



TOWN COUNCIL MEETING June 2, 2011

A quorum being duly present, Council President Frederick Chirigotis called the June 2, 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, 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

Wolfgang Fatler from West Barnstable looked at the Town Report and was amazed at all the volunteers who worked at making this community better. The organizational chart shows the citizens of the town at the top of the chart with the authority. He wonders what his dog gets for his \$7.00 license.

Al Baker from Marstons Mills announced the COMM meeting on the 9th where they will be voting on going to the legislature for permission to help support the libraries through district taxation. He said to look at supporting the bottle bill.

Robert Tucker from Hyannis said the property he addressed before is getting cleaned up. He wants to get a response on a person who hit someone and skipped the country. The tornados – we need to get prepared for them.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Milne has read the interpretation on public comment and the changes to the open meeting law. It may be wise to get words from the Town Attorney. President Chirigotis suggested a later date. Milne said the fire districts can adopt the libraries, and he explained the process.

Councilor Canedy asked the Chief of Police if the planned early warning system was now operable. Chief Paul McDonald said we have had an operational reverse 911 system since April 2011. It would take 7 minutes to contact everyone in town.

Councilor Munafo recognized that the National Guard was called out and many were not doing anything. What would be our process? McDonald said we have mutual aid and then a chain would go up through the State police, the Governor and National Guard. He would be in charge.

Councilor Barry spoke with Rep. David Vieira about having the districts be involved with Prop 2 ½. Budgets are going up. We might want to discuss it. In Cotuit we gave \$13,000 to the library through our district taxes.

Falmouth Board of Selectmen Presentation

Councilor Milne introduced Chairman Brent Putnam from the Falmouth Board of Selectmen. Since Falmouth lost the Thanksgiving Day football game to Barnstable the Chairman Putnam brought a bushel of Sippewissett Oysters. He offered apologies for the lateness but assured the Councilors that they were freshly dug. President Chirigotis shook hands with Chairman Putnam and thanked him.

ACT ON MINUTES (Includes Executive Session)

Upon motion duly made and seconded it was requested to continue the review of the May 19, 2011 minutes to June 16, 2011.

VOTE: 10 yes, 1 no (Farnham) and 1 abstain (Tinsley).

Councilor Farnham reminded everyone about the successful and fun Father's Day Car show on Main Street. So far over 225 cars are pre-registered. Contact Hyannis Area Chamber of Commerce if interested in placing a car in the show.

Councilor Tinsley apologized for not being present at the last couple of meetings. He encouraged attendance at the Car Show.

Vice President Barton congratulated a couple of residents, Colleen Kohl received the Unsung Heroine Award for Barnstable Citizens. She has sponsored the Glenna Kohl Fund in honor of her daughter. Another lady, Pam Dunmeyer received the United Peace builders Award. Pam organizes neighborhood food drives and gives what she receives to the food pantries. Barton thanked these people for doing things without expecting recognition.

Councilor Canedy congratulated Sue French for being the 10th Mercy Otis Warren woman of the year. She volunteers in many arenas in the town and has been one of the organizers for the Citizens Academy. She also said that she and Councilor Milne attended the memorial for Margaret Laber, Cape Cod Mosquito Control, who will be missed.

Councilor Dagwan recognized two winners of NAACP awards, Ben Pogue and Mark Thompson Jr. She also was appreciative of help that she received in getting a ramp built for a wheelchair. She thanked not only the individuals who built it, but the companies that donated the materials for its construction. The Hyannis Civic Association has been meeting and talking about what is great about Hyannis. There are five challenges and will work on them. Landlords and rental regulations, drugs, crime and violence, stronger community support for kids, looking for mentors, marketing Hyannis, and neighborhood businesses and street people. Each of those has a task force.

Town Council Executive Session Review Committee Report

Councilor Munafo, chair of the Sub-committee on Executive Sessions, said that we are down to our last three sets of minutes. We still have another batch to be released so he asked if it would be possible to wait until the meeting of June 16th, to allow for review.

Councilor Milne gave kudos on the harbor village pump station – it is classy and looks nice. He noted that Hudson Sealy received the JFK scholarship. Milne also announced that Councilor Dagwan is the incoming Secretary for the Selectmen and Councilors Association. He also said that the Solar Sub Committee is nearing the end of their work. President Chirigotis suggested we could have a first reading at a special meeting and have a workshop on the solar sub-committee’s report. It was set for June 9.

Councilor Tinsley announced that four women graduated from Simmons College from BHS and one was his daughter.

ORDERS OF THE DAY
A. OLD BUSINESS

2011-101 APPROPRIATE \$1,500 CPC FUNDS FOR PRESERVATION & HISTORIC RESOURCES INTRO: 5/5/11, 6/2/11

Councilor Norman read the item into the record.

Town Manager Klimm gave the rationale as printed in the agenda.

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

VOTE: Unanimous consent

Kevin Galvin, the President of the Historical Society said they were looking forward to digitizing and preserving these records.

Councilor Canedy asked how the \$1500 would be used. Galvin said that it will buy a fireproof file cabinet and will purchase other needed archival items. COMM is doing them a favor and housing the records.

Al Baker said that Kevin Galvin has done a tremendous job putting this together and it is greatly appreciated.

