

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
May 6, 2010**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:00 PM, on Thursday, May 6, 2010, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

PRESENT: 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 and James M. Tinsley, Jr. **Absent:** Richard Barry.

President Chirigotis led the Council in the Pledge of Allegiance and a moment of silence given by Councilor Joakim on the unexpected passing of Jim Moore, a member of the Survey Section of the DPW.

Martin J. Flynn Scholarship Awards

Len Gobeil, member of the Martin J. Flynn Scholarship Committee introduced the other members: Nancy Vecchione, Deborah Hill, Jan Cligott, John Marsden, and Town Manager, John Klimm. The following students were awarded scholarships: Daniel Anthony, Stephanie Beels, Ericka Drucker, Emilie Friary, Katrina Malakhoff, Mackenzie Milne, Shannon Pacella, Taylor Perkins, Samantha Santos, Benjamin Cohen, Elizabeth Kearney and Caitlin Mooney. (See Exhibit A) Several parents accepted on behalf of their children, who were at college or involved in a school activity at the high school.

PUBLIC COMMENT

Milton Berglund spoke about options for a fair financing plan for wastewater management. He would like to avoid sectional divisions in the management of wastewater. He feels a true plan is still under development. Use of a trust fund not restricted to 20 year life could include benefits for all residents after the five critical areas are addressed.

Alan Burt thanked Councilor Barton for her help with the overnight program. This helps place about 50 homeless people into permanent housing every year. It is more than a shelter program – it gets people into housing throughout the Cape.

Al Baker mentioned a successful and sunny River Day and a sign-up at Burgess Park. He also announced the upcoming dates of the COMM Fire District's information night, election and annual meeting. Homeless programs should not be stopped due to politics and bureaucracy.

Ed Merigan is the new Veterans Services Director. He said he was filling "big shoes" and will try to keep up with Sid Chase's traditions.

COUNCILOR RESPONSE

Councilor Milne thanked Mr. Merigan for organizing a fine farewell retirement party for outgoing Sid Chase.

Councilor Dagwan said it is always nice to see students from the school system receiving scholarships.

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to accept the minutes of April 15, 2010.

VOTE: Unanimous

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

Councilor Canedy offered condolences to the family of Candy Jenkins, who passed away in an untimely fashion. Her expertise and vibrant personality will be missed.

Councilor Barton said River Day was wonderful. Alan Burt personifies a Gandhi phrase: “the change you want to see in the world”. Jennifer L. Cullum, owner of the Sea St. Market, was awarded the Unsung Heroine Award. Barton thanked the Chief of Police for running the recent unwanted prescription pill drop-off event. Chief Paul MacDonald reported that almost 170 people stopped in with prescriptions to discard. It was a huge success. MacDonald is trying to coordinate among the Cape towns to have one event quarterly. Unwanted drugs can be brought in anytime. Councilor Canedy pointed out that pills can be crushed in a plastic bag and brought to the dump for incineration.

Councilor Joakim spoke about the Council on Aging Volunteer Tea and thanked all the volunteers.

Councilor Milne said that the Commonwealth of Mass., the DEP and the Cape Cod Water Collaborative were holding a forum on implementing wastewater solutions. He also addressed a safety problem at High School Road and South Street suggesting possibly installing a stop sign in lieu of a traffic light.

Councilor Munafo said the noise at the West Main St. pump station was a disruption and he thanked all the residents for putting up with it. DPW Director Mark Ells explained that the work began the last day of school prior to the vacation to obtain feedback on the noise level so it could be addressed before school was back in session. The vibration sheet has been completed.

Councilor Canedy gave an update on the bulkhead at Barnstable Harbor. Construction will begin after May 17th and continue through Thanksgiving. This too will be noisy.

Councilor Barton spoke of the community pride in Siobhan Magnus as well as the recognition of the McKenzie Brothers Construction Company, Builder of the Green Home of the Year.

ORDERS OF THE DAY

OLD BUSINESS

2010-087 ESTABLISH A DESIGNATED GIFE ACCOUNT FOR HYCC

Manager Klimm gave the rationale.

