councilor Dagwan said there are a lot of organizations who are trying to help Haiti. The Barnstable Sunrise Rotary Club is proposing to send two shelter boxes that cost about \$1600 a piece; Each box has a tent, stove, beds, water tablets, and it will be a home for a family of 10. If interested call 508-560-1189.

Councilor Milne said there were a couple of incidents in Hyannis (on the 19th) that evolved around homeless individuals and a camp. He had concerns for the homeless and the students as well.

There was a motion duly made and seconded to postpone 2010-071 to February 4, 2010 council meeting.

VOTE: Unanimous in favor

Atty. Ruth Weil said current fees remain in place until they are changed.

There appeared to be a couple of different versions of 2010-071 and Councilor Farnham and others wanted all versions in the future to be the current version. It needs to be amended (open air parking lot needs to be stricken) (page 9 – above 140 -56 should be deleted). The council wants the comparison schedule as the rationale.

ORDERS OF THE DAY

OLD BUSINESS

2010-056 - APPROPRIATE & TRANSFER FROM SET ASIDE-\$350,000 FOR AFFORDABLE HOUSING (11/19/09, 01/21/10)

Sue Rohrbach spoke on behalf of the Community Preservation Committee that is supporting this appropriation – subject to financing. It will develop 12 affordable units. The units will remain affordable in perpetuity.

Attorney Andrew Singer was present on behalf of the Barnstable Housing Authority to explain the Stage Coach Residences for the Barnstable Housing Authority at 70 Stage Coach Rd. and 151 Oak Street in Centerville. He gave information on the BHA and the process leading up to this time. There will be 6 two-bedroom and 6 one-bedroom apartments. It is a cluster development that will comply with all the local and state regulations. (He submitted letters of support in favor of this development – on file with the Town Clerk)

Sandy Perry, Ex. Director of the Housing Authority, explained the needs for younger and older people for affordable rentals. There are many who are in need of apartments and this project will seek to help some of them. She explained many of the situations that individuals find themselves in where they need affordable housing.

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2010-056.

VOTE: Unanimous in favor

Royden Richardson said this piece of property shows good planning. The town will be proud of it and it will help meet the needs. He asked for support of this project.

Robert Tucker said this is a good idea. Rents are climbing and they are not going down.

Upon motion duly made and seconded it was voted to go out of the public hearing.

VOTE: Unanimous in favor

- Councilor Canedy said this is the type of housing she has wanted to support. Have the issues on access been ironed out? Atty. Singer said the access question came out of the original development, where the builder, Mr. Dacey created a trust. There is a fee in the trust and there is no trustee since Dacey's death. All owners have easements in the road that were given when the builder put together the subdivision. The BHA has an attorney and will be completing and taking an easement by eminent domain and will have the rights as others in the area do.
- Canedy asked if the council could vote after the BHA has the eminent domain easement. Singer said the eminent domain will just be recording a document. There is not a public hearing process. Tomorrow is the application funding deadline and we are trying to get the application complete. The request is important. Canedy asked if our funding could be contingent on the issue of access being resolved.
- Councilor Tinsley asked where the money is coming from since the \$350,000 did not match the \$202,891 that the council set aside in 2009-129. Finance Director Mark Milne said the program had carried forward \$458,000 from last year before – so there is about \$650,000 in that account and enough to cover the appropriation.
- Councilor Munafo asked for a clarification on the number of units. Ms. Perry said 7 units will have affordability built in the rents and 5 will have vouchers with them. She gave the proposed rental costs for one and two bedroom apartments. She also explained the amounts of other funding and sources for the project.
- Councilor Norman asked who owns the land. It is the BHA.
- Councilor Milne asked about abutter notification. Attorney Singer said that it was done. Milne said he heard neighbors were not totally happy with this as far as the condition of the road etc. He will not support the project this evening.
- Councilor Farnham is very familiar with the project. It is in his precinct. He had discussions with some of the neighbors. It is an n.i.m.b.y. factor. We have some beautiful affordable units in West Barnstable in two locations. This is our BHA. They are putting 70% of the property into conversation. He is comfortable with this – it is a good project and it is meritorious. You need special financing to pull this off. Make it as good as you can and it is.
- Councilor Rugo said there are no irate abutters here tonight. There are conditions built in and he would urge support.
- Councilor Crocker asked about the bedrooms. It is one bedroom per 10,000 square feet. We could have had 24 bedrooms at this location. Crocker asked about financing as well.

- Councilor Munafo said CPC approved this. He said the community outcry does not set well. The project has been approved. I would be curious if the CPC could say how the deliberations went. The vote was unanimous according to Sue Rohrbach.

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

VOTE: 12 yes 1 no – (Norman who didn't think everyone's questions were answered).

2010-056 - APPROPRIATE & TRANSFER FROM SET ASIDE-\$350,000 FOR AFFORDABLE HOUSING (11/19/09, 01/21/10)

Upon motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Three hundred and fifty thousand and NO/100 (\$350,000) Dollars be appropriated and transferred from the amount set aside for Affordable Housing in the Community Preservation Fund on June 18, 2009 under agenda item number 2009-129; and that the Town of Barnstable, Growth Management Department is authorized to expend the amount of \$350,000 with the prior approval of the Town Manager for the creation of community housing by development by the Barnstable Housing Authority in development of twelve (12) affordable housing rental units on the property located at 70 Stage Coach Road, Centerville located on map / parcel 173 / 026, contiguous to 151 Oak Street, Map and Parcel 173 / 014, to be bound by an affordable housing restriction, easements or other security on behalf of the Town.

VOTE: Roll Call 12 Yes 1 No (Milne)

2010-065 AMEND THE ADMINISTRATIVE CODE BY ADDING SECTION 241-45.2 RENEWABLE ENERGY COMMISSION – (12/02/09, 01/21/10)

Manager Klimm gave the rationale and history behind the proposed energy commission. He said he had received inquiries as to where to go for information on these types of matters. He also feels that it makes sense and he also has had individuals come forward who wish to serve on this commission. Richard Elrick was present to answer questions as well.

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing item 2010-065.

VOTE: Unanimous in favor

No comments.

Upon motion duly made and seconded it was voted to go out of the public hearing.

VOTE: Unanimous in favor

- ◆ Councilor Canedy asked if they could get 9 members. President Chirigotis said there is good interest and he does not see a problem. It will be a council committee. Manager Klimm said the green team in town works on town buildings. This would be a community committee to provide educational assistance to residents and businesses. Canedy asked what happens when the grant runs out. Klimm said he has no expectation for a new town position. Richard Elrick said there are other committees in other towns that have no town staff behind them.

- ◆ Councilor Norman said we have about 30 committees and we have many vacancies. I don't think we need another layer of a committee or another layer of bureaucracy. There is plenty of information out there. We lost Packaging Industries due to an issue that was later found to be incorrect.
- ◆ Councilor Milne said we need to reduce dependence upon foreign fuels. Hopes everyone can support this.
- ◆ Councilor Munafo noted that it is an advisory board and is responsible to the council and town manager. He does not feel it needs to be responsible back to the manager. He would like to see stricken "and the town manager" in section 2 – this was made a motion and seconded.
- ◆ Councilor Farnham said this is standard language in most of the code and he feels it should stay. Klimm said to form a committee and strike their ability to be able to interact with the manager he does not feel is right. He would hope the amendment does not pass.
- ◆ Councilor Barton noted that there was a special interest for an Agriculture Committee and the council added such a committee. These were people who wanted to have this, had great ideas and wanted to contribute.
- ◆ Councilor Norman asked if we are discussing the amendment. (Yes was the response).
- ◆ Councilor Milne said maybe you need to put the whole administrative code on the line. It is boiler plate.

A motion was made and seconded to move the amendment.

VOTE: Unanimous in favor of moving the amendment.

VOTE ON THE AMENDMENT to change C1 and 2.

VOTE: 1 in favor (Munafo), 12 No.

A motion was made and seconded to move the question.

VOTE: Unanimous in favor of moving

**2010-065 AMEND THE ADMINISTRATIVE CODE BY ADDING SECTION 241-45.2
RENEWABLE ENERGY COMMISSION – (12/02/09, 01/21/10)**

Upon motion duly made and seconded it was

ORDERED: That Chapter 241 of the Town's Code be amended by adding the following new section creating a standing Renewable Energy Commission.

241-45.2 Renewable Energy Commission

Mission: The mission of the Barnstable Renewable Energy Commission is to promote energy conservation, energy efficiency, the development of renewable energy, and explore other ways to reduce carbon emissions among the town's residents, businesses, and in municipal affairs. These goals will be accomplished through educational activities and programs

designed to encourage stakeholders to evaluate to their energy use and to consider renewable energy alternatives.

A. Establishment and term of office. There shall be a Barnstable Renewable Energy Commission consisting of nine members who shall be appointed by the Town Council. The Commission members may be selected from the following categories: local utility, state and federal officials, construction managers, architects and engineers, electricians and any other residents with an interest or background in renewable energy or energy conservation.

Members of the Renewable Energy Commission shall serve for terms of three years, so arranged that an equal number as possible shall expire each year. All members are required to be registered to vote and reside in the town.

(1) **Officers:** The Commission shall elect the following officers annually at the first meeting of the group after the scheduled appointments:

(a.) Chairperson shall preside at all meetings of the Commission and when he or she is present and shall direct the work of the committee. The chair may appoint annually chairs of any sub committees from the membership as approved by the Commission. The chair shall submit a brief annual report to the town council and the town manager for publication in the annual report of the town. The chair shall ensure continuing liaison between the Commission and the Town Council and all other appropriate town departments, committees and commissions.

(b.) Vice chairperson shall assume all duties and powers in the absence of the chairperson.

(c.) Clerk shall keep minutes of all meetings and proceedings of the Commission and record any action taken. Clerk shall post notices of Commission meetings and give notice to members when necessary.

(2) **Meetings:** The Commission's meetings shall be open to the public, and be held at a regular time and place when possible. The time and place of each meeting shall be posted at Town Hall. All records and minutes of any Commission meeting or action shall be filed with the Town Clerk and be available to the public. Five members shall constitute a quorum. Members shall make every effort to attend all meetings and perform such duties as are assigned. Any member unable to attend a meeting shall notify an officer of the Commission.

B. Authorities and responsibilities. The Renewable Energy Commission will be a standing committee serving as an advisory board to the Town Council and the Town Manager. The Commission's charge is to:

Study and recommend viable methods for achieving energy conservation and for utilizing renewable sources of energy within the town.

- Provide assistance/education and outreach to residents on how individuals, families and businesses can implement renewable energy and conservation efficiency measures in their homes, businesses and daily lives.
- Promote energy efficiency programs available through the Cape Light Compact in residential and commercial sectors.

- Undertake, and update yearly, a town-wide Energy Audit and inventory of energy and Greenhouse Gas emissions for the town and the setting of goals for energy and emissions reductions.
- Review Town ordinances to promote energy conservation and renewable energy use.
- Make recommendations to and cooperate and communicate with Town officials, boards and commissions as well as public and private groups with similar concerns, and with the appropriate agencies of the state, regional, and federal governments.
- Draft an Energy and Climate Action Plan.
- Facilitate the implementation of the goals of the Barnstable Energy and Climate Action Plan to ensure that the savings potential possible through energy efficiency and renewable energy technologies are achieved.

C. Interrelationships. The Renewable Energy Commission will work in cooperation with other Town Boards and Committees, as well as with Town employees, in carrying out its mission and responsibilities. The Commission will also seek the cooperation and assistance of relevant governmental agencies, non-profit organizations, businesses and the general public.

(1) Town Council: The Commission shall meet at least annually with the Town Council to apprise the Town Council of issues pertaining to energy conservation and renewable energy.

(2) Town Manager: The Commission meets as necessary with the Town Manager and all municipal departments and/or other administrative staff in order to effectuate accomplishment of its mission.

(3) Other boards: The Commission meets as necessary with any multiple-member body of the Town to effectuate accomplishment of its mission.

D. All members shall serve without compensation.

VOTE: Roll Call 10 Yes, 3 No (Farnham, Munafo, Norman)

Councilor Farnham reminded everyone that the standard procedure for all new committees is that at their one year anniversary they are to report back to the council. Councilor Milne suggested that we openly advertise for members.

B. NEW BUSINESS

2010-080 APPROPRIATE & TRANSFER \$1,300,000 TO REPLACE HEATING SYSTEM AT BARNSTABLE COMMUNITY HORACE MANN CHARTER PUBLIC SCHOOL. (01/21/10)

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on Feb. 4, 2010.

VOTE: Unanimous in favor

TOWN MANAGER COMMUNICATIONS

Manager Klimm announced that the Barnstable bulkhead bids came in and we will report back as soon as they have been reviewed and evaluated.

We are also in the middle of an operational audit of the finance system. Tomorrow and Saturday he and others will be attending the annual MMA meeting.

ADJOURNMENT

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

ADJOURNED: at 9:48 p.m.

Respectfully submitted:

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

NEXT MEETING: February 4th