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

VOTE: Unanimous consent

Councilor Munafo made an amendment, which was seconded, to change the location so it reads “ to be house in a fire proof safe, available for viewing by the public at the Centerville-Osterville-Marstons Mills Fire Department Headquarters located at 1875 Falmouth Road, Centerville.”

VOTE: Unanimous approval

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

VOTE: Unanimous consent

Upon motion duly made and seconded it was

ORDERED: That pursuant to the provisions of G.L. c. 44B, the sum of One Thousand Five Hundred Dollars and No/100 (\$1,500.00) be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund on June 17, 2010

under agenda item number 2010-149; and that the Town Manager is authorized to contract for and expend the amount appropriated for the preservation of historic resources consisting of the Marstons Mills Village records to be housed in a fire proof safe, available for viewing by the public on-line and at the Centerville-Osterville-Marstons Mills Fire Department Headquarters located at 1875 Falmouth Road, Centerville and will be available for viewing on the Marstons Mills Historical Society website..

The total amount appropriated is subject to oversight of the project expenses by the Community Preservation Committee.

VOTE: Roll Call – 12 yes

2011-102 APPROPRIATE \$8,000 CPC FUNDS FOR PRESERVATION & HISTORIC RESOURCES – ICE HOUSE, COTUIT - INTRO: 5/5/11, 6/2/11

This item was read into the record by Councilor Barry.

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

VOTE: Unanimous consent

Town Manager Klimm gave the rationale (Exhibit A is a copy of the grant request). This ice house needs restoration and would on display for future generations.

Joyce Ginouves from the Historic Society of Cotuit said they were gifted with the ice house. It needs more work. It is a very historic building. She hopes that the council will support this. Jessica Rapp Grasseti sent a message to Councilor Barry that was read by Joyce and is attached as Exhibit B.

Robert Tucker worked for Ocean Spray in Harwich. This is a good thing. He remembers the ice house in Chatham

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

VOTE: Unanimous consent

Councilor Canedy asked for “Ice House”, Cotuit to be added to the title of the item. It was made into a motion and seconded.

VOTE: Unanimous in favor.

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

VOTE: Unanimous consent

Upon motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Eight Thousand and No/100 (\$8,000.00) Dollars be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund on June 17, 2010 under agenda item number 2010-149; and that the Town Manager is authorized to contract for and expend the amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for repairs including; strip and replace existing roof shingles, install new siding and lace corners, reconstruct the block and pulley, and stain the exterior to the

original color of white for preservation of the historic structure commonly known as the "Ice House" managed by the Historical Society of Santuit and Cotuit located at 1148 Main Street, Cotuit, MA having map and parcel number 034-051, to be secured by a historic restriction on behalf of the Town of Barnstable.

VOTE: Roll Call – 11 Yes 1 No (Norman)

2011-103 APPROPRIATE \$75,300 CPC FUNDS FOR PRESERVATION & HISTORIC RESOURCES – STURGIS LIBRARY, BARNSTABLE – INTRO: 5/5/11, 6/2/11
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Councilor Canedy read this item into the record and asked for a vote, which was seconded, to amend the title to include: Sturgis Library Barnstable.

VOTE: Unanimous

Town Manager Klimm gave the rationale on the repairs to the library. A restriction will be placed on this parcel.

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

VOTE: Unanimous consent

Dan Santos from the Sturgis Board of Trustees said they have evaluated this building which is the oldest library building in the United States – it dates back to 1644. This is an important project. He gave a power point presentation (Exhibit C) on what they did to come up with a program to keep the building continuing safely.

He explained they need help on the roof, drainage, in the vault, masonry and the total project will cost \$550,000. They have, however through grants and fund raising raised most of the money for the project.

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

VOTE: Unanimous consent

Councilor Canedy said this library has sought other means of financing, they have received other grants. They sought CPC as part of funding and as last resort, which in her opinion is how CPC funds should be leveraged.

Councilor Tinsley said this is what he thinks of when he thinks of what these funds should go to.

Councilor Milne echoed sentiments.

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

VOTE: Unanimous consent

Upon motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Seventy Five Thousand Three Hundred dollars and No/100 (\$75,300.00) Dollars be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund on June 17, 2010 under agenda item number 2010-149; and that the Town Manager is

authorized to contract for and expend the amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the extraordinary repairs to the brick masonry, asphalt shingle roofing, exterior drainage and the archival vault of the historic structure and resource at and in the Sturgis Public Library located at 3090 Main Street, Barnstable, MA having map and parcel number 276-036, to be secured by a historic restriction on behalf of the Town of Barnstable.

VOTE: Roll Call 12 yes 1 no (Norman)

Brief recess back in session at 8:20 p.m.

2011-118 APPROPRIATION ORDER - \$341,033 FY12 TOWN COUNCIL DEPT. BUDGET – INTRO: 5/5/11, 5/19/11, 6/2/11

Councilor Tinsley moved and opened above item as written

Finance Director Mark Milne explained the costs. It is about a \$2,000 drop in costs.