Councilor Milne supports this effort. He asked how the entire building naming rights would work given that the building already has a name and sign. Manager Klimm said for a significant contribution the donor’s name would go before the HYCC. Director of Community Services, Lynne Poyant, said the name element (HYCC) would not be lost. A corporate or personal name would go before HYCC. As for the term of the naming right, Poyant added that a marketing expert researched to see what were appropriate terms. There are many examples of corporate names on venues. Naming rights are no longer in perpetuity.

Councilor Crocker asked how many times the fund could be revisited; it could be more than once a year. Councilor Farnham suggested that the website would be a nice way to recognize those who are due credit. Director Poyant said it would be difficult to give credit for federal and state funding to other sources. Many people were active in getting the funding,

A motion was duly made and seconded to move the question.

VOTE: Unanimous

2010-087 ESTABLISH A DESIGNATED GIFE ACCOUNT FOR HYCC

Upon a motion duly made and seconded it was

RESOLVED that, the Town Council, pursuant to the provisions of G.L. c. 44 §53A, hereby authorizes the establishment of a gift account to segregate from other operating revenue of the Hyannis Youth & Community Center; all contributions and other gifts received for the benefit of the Hyannis Youth & Community Center, including those associated with naming rights, for future capital and operating needs subject to the Town Manager’s recommendation and Town Council appropriation.

VOTE: Unanimous

2010-108 APPROPRIATION & LOAN - \$250,000 CAPITAL TRUST FUND CIP-REPAIRS TO BARNSTABLE WEST BARNSTABLE & CENTERVILLE ELEMENTARY SCHOOL PARKING LOTS

Upon a motion duly made and seconded a public hearing was opened at 7:58 PM.

VOTE: No objection

John Klimm gave the rationale.

Also present were: Thomas Macdonald, School Committee; Tony Lacina, School Facilities Manager; Bill Butler, School Attorney; Ann Marie Ellis, Assistant Finance Director; and Marie McKay, Assistant Superintendent.

Upon a motion duly made and seconded the public hearing was closed at 7:50 PM.

VOTE: No objections

A motion was duly made and seconded to move the question.

VOTE: 11 Yes, 1 No (Milne)

2010-108 APPROPRIATION & LOAN - \$250,000 CAPITAL TRUST FUND CIP-REPAIRS TO BARNSTABLE WEST BARNSTABLE & CENTERVILLE ELEMENTARY SCHOOL PARKING LOTS

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding repairs to the Barnstable West Barnstable and Centerville Elementary schools parking lots as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the School Committee is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-109 APPROPRIATION & LOAN - \$680,000 CAPITAL TRUST FUND CIP-SCHOOL BUILDING IMPROVEMENTS & EQUIPMENT UPGRADES

Manager Klimm gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 8:00PM.

VOTE: no objections

Upon a motion duly made and seconded the public hearing was closed at 8:00 PM.

VOTE: no objections

Assistant Superintendent McKay spoke in support of the requested improvements.

Tony Lacina Facilities Director said he formulated a true long-term facilities plan – outlining both current and future needs with a time-line. Capital needs will now be predictable.

Councilor Munafo questioned the bonding. Finance Director Milne said the terms will depend on the project and will average about 10 years. Councilor Canedy requested a copy of the facilities plan. Councilor Crocker asked about the long term borrowing. Director Milne said he tries to capture long term interest rates when they are low. The market is predicting a rise in interest rates in next 12 months. Crocker likes the strategy. Councilor Milne asked if there were estimates on how using energy efficient windows will reduce the energy costs. Lacina said that currently the windows are not energy efficient; there will be significant savings and added security. Councilor Norman asked if the town receives any energy rebates from upgrading. There may be a rebate from Cape Cod Compact. Councilor Barton said the time and energy spent is appreciated.

A motion was duly made and seconded to move the question.

VOTE: Unanimous

2010-109 APPROPRIATION & LOAN - \$680,000 CAPITAL TRUST FUND CIP-SCHOOL BUILDING IMPROVEMENTS & EQUIPMENT UPGRADES

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$680,000** be appropriated for the purpose of funding school building improvements and equipment upgrades as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$680,000**, and that the School Committee is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-117 GIFT ACCEPTANCE OF \$1,670 FROM DAVID C. PINA & ROBERT MAFFEI TO PURCHASE A WISHING WELL FOR HYCC

Manager Klimm gave the rationale. He thanked Mr. Pina and Mr. Maffei.

