

**TOWN OF BARNSTABLE  
TOWN COUNCIL MEETING  
February 17, 2011**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:03 PM, on Thursday, February 17, 2011 at the Barnstable Town Hall, 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

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

President Chirigotis led the body in the Pledge of Allegiance followed by a moment of silence.

**Proclamation honoring years' of service:  
Former State Representative Jeff Perry**

President Chirigotis invited Jeffrey Perry to the podium and read a proclamation from the Council (See Exhibit A).

Mr. Perry said he appreciated this public expression by the Town Council to him and those who have held office. He is honored and deeply humbled.

**2011-052 AMENDMENT FEE ORDINANCE – TOWN CLERK FEES & TOWN COLLECTOR FEES**

President Chirigotis took item out of order.

Upon a motion duly made and seconded a public hearing was opened at 7:08 PM.

**VOTE: Unanimous**

Town Manager John Klimm gave the rationale.

No member of the public spoke.

Upon a motion duly made and seconded the public hearing was closed at 7:10 PM.

**VOTE: Unanimous**

Councilor Farnham spoke on the MLC increase to \$40.00 from \$25. He explained the importance of the MLC to property transfers and thought \$40 was fairly high. However \$40 seems to be the general cost among towns. He votes to approve this with the hope that the MLCs will be issued expeditiously.

Tax Collector Maureen Neimi said the turn-around has been 2 to 3 days; sometime it can be 4 or 5 days. The staff issues them as quickly as possible.

Councilor Canedy pointed out that most of the fees are staying the same and those that are going up are minimal - \$2, \$3, \$5.

**2011-052 AMENDMENT FEE ORDINANCE -TOWN CLERK FEES & TOWN COLLECTOR FEES**

Upon a motion duly made and seconded it was

**ORDERED that:**

Section 1: The Code of the Town of Barnstable, Chapter 76, Article III, § 76-10, Exemption from payment of fees, is hereby amended by renumbering said section as § 76-16,

Section 2: The Code of the Town of Barnstable, Chapter 76, Article II, Schedule of Fees, is hereby amended by adding after § 76-9, the following new section:

**§ 76-10. Town Clerk's Fees**

MGL c. /Section	Description	Fee
<b>Chapter 262, Section 34, clause:</b>		
1	For filing & indexing assignment for benefit of creditors	\$10.00
11	Entering amendment of a record of the birth of a child born out of wedlock subsequently legitimized	\$20.00
12	Correcting errors in a record of birth	\$20.00
13	Furnishing certificate of a birth	\$10.00
13A	Furnishing an abstract copy of a record of birth	\$10.00
	Research & furnish an ancient (over 100 years) vital record	\$20.00
14	Entering delayed record of birth	\$20.00
20	Filing certificate of a person conducting business under any title other than his real name.(good for 4 years)	\$40.00
21	For filing by a person conducting business under any title other than his real name; Statement of change of his residence, or discontinuance, retirement or withdrawal from, or change of location of, such business.	\$20.00
22	Furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such a person of his discontinuance, retirement or withdrawal from such business.	\$10.00
23	Recording the name and address, the date and number of certificate issued to a person registered for the practice of podiatry in the Commonwealth	\$25.00
29	Correcting errors in a record of death	\$20.00
30	Furnishing a certificate of death	\$10.00
30A	Furnishing an abstract copy of a record of death	\$10.00
42	Entering notice of intention of marriage and issuing certificate	\$41.00
43	Entering certificate of marriage filed by persons married out of the Commonwealth	\$20.00
44	Issuing certificate of marriage (certified)	\$10.00
44A	Furnishing an abstract copy of a record of marriage	\$10.00
45	Correcting errors in a record of marriage	\$20.00
54	Recording power of attorney	\$20.00
57	Recording certificate of registration granted to a person engaged in the practice of optometry, or issuing a certified copy thereof.	\$25.00
58	Recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth.	\$25.00
62	Recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Sec. 22 of Chapter 166.	\$40.00 flat rate \$10.00 add'l fee
66	Examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than	\$10.00
67	Copying any manuscript or record pertaining to a birth, marriage or death.	\$ 5.00
69	For receiving and filing a complete inventory of all items to be included in a "closing out sale, etc. – 1 <sup>st</sup> page:	\$10.00
	Plus each additional page	\$2.00
75	For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Sec. 2, Chapter 182	\$20.00
79	Recording any other documents	\$10.00
	Issuing burial permits	\$5.00
	Certification of any document from our office not named	\$10.00

Section 3: The Code of the Town of Barnstable, Chapter 76, Article II, Schedule of Fees, is hereby amended by adding the following new section:

**§ 76-11. Town Collector's Fees**

<b>MGL c./Section</b>	<b>Description</b>	<b>Fee</b>
60 § 23	Municipal Lien Certificates	\$40.00
60 § 15, cl. 2	Demand Fees for Personal Property, Real Estate and Excise Taxes	\$15.00

**VOTE: 12 Yes (Roll Call)**

**AmeriCorps Update Presentation**

Keith Hopkins and Sheila Cunmaford are both participants of AmeriCorps Cape Cod. Mr. Hopkins described the nature of the services provided in the areas of natural resource management and disaster preparedness. Ms. Cummaford described what she does as a Disaster Preparedness coordinator. Participants are placed two days doing COD Day clean-up; two days in group service where the group helps in cleanup. Various pieces of printed information were distributed. See Exhibit B 1 – 5.

**PUBLIC COMMENT**

Robert Tucker spoke about the airport and questioned what the purpose of the new building under construction was. He also spoke about people who get off without paying the excise tax. Police are doing their job reporting them, but the public is disgusted when the court dismisses these cases.

Al Baker complained about flyers, phone books, newspapers, etc. being delivered by individuals who throw them in a driveway or lawn; These may not be picked up by the resident and remain there until someone returns to the house. Often it is a seasonal residence and the mass of paper is a tip-off that the house is empty. He also spoke about trash pick up and the possible increase in SEMASS rates, urging that some plan of action be determined.

John Alden has read some negative comments on the lights on Bearses Way. He finds Hyannis is a nice place to live. He stated that he fights for good government and wished all a good night.

**COUNCILOR RESPONSE**

Councilor Milne was also concerned about on the driveway litter issue; he called some of the companies about changing their form of delivery, but they were not receptive. He is also concerned that it becomes advertising that a house is empty. He asked manager to see if staff could give this some consideration. He would like to see other options for trash collection, like Bourne landfill, since the SEMASS contract is moving along to expiration.

Councilor Tinsley also lives in Hyannis and likes to hear people say that it is a nice place to live, because it is. It is the hub of the Cape with every major service available.

Manager Klimm pointed out that regarding the SEMASS contract expiration, the Renewable Energy Commission has been looking at the issues, including trash pickup and recycling. There will be presentations of the issues in the future. For example, he said that Barnstable has the lowest recycling rate.

Joanne Buntich explained that the property questioned by Mr. Tucker received a Special Permit from the Planning Board for special retail and storage. Site plan review has passed on it as well. Klimm added that the question was about the tenant not the use.

Councilor Canedy, along with several other councilors, is interested in waste curbside recycling and garbage collection and they would like to have meetings soon. Councilor Rugo would also like a workshop for understanding the issues and costs.

### **ACT ON MINUTES**

Upon a motion duly made and seconded it was voted to postpone action on the February 3<sup>rd</sup> minutes until the next meeting.

President Chirigotis explained that some councilors had not received copies. Councilor Farnham asked for the addition the names of minority voter (non-roll call) that were not included.

**VOTE: Unanimous**

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

Councilor Barton reported on the progress of superintendent search committee – she and Councilor Dagwan are members. There are some good candidates. Barton also asked about the status of the solar subcommittee.

Councilor Milne, chairman of the subcommittee, said the members (Councilors Barton, Canedy, Crocker, and Norman) and staff had several regular committee meetings. Members of the subcommittee began attending CAVEC, Cape and Vineyard Electric Cooperative, meetings and now considering RFPs of three finalists, one of which will be hired to install a 4 MW solar panel at the landfill. This will be one of the largest solar installations. Several questions remain: will the town endorse the use of the property for this purpose and save money and will one of these vendors be acceptable. Barton did not recollect the cessation of subcommittee meeting and wanted to know if there would be additional meetings.

Councilor Farnham received a call from a constituent who asked how Barnstable Today was funded. Klimm explained that the entirety of the cable program is covered by the Comcast cable contract supported by fees not town money. Revenue generation is about \$600,000 per year from Comcast.

### **Overview Presentation of the Consumer Affairs Division Weights and Measures Program**

Manager Klimm explained that this is a nationally recognized program providing significant services to other towns. He publicly stated that he is proud of the efforts of Alex Smith, Kevin Friel and Richard Cohn.

Thomas Geiler, Director Regulatory Services, announced that March 1 – 7 is National Weights and Measure Week. In commemoration, a video developed in-house by Weights & Measures staff with the assistance of the IT Department, entitled That Equity May Prevail was created. The video was shown and is available on the town's website. (See Exhibit C 1 - 6) The program insures that consumers are charged the correct price for the service or product.

Councilor Milne asked why Falmouth was resistant to using the Barnstable program. Geiler said they gave no reasons for why they did not join.

Councilor Farnham asked the cost of the truck. Geiler stated it cost \$140,000 in 1987, paid by a county grant.

## **ORDERS OF THE DAY**

### **OLD BUSINESS**

#### **2011-050 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

Upon a motion duly made and seconded it was

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

#### **GOLF COMMITTEE**

Nancy C. Beauchamp, 7 Christina's Path, Hyannis, as a member, to a term expiring 6/30/2013

David S. Miller, 214 Carriage Lane, Barnstable, as a member, to a term expiring 6/30/2012

Geoffrey Converse, 558 Lumbert Mill Road, Centerville, as a member, to a term expiring 6/30/2013

A motion was made and seconded to move the question.

**VOTE: No objection**

**On Item 2011-050:**

**VOTE: Unanimous**

### **NEW BUSINESS**

#### **2011-054 APPROPRIATE \$1,292,000 OF AIRPORT RESERVE FUNDS FOR THE MAIN TERMINAL AIRCRAFT PARKING RAMP-PHASE I DESIGN & CONSTRUCTION**

Upon a motion duly made and seconded this item was referred to a public hearing on March 3, 2011.

**VOTE: Unanimous**

#### **2011-055 ACCEPTANCE OF A \$12,250 DISTRICT LOCAL TECHNICAL ASSISTANCE GRANT FROM THE CAPE COD COMMISSION**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby accept the District Local Technical Assistance (DLTA) Funding in the amount of twelve thousand two hundred fifty and NO/100 dollars (\$12,250.00) from the Cape Cod Commission for the development of plans to accomplish the extension of the Cape Cod Rail Trail through a portion of the Town of Barnstable.

Manager Klimm gave the rationale.

Councilor Rugo asked for a brief overview. Lindsey Counsel explained the status of the trail. There is an agreement in principle to cross the property from the Yarmouth town line to Mary Dunn Road. The planning will be complete within a year and the finalize agreements for the easements.

Councilor Canedy asked several questions about the route. Counsel said some problems in the route have been discussed with involved parties and the Cape Cod Commission. Some easements would have to be obtained.

**VOTE: Unanimous**

#### **2011-056 AUTHORIZING AN AFFORDABLE HOUSING RESTRICTION—CROMWELL COURT**

Upon a motion duly made and seconded it was

**RESOLVED**, that the Town Manager is authorized to accept an Affordable Housing Restriction in perpetuity except for mortgage foreclosure when expending the amount of Five Hundred Thousand and NO/100 (\$500,000.00) appropriated under order number 2011-025, passed on October 21, 2010, for

preserving affordable housing on the property located at 168 Barnstable Road, Hyannis located on map / parcel 328 / 013 commonly known as Cromwell Court.

Lindsey Counsel gave the rationale. This item is back again because the owners said it would be “in perpetuity” but in the event of foreclosure the “in perpetuity” would end.

Patricia Belden from the Preservation for Affordable Housing (POAH) said the state will commit \$3M to this project. If there should be a foreclosure, the state will have option to change to market rate, but is not required to do so. Thatcher Tiffany was also in attendance.

The item is back because there was language that was not brought to anyone’s attention regarding foreclosure. In that event the “in perpetuity” may be removed by Mass Housing; a HUD restriction would remain.

A motion was made and seconded to move the question.

**VOTE: No objection**

**On Item 2011-056**

**VOTE: Unanimous**

**2011-057 ACCEPTANCE OF A \$36,000 MA. CULTURAL COUNCIL ADAMS ARTS PROGRAM GRANT**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby accept the grant award in the amount of \$36,000 from the Massachusetts Cultural Council’s Adams Arts Program.

Manager Klimm gave the rationale. There was concerned that town would not be successful this year but the state has extended this program.

A motion was made and seconded to move the question.

**VOTE: No objection**

**VOTE: Unanimous**

**2011-058 ACCEPTANCE OF A \$83,671 EXECUTIVE OFFICE OF ELDER AFFAIRS GRANT**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town of Barnstable hereby accepts a grant of \$83,671 from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Senior Center.

Manager Klimm gave the rationale.

Councilor Munafo asked if the grant was state or federal. It is a state grant.

Councilor Tinsley said this was an example of how the census really affects the money the town gets. Census numbers have such a big impact.

Madeline Taylor, Director of Senior Services, discussed the effect of the 2010 census data. It may drop from \$7 to \$5.

A motion was made and seconded to move the question.

**VOTE: No objection**

**VOTE: Unanimous**

**2011-059 ACCEPTANCE OF A \$6,000 ELDER SERVICES OF CAPE COD & ISLANDS GRANT**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town of Barnstable hereby accepts a grant in the amount of \$6,000 from the Elder Services of Cape Cod and the Islands to the Barnstable Senior Center to support the ongoing provision of transportation services to local seniors and authorize the expenditure of monies for that purpose.

Manager Klimm gave the rationale.

Director Taylor pointed out that it was a federal grant. Councilor Munafo said if the grant is coming through the local organization, it is not a federal grant. Elder Services is not a federal agency.

A motion was made and seconded to move the question.

**VOTE: No objection**

**VOTE: Unanimous**

**2011-060 ACCEPTANCE OF A GIFT OF EIGHT LIFEGUARD TOWER CANOPIES FROM THE GLENNA KOHL FUND FOR HOPE**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby accept a gift of eight lifeguard tower canopies from the Glenna Kohl Fund for Hope to be used by the Barnstable Recreation Division for Craigville Beach, Covell's Beach, The Loop and Millway Beach.

Manager Klimm gave the rationale.

Lynne Poyant, Community Services showed a photo of the canopies (See Exhibit C) and announced several events for raising money for the Glenna Kohl Fund.

Councilor Joakim pointed out that lifeguards are out there every day with no UV protection. Children need to be taught cover up. She suggested that anyone who could give a donation should.

Councilor Rugo asked about the condition of the three existing canopy chairs. They are doing well but they should be stored in the winter for protection of the canopy.

Councilor Munafo asked about the cost. Poyant responded about \$6,500.

A motion was made and seconded to move the question.

**VOTE: No objection**

**VOTE: Unanimous**

**TOWN MANAGER COMMUNICATIONS**

The Annual Report is ready and first copy was given to Suzanne and Bill Powers of Luke's Love.

County Commissioner Bill Doherty spoke with the manager about some concerns and wanted to know if the County could assist. Klimm thanked him all the time he puts in as well as his availability and willingness to help.

A motion to go into executive session to conduct a strategy session with respect to contract negotiations with nonunion personnel and not to reconvene in open session.

**VOTE: Unanimous (Roll Call) 8:45 PM**

Respectfully submitted,

Lucia Fulco,  
Assistant Town Clerk

**EXHIBITS:**

- A. Proclamation
- B.
  - 1. AmeriCorps Cape Cod, Group Project Request for Proposals
  - 2. AmeriCorps Cape Cod Barnstable County – Getting Things Done - Pamphlet
  - 3. Barnstable County Resource Development Office – Pamphlet
  - 4. Environmental Education Programs offered by AmeriCorps Cape Cod – Pamphlet
  - 5. Barnstable County’s AmerCorps Cape Cod Report to the Community 2009-2010
- C.
  - 1. Map of participating towns
  - 2. That Equity May Prevail - Movie
  - 3. Kevin Friel and Richard Cohn
  - 4. Pump Accuracy Determination
  - 5. Savings to Consumers
  - 6. Recycling