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

Councilor Milne said we spoke to having 1.5 people instead of 2.0 and what happened. President Chirigotis said we need to hire an administrator and do a job description. This is the budget and we did not restrict the budget. The staffing decisions will be made by the councilors. Pres. Chirigotis wants to hire the Council Administrator and they need a committee to do it. He appointed Councilors: Farnham, Joakim, Rugo, Canedy and Barton to meet and set the parameters. Finance does not tell us what to do with our money. Councilor Milne thinks it is a good idea but asked what is the timetable. Chirigotis said the committee should be able to decide that.

Councilor Canedy asked President Chirigotis if he could appoint an interim chair. We need someone to get it going. President Chirigotis appointed Vice President Barton as interim chair.

Councilor Farnham said it would be helpful to prior to the establishment of the budget to give thoughts in January as to events, or staff or auditing functions. He would like to recommend that for next year.

Councilor Milne asked if internally the old way in which councilors were funded to go to the MMA could be brought back. He said now it discourages attendance.

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

VOTE: Unanimous consent

Upon motion duly made and seconded it was

ORDERED: That the sum of **\$341,033** be raised and appropriated for the purpose of funding the Town's FY 2012 **Town Council** budget as presented to the Town Council by the Town Manager.

VOTE: Roll Call 13 Yes

2011-119 APPROPRIATION ORDER - \$573,820 FY12 TOWN MANAGER DEPT. BUDGET – INTRO: 5/5/11, 5/19/11, 6/2/11

Councilor Munafo read this item into the record

Town Manager Klimm said his budget is level funded. We have cut staffing over the years and he has not taken cost of living increases even though it is in his contract.

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

Upon motion duly made and seconded it was

ORDERED: That the sum of **\$573,820** be raised and appropriated for the purpose of funding the Town's FY 2012 **Town Manager** budget as presented to the Town Council by the Town Manager.

VOTE: Roll Call - 13 yes

2011-121 APPROPRIATION ORDER - \$10,390,994 FY12 GENERAL FUND DEBT SERVICE BUDGET – INTRO: 5/5/11, 5/19/11, 6/2/11

Councilor Canedy read the item in to the record.

The Finance Director gave the rationale on this item as written

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

Upon motion duly made and seconded it was

ORDERED: That the sum of **\$10,390,994** be appropriated for the purpose of funding the Town's FY 2012 **General Fund Debt Service** budget, and to meet such appropriation, that **\$5,395,366** be raised from current year revenue, **\$69,873** be transferred from the

Embarkation Fee Special Revenue Fund, **\$60,373** be transferred from the Bismore Park Special Revenue Fund, and **\$4,865,382** be transferred from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

VOTE: Roll Call 13 yes

2011-122 APPROPRIATION ORDER - \$10,158,991 FY12 EMPLOYEE BENEFITS & INSURANCE BUDGET – INTRO: 5/5/11, 5/19/11, 6/2/11

Councilor Crocker read the item into the record.

Finance Director Milne gave the rationale.

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

Councilor Norman asked about the insurance. He asked if there are individual areas such as municipal vehicles that could be packaged into one lump and possibly be self-insured. Mark Milne said they have recently gone out for bid, and some may have a greater portion of higher risk and lower premiums. It will be interesting to see what we get.

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

VOTE: Unanimous consent

Upon motion duly made and seconded it was

ORDERED: That the sum of **\$10,158,991** be appropriated for the purpose of funding the Town's FY 2012 **Employee Benefits & Insurance** budget, and to meet such appropriation, that **\$9,627,991** be raised from current year revenue, **\$331,000** be transferred from the Pension Reserve Trust Fund, and **\$200,000** be transferred from the general fund savings account, as presented to the Town Council by the Town Manager.

VOTE: Roll Call – 13 yes

2011-125 APPROPRIATION ORDER - \$3,284,491 FY12 ASSESSMENTS BUDGET INTRO: 5/5/11, 5/19/11, 6/2/11
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Councilor Farnham read this item into the record.

Finance Director Mark Milne explained that this is for the assessments for the school and veterans. It was noted that the regional school district assessment is less due to lower enrollment.

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

Councilor Munafo said the word school is missing “school and veterans”. However, it appears as if there is a huge list. In the future he would like to have this item be more descriptive like including the details on page 328.

Councilor Tinsley said the chart does not add up to the correct amount. Milne said some things are not appropriated because we have to pay them by State law.

Councilor Rugo asked about the regional school. Milne said we appropriate less because there are fewer enrollments. Rugo noted that the charter schools have gone up.

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

VOTE: Unanimous consent

Upon motion duly made and seconded it was

ORDERED: That the sum of **\$3,284,491** be raised and appropriated for the purpose of funding the Town’s FY 2012 Assessments budget, as presented to the Town Council by the Town Manager.

VOTE: Roll Call – 13 yes

2011-133 was taken out of order.

<p>2011-133 ACCEPTANCE OF MGL C.32B §18A MEDICARE EXTENSION PLANS; MANDATORY TRANSFER OF RETIREES – INTRO: 5/5/11, 6/2/11</p>
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Councilor Milne read it into the record.

Finance Director Mark Milne asked if we could deal with 132 as well. Councilor Chirigotis agreed. Milne said all future retirees will enroll in Medicare. The retirees will save money for themselves and the town.

Councilor Rugo asked how it will save. Milne said traditional insurance is about \$200 a week – but with Medicare they will have a gap insurance Medex which will cost much less than \$200. Milne said budgets are being presented with this plan.

Councilor Munafo asked if there are hiccups. Milne said 95% of our employees enroll in Medicare and the gap insurance works.

Councilor Farnham said some current retirees are not enrolled in this program. He suggested possibly offering a one time buyout to get them to flip over for the long term.

Councilor Barry said if someone gets in an accident or a dog bite – Medicare puts a lien on it. I hate these people. It is a mess – I am trying to pay the Federal government money for over a year. To put more people in this system I can’t support it. Medicare is doing a terrible job.

Councilor Rugo said this may be a state law and we will be saving money. Councilor Farnham said there are people in the system on the old plan that is more expensive. It gives you reason to go along with this.

Councilor Crocker asked about what retirees would experience when they retire and what the previously retired would experience. Milne noted that this is moving forward. He thanked Mark for clarifications.

President Chirigotis says anyone who has an accident, Medicare has an automatic lien against that accident. You can have Part A in Illinois and Part B in Maine and it is complicated. There are difficulties with that system.

Councilor Barry says it affects the quality of your benefit. This is the only agency he has tried to give money and it is 8 months later with no success. The last thing that should happen is they should have more people in this system.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED, That Section 18A of chapter 32B of the general laws is hereby accepted.

Chapter 32B, Section 18A. *In a governmental unit that has accepted section 10 and that accepts this section, all retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in Medicare Part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a Medicare extension plan offered by the governmental unit under section 11C or section 16, provided, that the benefits under the plan and Medicare Part A and Part B together shall be of comparable actuarial value to those under the retiree's existing coverage; provided, however, that a retiree or spouse who has a dependent who is not enrolled or eligible to be enrolled in Medicare Part A at no cost shall not be required to transfer to a Medicare extension plan if a transfer requires the retiree or spouse to continue the existing family coverage for the dependent in a plan other than a Medicare extension plan offered by the governmental unit. Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a Medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from a retiree, a retiree's spouse or a retiree's dependent, proof, certified by the federal government, of eligibility or ineligibility for Medicare Part A and Part B coverage. The governmental unit shall pay any Medicare Part B premium penalty assessed by the federal government on the retiree, spouse or dependent as a result of enrollment in Medicare Part B at the time of transfer. For the purpose of this paragraph, "retiree" shall mean a person who retires after the acceptance of this section by a governmental unit.*

A retiree who retires prior to the acceptance of this section by a governmental unit, his spouse and dependent shall continue to be eligible for benefits provided under this chapter, but may opt to transfer to a Medicare extension plan offered by the governmental unit under section 11C or section 16, thereby becoming ineligible to participate in any other group health insurance benefits available to active employees under this chapter.

This section shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner: In a county, by vote of the county commissioners; in

a city having a Plan D or Plan E charter, by a majority vote of its city council; in any other city, by vote of its city council and approval by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district, by vote of the regional district school committee; and in a town, either by vote of the town at a town meeting or, by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election of said town - "Shall the town require that all retirees, who retire after the acceptance of this section, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, his spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town?"

VOTE: 7 Yes – 6 No (Barry, Norman, Milne, Munafò, Tinsley & Canedy)

2011-132 was taken out of order.

2011-132 ACCEPTANCE OF MGL C. 32B, §20 ESTABLISHING - OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND – INTRO: 5/5/11, 5/19/11, 6/2/11

Councilor Milne read the item into the record.

Finance Director Milne stated that we are required to have an OPEB Liability Trust Fund. We are trying to take proactive steps that bond agencies will look favorably on this. We are looking to take the seed money from the Insurance Reserve into this liability fund. This applies to every state and local government.

Councilor Canedy asked if there is any downside. Director Milne said we have to face our liabilities. No downsides to doing it. Milne said we don't have to add every year but we will put a small amount into it. We are looking to build upon it.

Councilor Crocker asked about the trust. It is an irrevocable trust according to Milne. We would be adding more than \$3M more than what we pay for health insurance. That would in fact build to a large amount of money that would allow us to pay for health insurance off of it. Milne said it will be designated separately for this purpose. If it goes directly to health insurance it could be used.

Councilor Farnham asked if we could pledge some of our assets. Milne said if you are not funding your annual contribution you can only use a 5% of the rate of return.

Councilor Norman asked what did the insurance reserve provide. Milne said it was not doing anything – it was doing workman's comp. It has been dormant. We saw that as an opportunity to move the monies. Milne said it was an old town meeting adoption. It can stay as a zero balance. He wants to keep it on the books. No red flags.

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

Upon motion duly made and seconded it was

ORDERED: That Section 20 of Chapter 32B of the general laws is hereby accepted establishing an Other Post Employment Benefits (OPEB) Liability Trust Fund and that the

value from the Town's Insurance Reserve Trust Fund, which is approximately \$680,000, be transferred into the OPEB Liability Trust Fund.

VOTE: 13 Yes

2011-126 APPROPRIATION ORDER - \$10,542,250 FY12 TRANSFERS BUDGET – INTRO: 5/5/11, 5/19/11, 6/2/11

Vice President Barton read the item into the record.

Finance Director Milne explained the transfers.

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

Councilor Milne read the letter from CFAC and the section regarding enterprise funds. CFAC was looking at the balance sheet according to Finance Director Milne. What could we use? The balance sheet is sent to the DOR and they certify it. When will the subsidies end? We don't want to raise the rates at the dump, in this economy we need to keep the fees steady.

Councilor Munafo asked about whether this was like 3 items. Munafo said it looks like we are transferring money to pay the budget. It was explained that most covers snow and Ice deficit.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of **\$10,542,250** be raised and appropriated for the purpose of funding the Town's FY 2012 **Transfers** budget, as presented to the Town Council by the Town Manager.

1) And that the following sums be transferred from the Town's enterprise accounts for the purpose of reimbursing administrative, employee benefit and insurance costs budgeted within the General Fund:

Water Pollution:	\$506,131
Solid Waste:-----	\$344,095
Water: -----	\$166,416
Airport:-----	\$505,529
Golf Course:-----	\$300,000
Marinas: -----	\$54,702
Sandy Neck:-----	\$68,418
HYCC: -----	\$60,000

2) And further, that the sum of **\$2,995,000** be transferred from the General Fund Savings Account all for the purpose of funding the Town's FY 2012 General Fund budget as presented to the Town Council by the Town Manager.

VOTE: Roll Call – 13 yes

2011-134 – was taken out of order

2011-134 AMENDING THE GENERAL ORDINANCES CHAPTER 86, ARTICLE III - ADDING A REVOLVING FUND FOR ARTS & CULTURE PROGRAMS- INTRO: 5/19/11, 6/2/11

Councilor Dagwan read this item into the record.

Joanne Buntich from Growth Management stated that this is directed at the Art Shanties at Bismore. It is a program that pays for itself. So we are looking to pay our bills with this revolving fund.

Director Milne explained to Councilor Munafò the ceiling would be \$50,000. We are striking sections of the current ordinances and replacing it with new.

A motion was made and seconded to correct an error in the first sentence of the order to read 86.8 (not 89.8).

VOTE: Unanimous

The Director of Growth Management is in charge of the monies. Finance Director Milne says this offsets the cost of the shanties and the electricity, moving etc. This revolving fund will come forward as an authorization. Buntich explained the process. The artists are juried in. The rent has gone into the general fund and it pays the bills. Now it will be a revolving fund. Buntich said the artists have been very happy.

Councilor Canedy asked if it was a problem that the agenda item is numbered later than the actual item that will fund this. Attorney Weil said that as long as this amendment is adopted first you are in good shape.

Councilor Canedy said if the fund comes from the shanty rentals can you use it for any other purpose. Buntich said at this point it will be self-sustaining.

Canedy said we need to have a conversation about a performing arts center – will this go toward that. Buntich said no, this is short vision to pay bills for shanties.

Councilor Munafò said we are striking sections, why was it not just amended. Attorney Weil said the changes just included the Growth Management, and originally we were looking to do that. But it just made sense this way.

Councilor Crocker made a motion to amend B and add a sentence - Funds to be expended by the Director of Growth Management under the supervision of the Town Manager.

Councilor Canedy said this would change it for all the other revolving funds. She noted that anyone on staff is under the jurisdiction of the Town Manager.

Finance Director said adding that sentence would change it to impact all revolving funds.

Vice President Barton feels this is redundant. Why do we have to put this into an ordinance. It is overkill.

Upon motion duly made and seconded it was voted to add the following sentence to the end of B. in 86-8. "Expenditures from such revolving funds shall be at the approval of the Town Manager.

VOTE: 9 Yes, 4 No (Tinsley, Joakim, Rugo, Barton)

Upon motion duly made and seconded it was

ORDERED: That the Town's General Ordinances under Chapter 86, Article III, Revolving Funds shall be amended by striking the existing §§86.7 and 89.8 and substituting in the place thereof the following:

§86-7 Establishment

The Town hereby establishes revolving funds, pursuant to Chapter 44, § 53 E 1/2 of the General Laws, within the special revenue accounts of the Town of Barnstable which shall be known as the:

- A. Classroom Education Fund, Senior Services Division, Community Services Department.
- B. Adult Social Day Fund, Senior Services Division, Community Services Department.
- C. Recreation Program Fund, Recreation Division, Community Services Department.
- D. Shellfish Propagation Fund, Natural Resources Division, Community Services Department.
- E. Building Inspections Fund, Building Services Division, Regulatory Services Department.
- F. Consumer Protection Fund, Consumer Affairs Division, Regulatory Services Department.
- G. Geographical Information Systems Fund, Information Systems Division, Administrative Services Department.
- H. Police Training Fund, Police Department.
- I. Arts and Culture Program Fund, Growth Management Department

§86-8 Operation

The Senior Services Division, the Recreation Division and the Natural Resources Division of the Community Services Department, the Building Services Division and Consumer Affairs Division of the Regulatory Services Department, the Information Systems Division of the Administrative Services Department the Police Department and the Growth Management Department are hereby authorized to operate said funds in the following manner:

- A. The Town Accountant shall account for all funds separately from all other monies of the and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Receipts credited to each of these revolving funds shall mean the following:

- (1) For the Classroom Education Fund, Adult Social Day Fund and the Recreation Program Fund: program registration fees to participate in these programs.

- (2) For the Shellfish Propagation Fund: fees generated from the sale of commercial and recreational shellfish permits.
- (3) For the Building Inspections Fund: fees generated from permits issued on municipal projects over \$500,000 and private projects over \$3 million.
- (4) For Consumer Protection Fund: fees generated for services performed under this program.
- (5) For the Geographical Information Systems Fund: fees generated for the production of GIS maps and reports.
- (6) For the Police Training Fund: fees generated for providing police training to police of other Towns.
- (7) For the Arts and Culture Program Fund: Lease payments received from the rental of artist shanties gifts or contributions received for the support or promotion of Arts and Culture programs and any revenue generated from Town sponsored arts and culture programming.

- B. Expenditures may be made from such revolving funds without further appropriation, subject to the provisions of this article; provided, however, that expenditures shall not be made or liabilities incurred from any of the revolving funds in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund. Expenditures from such revolving funds shall be at the approval of the Town Manager
- C. Interest earned on any revolving fund balance shall be treated as general fund revenue of the Town.
- D. Expenditures from said fund shall not be made for the purpose of paying any wages or salaries for full-time employees unless the fringe benefits associated with such wages or salaries are also charged to the fund. Subject to the foregoing, the funds may be expended for payment of teachers, recreational instructors, police training instructors, shellfish propagation officers, building inspectors, weights and measures inspectors, and other expenses of programs providing classroom education to participating senior citizens, programs providing recreational activities to participating residents of the Town, shellfish seed stock and related shellfish propagation equipment, professional building inspection services, weights and measures enforcement, production of GIS reports and police training and expenses related to the promotion of arts and culture programs.

VOTE: 13 yes – as amended

2011-127 FY12 REVOLVING FUNDS AUTHORIZATION ORDER - \$1,345,000 - INTRO: 5/5/11, 6/2/11
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Councilor Joakim read the item into the record.

Finance Director Milne said the only change is the addition of the new arts and culture that you just passed.

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

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

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: Pursuant to Chapter II, Article XVIII-A, Section 3 of the General Ordinances, the Town Council hereby authorizes the following revolving funds for FY 2012:

Fund	Revenue Source	Dept Officer Auth. To Expend Funds	Use of Fund	Total Expenditure Limit FY
Classroom Education Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$35,000
Adult Social Day Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$150,000
Recreation Program Fund	Program registration fees	Recreation Director	Salaries, benefits, expenses, contract services to operate program	\$450,000
Shellfish Propagation Fund	Fees from permits	Natural Resources Director	Salaries, benefits, expenses, contract services, equipment to operate shellfish	\$115,000
Building Inspections Fund	Fees from permits for municipal & private projects	Building Commissioner	Salaries, benefits, expenses, contract services to operate program	\$150,000
Consumer Protection Fund	Fees from weights & measures services	Director Regulatory Services Dept	Salaries, benefits, expenses, contract services to operate program	\$375,000
Geographic Information Systems	Fees for GIS maps & reports	Information Systems Director	Salaries, benefits, expenses, contract services to operate program	\$20,000
Arts and Culture Program Fund	Shanty revenue, and gifts or contributions	Growth Management Director	Expenses related to arts and culture program	\$50,000
Total				\$1,345,000

VOTE 13 yes Roll Call:

**2011-128 AUTHORIZING THE TOWN MANAGER TO ACCEPT A GIFT OF VACANT LAND –
INTRO: 5/5/11, 5/19/11, 6/2/11**

Councilor Tinsley read the item into the record.

Town Manager Klimm thanked Bob O'Brien the Budget Director and Finance Director Mark Milne and all department heads and councilors for their hard work on the budget.

This is an acceptance of a gift.

Robb Gatewood from Conservation said this was prompted by a garage project and is part of mitigation. .

Councilor Milne asked whether we could have a soft path walkway from Downtown to the beach. Would this be helpful?. Gatewood noted that the transfer deed contains two provisions – one says no structures of any kind can be located on the property. He stated that this is wetland so a boardwalk would not be allowed. We received the deed and the provisions were not discussed. It was a product of their preference. Gatewood does not anticipate any major changes after the dredging to that area.

Councilor Munafo asked about a conservation restriction on the property. No said Gatewood. He asked what could be built on it now. Gatewood said an osprey nest would be nice. We are once again, said Munafo, taking something off the tax rolls. I can't ask for taxpayers to pay for something like this.

Councilor Farnham asked about the additional parcel is there a cost. Gatewood said the additional wetlands to be acquired are in process. We might take them as tax title possession. The bottom parcel we might get an easement donated. Gatewood said no costs for acquisition are foreseen.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED, that the Town Manager is authorized to accept the deed or gift of the vacant parcel of land situated in the Town of Barnstable at 47 Stetson Lane, in the Village of Hyannis, Commonwealth of Massachusetts, consisting of approximately 2.44 acres more or less of a vacant parcel of land situated therein bounded and described in the Release Deed dated March 14th, 2011 executed between the parties Philip F. Hudock and Rita L. Ailinger to the Town of Barnstable, approved as conservation land, and to prepare and record appropriate documentation at the Barnstable Registry of Deeds to reflect the same

VOTE: 11 yes 2 no (Munafo and Norman)

**2011-129 RESOLUTION IN SUPPORT OF HB890 & SB45 THAT UPDATES THE BOTTLE
BILL SO AS TO INCLUDE WATER, JUICE & TEA BOTTLES - INTRO: 5/5/11,
5/19/11, 6/2/11**

Councilor Milne read the item into the record and gave the rationale. He noted 184 other communities have supported the expansion of the bottle bill.

Councilor Farnham has been involved in community cleanups. The biggest volume is nip bottles and he made an amendment which was seconded to add at the end of the 5th whereas - teas...and alcoholic beverage containers known as nips.

VOTE: Unanimous

Councilor Munafo said we have to look at the price of the deposit – change from 5 cents to 10 cents....but he would not like to see a deposit on the bottle of water.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED, that the Town Council is in support of the proposed update to the Commonwealth's "Bottle Bill" filed in House Bill 890 and the Senate Bill 45, so that it will now include water, juice and tea containers subject to deposit collection.

VOTE: Roll Call – 9 Yes 4 no (Canedy, Crocker, Munafo, Norman)

Resolution in Support of Updating the Massachusetts Bottle Bill

Whereas, the Massachusetts Bottle Bill, enacted in 1982 has allowed Barnstable residents to enjoy a cleaner environment by creating an incentive for users of certain beverage containers to recycle those used containers, and;

Whereas, states with deposit laws have higher residential recycling rates of beverage containers than those of non-deposit states, and;

Whereas, litter decrease in states with Bottle Bills averages 70-85%, and;

Whereas, through the Massachusetts Bottle Bill, we recycle nearly 80% of deposit containers, but only 20% on non-deposit containers, and ;

Whereas, the Governor of the Commonwealth, and members of the Massachusetts Senate and House of Representatives have recognized that the original bottle bill does not take into account those beverages such as bottled water, sports drinks, teas, and alcoholic beverage containers known as nips. and;

Whereas, the addition of bottled water, sports drinks and teas to the Bottle Bill will decrease the total volume of municipal solid waste that is needed to be collected, thus saving disposal fees and landfill space.

Therefore Be It Resolved

That we, the Barnstable Town Council, commemorate the 27th anniversary of the implementation of the Massachusetts Bottle Bill.

Furthermore, Be It Resolved that the Town of Barnstable be placed on record as being in support of the Massachusetts Beverage Container Deposit Law and encourages it's

strengthening through expanding the list as recommended by the Governor in his proposed budget and currently being considered by the House and Senate Joint Committee on Telecommunications, Utilities and Energy.

Furthermore, Be It Resolved that the Town of Barnstable goes on record in supporting programs that encourage residents and visitors to return or recycle all beverage containers and other recyclable materials to fully utilize the currently available recycling programs.

Be it Further Resolved that the Town of Barnstable instructs its state representatives and state senators, and our governor to support and vote in favor of updating the Massachusetts Container Beverage Law.

I Frederick Chirigotis, President of the Barnstable Town Council have hereunto set my hand this 5th day of May 2011, signing this resolution on behalf of the Barnstable Town Council.

Frederick Chirigotis, President
BARNSTABLE TOWN COUNCIL

2011-137 was taken out of order

2011-137 APPROPRIATE \$158,792.69 FOR REVISED NON-FEDERAL REIMBURSABLE AGREEMENT BETWEEN FAA & BARNSTABLE AIRPORT COMMISSION

Bud Breault, Airport Manager gave the rationale.

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

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

VOTE: Unanimous consent

Upon motion duly made and seconded

ORDERED: That the sum of One Hundred Fifty-Eight Thousand Seven Hundred Ninety-Two Dollars and Sixty-Nine Cents (\$158,792.69) be appropriated for the purposes of funding the revised estimated costs for the Non-Federal Reimbursable Agreement between the Federal Aviation Administration (FAA) and the Barnstable Municipal Airport Commission for the agreement entitled "FAA Support to Establish a New FAA Contract Tower at Barnstable Municipal Airport;" and that to meet this appropriation, \$158,792.69 be transferred from available funds within the Airport Reserve Fund, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose.

VOTE: Roll Call – 13 Yes

2011-140 was taken out of order

**2011-140 AUTHORIZATION OF SCHOOL TRANSPORTATION CONTRACT
IN EXCESS OF THREE YEARS – INTRO: 6/2/11**

School Supt. Patricia Grenier gave the rationale. This was to support our efforts to bring transportation in house. We received competitive bids. We are going with a new 3 year contract and could go another 2. The cost is minimal with like a 2% increase.

Councilor Milne stated the School Committee should not be listed as a sponsor. Strike the School Committee from the item. This action was so noted by President Chirigotis. He concurred that doing this in house would not be a cost savings.

We have looked at some land to lease to the bus carrier for storing buses and we may be able to do that, Grenier added. Then it will make the costs less.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED: That the Town Council authorizes the award of a contract for regular and extracurricular school transportation by the School Committee to First Student, Inc., for a term of three years beginning July 1, 2012, and ending June 30, 2015, with an option on the part of the School Committee to extend the term for an additional two years beginning July 1, 2015, and ending June 30, 2017.

VOTE: 13 Yes

**2011-141 ACCEPTANCE OF PROVISION GENERAL LAWS CH. 40, § 3 RELATING
TO SCHOOL REVENUE – INTRO: 6/2/11**

Supt. Grenier said that in the rationale it shows we lease some of the buildings – we lease Cotuit and Osterville schools. The revenue is put in a revolving fund for upkeep. We ask that the rental income could be used for any school building maintenance. In the long-term facilities plan we had not included them. We want to keep a revolving account to pay for any extraordinary expense. This would be efficient and effective.

Councilor Farnham said on the leases who is responsible for maintenance. Grenier said they are shared responsibility. Attorney Butler said primary is with tenant but the town has some responsibility in large repairs.

Councilor Crocker suggested amending it to add control and approval. Councilor Norman said this is the state provision and he does not believe that we can amend. Attorney Butler concurred.

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

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts the proviso in General Laws Chapter 40, § 3, allowing monies received from the rental or lease of school buildings to be held in a

revolving fund and expended for the upkeep and maintenance of any facility under the control of the School Committee.

VOTE: 12 Yes 1 No (Munafo)

2011-130 ACCEPTANCE OF A \$1,500 MASS DEPT. OF ENVIRONMENTAL PROTECTION GRANT TO PURCHASE RECYCLING BINS – INTRO: 5/5/11, 5/19/11, 6/2/11

Upon motion duly made and seconded it was voted to move this item to June 16, 2011.

VOTE: Unanimous consent

2011-131 ACCEPTANCE OF A \$7,500 MASS DEPT. OF ENVIRONMENTAL PROTECTION GRANT TO IMPLEMENT MASS DEP GOALS IN CIP – INTRO: 5/5/11, 5/19/11, 6/2/11

Upon motion duly made and seconded it was voted to move this item to June 16, 2011.

VOTE: Unanimous consent

2011-142 APPROPRIATION OF \$2,861,253 FOR COMMUNITY PRESERVATION FUND FY12 DEBT SERVICE – INTRO: 6/2/11

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on June 16, 2011.

VOTE: Unanimous consent

2011-143 APPROPRIATE AND RESERVE SET-ASIDES FROM COMMUNITY PRESERVATION FUND \$781,252 FOR FY12 EXPENDITURES – INTRO: 6/2/11

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on June 16, 2011.

VOTE: Unanimous consent

2011-144 INQUIRY PER THE CHARTER, SECTION 2-10 AND COUNCIL RULE 14 – INTRO: 6/2/11

President Chirigotis made a motion which was seconded to move this item to a hearing on June 16th.

Councilor Munafo said this is not a measure, it is a judicial matter. President Chirigotis said it was an inquiry.

Attorney Weil noted that she gives advice. The council can choose to take it or not. Per Town Council rule only the council can rule on this. In rule 14 it is part adversarial. Investigations and inquiries are legislative in nature and a measure.

Councilor Milne is not proposing an investigation, but an inquiry. President Chirigotis said what was sought was an investigation but now it is an inquiry.

Attorney Weil said you have to read Rule 14 in its entirety.

VOTE: on the motion to move to June 16, 12 yes 1 no (Chirigotis)

Councilor Farnham wanted to acknowledge the CFAC and their hard work.

President Chirigotis moved and it was seconded to adjourn to Executive Session for the following purposes:

- 1) to review and approve draft minutes of the first executive session held on March 17, 2011, which was entered into for the purpose of conducting contract negotiations with non-union personnel;
- 2) to discuss the complaints brought against the public officers and employees included in the two open meeting complaints filed with the Town Clerk on March 30, 2011 and April 8, 2011; and
- 3) to the extent relevant to review of the draft minutes and such complaints, to discuss contract negotiations with a non-union employee (the Town Manager), and the reputation and character of that non-union employee.

At the conclusion of the Executive Session, the Council shall reconvene in Open Session.

Councilor Crocker asked the Town Clerk if there was a document with the minutes. The Clerk said no.

Attorney John Davis said that there are two pending open meeting law complaints. We requested two extensions. The council asked for another postponement to July 30th. The Attorney General denied the extension.

Councilor Canedy said some of us believe the document was part of the discussion and some councilors have a problem with the documents not being included with the proposed minutes to be approved. She therefore will vote against convening the Executive Session.

Councilor Crocker suggested bifurcating the motion. Councilor Canedy also suggested that the complaints be separated, but the attempt to bifurcate was refused. Councilor Joakim wanted it noted that we have attempted to go into Executive Session and have been unable.

VOTE: on the motion to go in to Ex. Session – Roll Call 7 Yes and 6 No – Canedy, Crocker, Farnham, Milne, Munafo and Norman

The Council came out of Executive Session with a lack of a quorum. Therefore no further action was taken except.

ADJOURNMENT

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

VOTE: Unanimous in favor

ADJOURNED: at 11:00 p.m.

Respectfully submitted,

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

NEXT REGULAR MEETING: June 16, 2011

Exhibits and Documents:

Historical Society of Santuit and Cotuit Ice House Grant Request

Email memo from Jessica Rapp Grassetto to Richard Barry

Exhibit from Sturgis Library regarding Renovations and Repairs