Councilor Crocker said it was a great legacy from two who have been committed to their neighborhoods. Councilor Dagwan thought this particular contribution was a wonderful idea.

A motion was duly made and seconded to move the question.

VOTE: Unanimous

2010-117 GIFT ACCEPTANCE OF \$1,670 FROM DAVID C. PINA & ROBERT MAFFEI TO PURCHASE A WISHING WELL FOR HYCC

Upon a motion duly made and seconded it was

RESOLVED, That the Town Council does hereby accept a gift in the amount of \$1,670.00 from David C. Pina II and Robert Maffei to be used by the Barnstable Recreation Division for the purchase of a spiral wishing well to be located within the Hyannis Youth and Community Center.

VOTE: Unanimous

2010-121 APPROPRIATION OF \$10,000 COMMUNITY PRESERVATION FUNDS

Upon a motion duly made and seconded a public hearing was opened at 8:14 PM.

VOTE: no objections

Manager Klimm gave the rationale.

Upon a motion duly made and seconded the public hearing was closed at 8:15 PM.

VOTE:

Councilor Canedy has supported this and asked for a history as well as a breakdown of the funding sources.

Lindsay Counsel gave the history and said the committee determined what it could allocate for this – landscaping and fencing. This will complete the physical aspects of the park.

Susanne Powers became involved in this project when a grandmother said her grandchild who was disabled had no playground to use. She researched boundless playgrounds and began an awareness campaign to let people know the need. She is grateful that the CPC could come up with funding for the landscaping/fencing. Councilor Canedy asked about the projected completion. The parking areas are not ready but they have received interest from construction companies to complete that aspect. Councilor Crocker had questions on the real estate – in return for the funding. President Chirigotis said the town already voted to allow the use of the land. Crocker questioned the use of CPA funds for capital improvements of the town. Attorney David Houghton said the land is a long-term leased municipal property, so the town can actually spend on improvements. Councilor Norman asked for a description of the fence. He has a child with autism. Powers explained that the playground has specific areas for autistic children where they can be quiet. The fencing will be safe and prevent bolting. Councilor Barton said all children will be welcomed. The area can also be used by parents or grandparents with physical limitations.

A motion was duly made and seconded to move the question.

VOTE: Unanimous

2010-121 APPROPRIATION OF \$10,000 COMMUNITY PRESERVATION FUNDS OPEN SPACE & RECREATION

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of up to Ten thousand dollars and no/100 (\$10,000.00) be appropriated and transferred from the amount set aside for Open Space / Recreation in the Community Preservation Fund on June 18, 2009 under agenda item 2009-129; and that the Community Preservation staff in the Growth Management Department are authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the creation of a recreational facility known as Luke's Love – A Boundless Playground located at 2377 Meetinghouse Way, West Barnstable as shown on Map / Parcel 155 / 002 and 155 / 040. The project consists of landscaping and site work.

VOTE: Unanimous (roll call)

Alicia Parker Stanley, Property Management Coordinator, said that in celebration of AmeriCorps Week in the Town of Barnstable, AmeriCorps Cape Cod and the Town will be creating a Coastal Mitigation Nursery to raise beach-grass on a town-owned vacant parking lot on Craigville Beach Road, the former Suni Sands Motel lot. This will save money in the long run and Ms. Stanley is looking for volunteers. Councilor Canedy asked if the replanting of the beach-grass could be coordinated with phragmites removal. That is part of the plan.

Manager Klimm added that it is a big deal to be named an AmeriCorps project. Another AmeriCorps project for seniors took place this week in conjunction with HAC where 22 citizens participated. He thanked AmeriCorps.

NEW BUSINESS

**2010-122 AMENDMENT TO CHAPTER 240 ARTICLE III OF THE ZONING ORDINANCE
ADDING MARSTONS MILLS VILLAGE DISTRICT**

Upon a motion duly made and seconded this item was referred to the Planning Board for a public hearing.

VOTE: Unanimous

**2010-123 AMENDMENT TO CHAPTER 240 OF THE ZONING ORDINANCE – SIGN
REGULATIONS**

Upon a motion duly made and seconded this item was referred to the Planning Board for a public hearing.

VOTE: Unanimous

**2010-124 REAPPOINTMENTS TO THE AFFORDABLE HOUSING/GROWTH &
DEVELOPMENT TRUST FUND BOARD**

Klimm gave the rationale. There is currently a balance of \$900,000 in the fund.

Councilor Farnham thought it might be nice to know what kind of projects will be considered. Councilor Canedy asked if the Town Council approves the use of the funds. Klimm explained that the Board has the authority to appropriate these; it is a trust fund.

A motion was duly made and seconded to move the question.

VOTE: Unanimous

**2010-124 REAPPOINTMENTS TO THE AFFORDABLE HOUSING/GROWTH &
DEVELOPMENT TRUST FUND BOARD**

Upon a motion duly made and seconded it was

ORDERED: That the Town Manager hereby reappoints the following individuals to serve as Trustees of the Affordable Housing/Growth and Development Trust Fund Board, pursuant to the provisions of M.G.L. c. 44 §55C and subject to confirmation by the Town Council:

Thomas Lynch, 95 Phinney’s Lane, Centerville, MA, to a term expiring 06/30/2011

Mark Milne, 606 River Road, Marstons Mills, MA, to a term expiring 06/30/2011

Laura Shufelt, 1696 Osterville-West Barnstable Road, W. Barnstable, MA, to a term expiring 03/31/2012

Wendy Northcross, 1684 Main Street, West Barnstable, MA, to a term expiring 03/31/2012

VOTE: 11 Yes, 1 No (Canedy)

2010-125 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

A motion was duly made and seconded to amend the Council On Aging appointee, Susan Brodrick, by changing her position from associate member to member.

VOTE: Unanimous

A motion was duly made and seconded to suspend the rules and vote on this item this evening.

VOTE: Unanimous

A motion was duly made and seconded to move the question on this item as amended.

VOTE: Unanimous

2010-125 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

Upon a motion duly made and seconded it was

RESOLVED, that the Town appoint the following individuals to a multiple-member board/committee/commission:

CULTURAL COUNCIL

Lucy Loomis, 645 Skunknet Road, Centerville, as member to a term expiring 6/30/13

Rebecca Lawrence, 157 Pond View Drive, Centerville, as a member to a term expiring 6/30/13

COUNCIL ON AGING

Suzanne Broderick, 170 Gleneagle Drive, Centerville, as a member to a term expiring 6/30/13

VOTE: Unanimous

2010-145 GRANT ACCEPTANCE- \$42,000 FROM EXEC. OFFICE OF PUBLIC SAFETY

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council hereby accepts a grant to the Town of Barnstable Police Department in the amount of \$42,000 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security.

Chief Macdonald gave the rationale.

Councilor Farnham asked about the grant covering a 20 hr./wk. position. Macdonald explained that the position was already half-time and the grant will make it full-time.

VOTE: Unanimous

LATE FILE

2010-146 AUTHORIZING THE TOWN MANAGER TO ACQUIRE EASEMENTS

Upon a motion duly made and seconded this item was moved to a second reading on May 20, 2010.

VOTE: Unanimous

Councilor Crocker suggested sending a notice to all the condo members. The easement is already agreed upon. It was suggested that their attorney be contacted and the notice go through the trustees.

Upon a motion duly made and seconded it was voted to enter into executive session at 8:50 PM for the purpose of discussing litigation strategy and not return to open session.

VOTE: 11 Yes, 1 No (Roll Call: Janice Barton Y, Ann Canedy Y, Frederick Chirigotis Y, James Crocker, Jr. Y, Debra Dagwan Y, Henry Farnham Y, Janet Joakim Y, J. Gregory Milne Y, James Munafa, Jr. Y, John Norman Y, Thomas Rugo Y, James M. Tinsley, Jr. N)

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk