

TOWN COUNCIL MEETING
August 17, 2006

A quorum being duly present, Council President Henry C. Farnham called the meeting of the Barnstable Town Council to order at 7:00 pm, on Thursday, August 17, 2006.

PRESENT: Richard Barry, Janice Barton, Gary Brown, Frederick Chirigotis, James Crocker, Jr., Leah C. Curtis, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., Tom Rugo and Harold Tobey. **Absent:** Ann Canedy.

Council President Farnham led the Council in the Pledge of Allegiance and a moment of silence. Town Manager John Klimm spoke about the recent passing of George Morrison.

A motion was made and seconded and approved by consensus to take Item 2007-012 out of order.

President Farnham asked the audience who was interested in speaking on item 2007-012 and if any Yarmouth officials were there regarding item 2007-016- there were no Yarmouth officials attending.

A motion was made and seconded to adopt the following amendment to Item 2007-012:

I move the order be amended by inserting, after the word "ORDERED" in line one, the words "SECTION 1" and by adding the following at the end of said order:

"SECTION 2. This order shall take effect upon its approval by the Commonwealth of Massachusetts Department of Fish and Game Public Access Board."

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to open a public hearing on Item 2007-012 at 7:07 PM.

VOTE: Unanimous

Councilor Rugo spoke on the rationale for this item. This is a small beach area, which has a parking issue; and, personal watercrafts are using it as a point of launch. The result is that no parking is available. A number of people, including beach staff and neighbors, have spoken to him. This item is trying to put controls on the use of the ramp. The street leading to it has become a thoroughfare. He appreciates the council's support.

Richard Kramer, who lives on the lake, said that in addition to safety, the issue of noise and commotion caused by jet skiers is also a problem. Motorboats leave the area and go about the lake, but the jet skiers hang around the beach showing off their acrobatic skills. This is not the use that the town intended. He took his children to the beach when they were little, but he will not take his grandchildren.

Gerald Raymond said this was his 58th season at the beach and agrees that the jet ski impact has changed the situation and degraded the area from a family beach. He gave some statistics about jet ski usage and the resulting water pollution from the raw fuel dumped at an unreasonable quantity. He too feels there is a safety factor due to the speed and acrobatics done by "the kids."

Peter Doiron asked Councilor Rugo if there is another access. Rugo replied that there is one in his neighborhood that could be used.

Irwin Jacobs, who lives on the lake, has both a pontoon boat and a jet ski. He served on the former jet ski committee, which finally disbanded because it could not reach a compromise between total banning and use. Past police coverage on the lake managed to keep control of the beach and the jet ski use, however, there has been a dramatic reduction of police presence this year. There needs to be enforcement of the regulations as a way to allow responsible operators to use the lake and to discourage the misuse.

Gail McGuire is the Vice President of the Wequaquet Lake Protective Association and said that the board of directors fully supports this item. The swimming area is getting smaller because the jet skis

are taking up more room. Long distance swimmers do not use the water in the late afternoon because that is when the jet skis are there. This shouldn't wait until someone is killed.

Joanne Carpenter, a resident near the beach, said the beach was created for children to have swimming lessons, and that was its primary use. The area of beach is less than ½ acre and is unsafe for launching while people are swimming. She agrees that the way personal watercraft are being used currently is not safe. Highways are limited by class of vehicles and that should happen on the lake.

Alan Burt lives near the lake. He is concerned about the pollution of the lake caused by the jet skis. Moving the problem from the beach to another ramp won't decrease the pollution.

Chris Manthos is the executive director of the American Watercraft Association. He said that Massachusetts law is clear regarding speed or drinking when boating. Reckless use of a boat is against the law. He said the pollution issue is an hyperbole; the data is 20 years old. Recreational watercrafts for years have exceeded the standards. He tried to get state police to assist with no cooperation. The lifeguards told him that there was no problem there. The problem occurs after they leave. The answer, he suggested, is enforcing the law.

Police Chief John Finnegan said he has enforcement on the lake, which was switched this year from summer officers to permanent patrolmen. Other lakes have a limited access so this is the lake where jet skis can be used. The patrol boat runs 24/7 but that is not sufficient. It is a large lake. He supports the ordinance.

Roger Berman has lived on the lake and supports the proposal. The jet skis he sees in the evening go at rapid speeds and create waves for drivers to jump their jet skis through. It is out of control, but not by the people who live on the lake, but by those who come unattended.

Kevin Kelorin disagrees with the item, believing that enforcement is the way to approach this. Everyone should not be arbitrarily banned because other people have abused this situation. He suggested increasing the police hours at the lake again.

Dennis Roach also opposes the item because it will create a hardship among those who are careful and respectful jet ski users. The law already exists to prevent the issues of concern. What is needed is another intimidating person, like the officer from state fisheries department, to weed out the bad apples.

Jon Julius was not intending to comment, but after hearing the prior speakers agrees that the enforcement issue is the key. Going ahead will penalize good people and move the problem to another area of the lake. Several councilors, when asked, said they had also spoken to the lifeguards.

Gale Klun said she also spoke to the lifeguards and they contradict what she just heard. They are upset.

Craig Lascola owns a company that sells personal watercraft and agrees that the issue is enforcement. Where is the line drawn between a one-person and a multi-person personal watercraft? The pollution issue was addressed and corrected years ago; all products sold meet 2010 standards.

Ginny Rozene spoke about the four people on jet skis who intimidated her grandchildren while they were kayaking.

Hillard Welch said the petition is about launching around the town beach. Enforcement should not be the question, but the violations are occurring. The town has the power to regulate what occurs on the lake and this is only one step in getting control of the situation.

Paul Swartz uses the ramp to launch both his jet ski and his boat. Some boaters who passed him in the 6 mile no-wake zone were speeding and over 60 years old. He asked what would be the next step.

Upon a motion duly made and seconded it was voted to close the public hearing at 7:50 PM.

VOTE: Unanimous

Councilor Curtis feels the main issue is enforcement. If this passes, can police presence be there when the worse activity is occurring, and what can be done to enhance the enforcement? Will changing the location to another area move the problem? Chief Finnegan said the ramp is inadequate for the number of jet skis. There will still be jet ski launching from the Yacht Club with permission. If this ordinance passes he will develop an enforcement scheme. There are now officers fully trained in boating, who replaced the summer patrol. Patrol times have been fine tuned to when there are a large number of jet skis. He feels the real problem is the ramp which is adjacent to the beach and inadequate. Councilor Curtis asked why a plan hadn't been already developed to address what is currently occurring. The chief replied that he cannot handle the volume of jet skis without the ordinance.

Councilor Joakim feels enforcement could be easier from the land side by identifying the jet ski trailers in the lots. It is a unique situation: the only public beach on the lake and the only public access ramp in town. There is a need for more access to the lake for the public, who don't have other access by private beach or ramp. The launch area is being used as a landing to change riders or fuel up. The users are savvy to when the police are on duty.

Councilor Milne did visit the beach. He asked what comments have the lifeguards given to the recreation division. Manager Klimm said the chief mirrors the sentiments of the professional staff. To protect the greater good there have to be regulations. The beach is too small to accommodate the growth of the use for the size area. The road itself is not conducive to trailers etc.

A motion was made and seconded to move the question.

VOTE: Passes by majority

2007-012 ORDER AMENDING GENERAL ORDINANCES PROHIBITING USE OF PERSONAL WATERCRAFT FROM THE TOWN BEACH AND RAMP AT LAKE WEQUAQUET (as amended)

Upon a motion duly made and seconded it was

ORDERED:

SECTION 1: that Chapter 32, Beaches and Waterways, of the Code of the Town of Barnstable, General Ordinances, be amended by designating the first paragraph of section 32-1 as 32-1(A) and by adding the following subsection "B."

"B. No person shall fuel, launch, retrieve or otherwise operate from the Town property at 460 Shootflying Hill Road any personal watercraft (vessel) propelled by a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel."

"SECTION 2: That this order take effect upon its approval by the Commonwealth of Massachusetts Department of Fish and Game Public Access Board."

VOTE: 10 Yes, 2 No (roll call – No votes: Chirigotis, Curtis)

PUBLIC COMMENT:

Jim Gould spoke in favor of the universal health care proposal which is badly needed by the town. The cost of health care for the town is increasing. There are a large number of people who do not have health care, which is a danger to all. The proposal would reduce the expense by about 15%, by

the bulk purchase of drugs and a reduction in the cost of administration. The county is asked to study the proposal and come up with ideas on how it could work.

Stephanie Wall also spoke in favor of the proposal. We are the only developed nation that does not provide health care to all. Other countries spend \$3,000 per person per year. The U.S. spends double that and many with health insurance are underinsured. In this country health insurance is treated as a market commodity rather than a necessity. Insurance companies are investor owned and for profit; they don't insure high risk people, etc. All this leads to much paperwork and huge administrative costs. She hopes the council supports this.

Beth Verani said getting this on the docket began with a signature drive and that was easy. She told some of the health insurance related stories from the public. The promise of Cape Care is that the people will decide what aspects of the health care package are important. She would like the town to weigh in its support. Doing so obligates the town to nothing more than saying it is worth further exploration.

Lou Gonzaga spoke on the airport. He supports the renovation of the airport because a first-class airport gives a traveler a good first impression of what the town or city will be like. High paying jobs that can afford to provide health care will be created and, in turn, create wealth for the community. It will help people afford the social side of it (health insurance). He is going to create a group to assist the airport.

John Reed spoke in support of 2007-007 and 2007-010. Health care is an expensive budget item every year. Whether to increase the town's health bill or the salaries is always a negotiations discussion. Not all employees are insured. He supports the proposal because it has merit and because it will commit nothing. He also hopes they support the recreation center.

Bob Stahley is concerned about the use of consultants (see Exhibit A). He said he always learns from people with whom he doesn't agree. Over time he has concluded that consultants tend to please those who paid for the study because they are always looking for their next job. The staff, on the other hand, has to be around when their proposals have to work. He challenges the belief that consultants know more than staff. One can't see how much is spent on consultants from the budget.

Arthur Kimber spoke in favor of Cape Care. It will allow putting the money where it is needed - to service the patients.

Dorothy Ryan is opposed to the expansion of the airport. It will cause the use of larger planes, pollution in the air, noise, etc.

Alan Burt spoke about the homeless. (See Exhibit B) He reminded all that winter is almost upon us and the people on the street are concerned. The town has been working on this problem for several years and it still goes on. There is still a housing crisis. Pilot House and the Noah Shelter are not enough. All the other towns have to be involved. If each town provided one 3-bedroom house and supportive services for three to five people it would have a huge impact on the problem.

Richard Bartlett spoke on the health insurance item. Many can't pay for it. He asks that the council support it.

Brian O'Malley, a physician from Provincetown, spoke in favor of supporting Cape Care and the significant effect cost of health care is having on health care providers on the Cape. The Cape is losing primary care physicians, because they can't make ends meet. The area is an expensive place to live. His bottom line has decreased, until last year it was in the red. There are an increasing number of people coming through the door without coverage.

Mary Ann Barboza also spoke about the homeless and asked the council to help. Working on the issue means moving people out of sight. Many are a paycheck away from that situation and the Cape

is getting worse. She'd take every homeless person to live at the town hall. Anyone could become homeless. Being poor should not be a crime.

Tom Sullivan of Yarmouth addressed the airport commission item (2007-016). He is opposed to the article and came to the meeting with a flag of truce. This will make the situation between the towns worse. The airport is, in fact, a regional airport. Yarmouth has a stage two water recharge area at the airport so they have a financial interest in it and how it is run. The airport has begun to clean the hazmat in recent years. Yarmouth's petition to the state legislature is not a sure thing. He provided some history on the appointment of a Yarmouth representative in 1987 by the Board of Selectmen. Once the form of government changed, it was grandfathered. He asked for good faith by the council to vote the item down and keep the Yarmouth representative on the commission. Things are hot and need to be calmed down.

Debra Dagwan spoke in favor of the health care plan. It is about the haves and the have-nots. The item just asks the towns to investigate it, not accept it. On the airport, she supports the expansion to bring new job opportunities to the Cape. The council should not throw the baby out with the bath water. Yarmouth needs to have a say on the commission. Mr. Mosby has done a wonderful job.

John Julius echoes the sentiments on Yarmouth to have a voice and a vote. He brought up the Barnstable Water Co. report that speaks of contamination of the wells. This also affects the Yarmouth water. Hyannis water rates are going up already and he wants to know what is being done about the questions he raised at an earlier event. Manager Klimm suggested he attend the next meeting of the water board who is prepared to address his questions.

Nancy Shoemaker spoke on 2007-015. She supports this expenditure on the replacement of the Micah Hamlin marker, which has the incorrect date of death. She gave some history of Mr. Hamlin and the establishment of the marker.

Peter Doiron, a WHO, who is not running for office, hopes the airport moves to Otis and is very happy there. Planes flew above various concerts on the green. He would like the council not to vote for Mr. Santos. He asked the council to reject Mr. Munafo's motion on the removal of the Yarmouth representative to the airport commission.

Peter White asked for tabling of the airport commission issue until the Yarmouth town meeting in the fall. He also spoke on the health care proposal and asked that it be supported. He feels a new approach is needed and the issue should not be left up to the state legislature or the federal government.

Dave Chase thanked the council for all they do. He also announced that the Cape Cod Airfield is having festivities on Saturday.

Arthur Kimber, chairman of the Airport Commission, has sought to open communication with the Yarmouth selectmen and their representative. The Yarmouth representative is not a member of the commission, yet he has been diligent and takes his position seriously. The representative has been helpful on issues of noise and the perception of pollution. He sends reports to the Yarmouth selectmen and town administrator. There is no threat to water quality of Yarmouth or Barnstable. The airport manager and the commission find the Yarmouth representative a valuable person and an asset. Personally, Mr. Kimber is distressed about the battle over the representative and feels the need to declare a cease fire and get on with the important issues.

COUNCIL AND TOWN MANAGER RESPONSE TO PUBLIC COMMENT

Councilor Brown explained that there is no expansion of the airport, just the terminal.

Councilor Joakim asked Mr. Burt to keep showing up at meetings and reiterating his points.

Councilor Barton said the human services committee has been working on ‘Operation In From The Streets,’ looking for year-round support to move people into permanent housing.

Manager Klimm commented on the question of consultants. Another person several years ago thought there was abuse of consultant use. CFAC spent nine months investigating the subject, with all town financial records available. It made some recommendations, but believed there was judicious use of consultants. It is often more effective to hire a consultant than a permanent employee with benefits, pension, etc.

REPORTS FROM TOWN COUNCIL, BOARDS, AND COMMITTEES

Councilor Barton gave a school committee report – they are looking at the TAMS2 report and reopening it again with new information on population shifts, etc.

Councilor Barry reported on the widening of the access to the Cotuit Library, the town manager has signed an agreement for the license.

Councilor Crocker thanked DPW staff for solving some problems.

ACT ON MINUTES

Upon motion duly made and seconded it was voted to approve the minutes of July 20, 2006 with the following corrections: replace “Councilor Canedy said she had been asked why we have five fire districts. We are trying to find out why and if it is the way we should be doing this. The resolve is premature.” With “Councilor Canedy said she is frequently asked why there are 5 fire districts and this translates into the question ‘Is having 5 fire districts cost effective?’. The purpose of this Committee is to try to address this question and the resolve is premature.”

VOTE: Unanimous

ORDERS OF THE DAY OLD BUSINESS

2006-147 AMENDMENT OF THE ZONING ORDINANCE BY THE CREATION OF AN AFFORDABLE HOUSING OVERLAY DISTRICT (AHOD)

Upon a motion duly made and seconded this item was referred to a joint public hearing on September 7, 2006.

Councilor Milne questioned if it was brought back to the agenda properly.

Town Attorney Robert Smith said the prohibition is for zoning items only. Others can be brought back. This proposal has one change from the original item. Even if there were no changes, the decision is in the possession of the planning board. If it OK with them, it can come back.

Councilor Munafo added that it was appropriate because the first vote was six months ago.

VOTE: Unanimous

A motion was made and seconded to take Item **2007-007** out of order.

VOTE: Unanimous

2007-007 RESOLUTION CAPE CARE UNIVERSAL HEALTH CARE PROPOSAL

Upon a motion duly made and seconded it was

RESOLVED:

Whereas, health care coverage has become less affordable and less available to growing numbers of people in our community, despite all efforts to date at both the state and federal level; and

Whereas, each person who lacks adequate health care coverage faces increased risks of illness, disability, and premature death. Our region has well above state-average rates of uninsured- and underinsured-people; and

Whereas, the families of such individuals are faced with growing out-of-pocket costs. These families must now confront the soaring expenses of health coverage, and the worry about bankruptcy or impoverishment in the event of serious illness. Their caregiver stress increases with the need to provide more and more uncovered care; and

Whereas, small businesses face the soaring expenses of covering their employees' health premiums, passing some of these costs along to employees in the form of rising premiums and out-of-pocket payments. Our regional predominance of small businesses and self-employed individuals is, understandably, a key factor in the low rates of health care coverage; and

Whereas, our Town government struggles with the costs of health coverage for town employees. We the people are regularly forced to choose among other important and accustomed community services for budget; and

Whereas, our community health care providers and institutions are caught in the inescapable financial squeeze of rising administrative costs and declining reimbursements. They are forced to reduce staffing, cut services, or close. Access to care for all they serve is diminished; and

Whereas, these consequences represent losses in quality of life for many (if not all) members of the Cape and islands community, and a threat to our collective welfare.

Now therefore, we petition our County Government to support the development of a proposed regional universal health care program, known as Cape Care, which would, at a minimum, meet these criteria:

- provide broad health care coverage for ALL residents of the Cape and Islands, to improve individual and community health; and
- control health care cost inflation by reducing excessive administrative expenses, as well as through bulk discount purchasing of necessary medications and medical supplies; and
- shape health care delivery to meet community needs for appropriate care, through a representative policy-making board of community members and health care providers; and
- strengthen the ability of our existing network of health care providers and institutions to provide high-quality care, by assuring adequate funding for necessary services.

We call for public hearing process in Barnstable County, to include analysis of the proposed plan's organization and governance, its expected effects on community health, and its financial modeling, to be initiated by the end of the year 2006.

The Clerk of the Town is instructed to give Notice of Passage of this Resolution to the town's representative to the County Assembly of Delegates, the County Commissioners, and the state and federal representatives and Senators, within 30 days.

Councilor Barry said the town's cost for insurance is not getting better. This does not ask the town to adopt a program but to support allowing the Assembly of Delegates to study it.

Councilor Joakim asked how this would 'jive' with the state's health care legislation. She has concerns and also wants to know what kind of public input will there be.

Councilor Curtis had some questions too. She would want the people to still have choice. The last paragraph says it is a ‘public hearing process’ and she feels the council would support such a process. She will support this item. It is county issue not a town issue and may save the town money.

Councilor Milne said that, at the very least, if each town had such a program for town employees, money would be saved. The result might not be a big plan but maybe a smaller one. He supports it.

Councilor Tobey made a motion to move the question, which was seconded.
VOTE: Unanimous

On Item 2007-007

VOTE: 10 Yes, 2 No (roll call – No Farnham and Munafo)

A motion was made and seconded to take Items **2007-009, 2007-010** and **2007-011** out of order.

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to open a public hearing on Item **2007-009 APPROPRIATION AND LOAN ORDER HYANNIS YOUTH AND COMMUNITY CENTER** at 9:29 PM.

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to open a public hearing on Item **2007-010 TRANSFER OF UNEXPENDED BOND PROCEEDS FOR CONTSTRUCTION OF HYANNIS YOUTH AND COMMUNITY CENTER** at 9:30 PM.

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to open a public hearing on Item **2007-011 APPROPRIATION ORDER FOR HYANNIS YOUTH AND COMMUNITY CENTER** at 9:30 PM.

VOTE: Unanimous

Manager Klimm gave the rationale. He mentioned the groups and individuals who have participated in the public/private partnership.

Lynne Poyant, Director of Community Services, began a PowerPoint presentation (See Exhibit C). She introduced Tom Scarlata from Bargmann, Hendrie + Archetype, Inc. who continued with a portion of the presentation. Finance Director Mark Milne reviewed the financial portions of the presentation.

David Curley, Director of Recreation, spoke about the activities that will be provided. The rink has served for a number of years, but it is tired and it is time for a change. The staff is ready for the challenges. The revenue projections are conservative and the project has a nice balance between ice and dry floor activities.

Lynne Poyant discussed the spin-offs to benefit the community from tournaments with visiting teams and their families, who will stay in motels, eat at restaurants, etc. In review, she pointed out that the \$18 M plan needs less tax support than the current facility or the \$15 M plan.

David Chase, on behalf of the Hyannis Youth and Community Center Foundation, he presented Manager Klimm and President Farnham with a mock check in the amount of \$1 M, which represents Lyndon Lorusso Foundation’s complete donation towards this project. The original intention was to make the donation in three installments but Mrs. Lorusso has accelerated the payments making the full amount available in September, pending passage of these items.

Patrick Butler echoed Dave Chase’s comments. He promised former Councilor Blazis, who gave him the first check when, about five years ago, the council passed the \$8 M towards this project, that

he would not cash it until the balance had been raised. If the council passes these items, he will be ready to cash the check. He feels there are economic benefits and a place to mentor kids. Right now, 50% of the hockey players and families leave Hyannis to practice elsewhere. Those families will now save and the funds will remain in the town.

Debra Dagwan is ecstatic that this is on the agenda and supports the items. She has always promoted sports activities for the girls and this will provide the expansion of all sports activities. She hopes the Kennedy name on the rink will not go away.

Mark Raymond from the Youth Commission said, as a young person in town, that everyone is excited about it. It will be a safe place for the young people in town to hang out.

Lou Gonzaga suggested the council "just vote it in." Eighteen million is nothing compared to the long-term positive effect on the youth.

Mary Ann Barboza is also very excited, hopes everyone is on the same page, and that no one will vote 'no.'

Upon a motion duly made and seconded it was voted to close the public hearings on Items 2007-009, 2007-010 and 2007-011 at 10 PM.

VOTE: Unanimous

President Farnham said that after starting out with skepticism, he supports this 100%.

Councilor Crocker also feels it is a great opportunity. He asked about reserves for repairs being included in the business plan. Mark Milne addressed the potential for repairs after 20 years and said the \$1.4 M could support a bond issue at that time. The concrete surface could last 25 years and the sand surface has a 25 to 50 year life.

Councilor Barry pointed out that priorities may be mixed up since there are students currently paying for sports and bus fees. In addition, he feels the area is more dangerous and asked about security and monitoring of students. Lynne Poyant explained that the transfer of bond proceeds cannot be used to fund operating expenses. Staff will be placed in different parts of the building so there will be coverage. The building also uses internal windows for visibility.

Councilor Tobey commented on the safety issue, pointing out that the Hyannis East Elementary School is in that area and he feels the area will be safe. Many people will be using the building and safety will not be an issue. He supports it.

Councilor Brown made a motion to move the question, which was seconded.

VOTE: Unanimous

2006-009 APPROPRIATION AND LOAN ORDER HYANNIS YOUTH AND COMMUNITY CENTER

Upon a motion duly made and seconded it was

ORDERED: that the sum of \$1,600,000 be appropriated, in addition to the \$1,000,000 appropriated under council order 2002-080 and the \$8,000,000 appropriated under council order 2002-101, for a total of \$10,600,000 all for the purpose of funding the construction of the Hyannis Youth & Community Center, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,600,000 in addition to the \$1,000,000 borrowing authorized under council order 2002-080 and the \$8,000,000 borrowing authorized under council order 2002-101 for a total borrowing authorization of \$10,600,000, and that the Town Manager 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, and furthermore, that the town rescind \$1,600,000 of borrowing authorization under council order 1998-054 for the purpose of the Barnstable Unified Transportation And Parking System (BUTAPS).

VOTE: Unanimous (roll call)

2007-010 TRANSFER OF UNEXPENDED BOND PROCEEDS FOR CONSTRUCTION OF HYANNIS YOUTH AND COMMUNITY CENTER

Upon a motion duly made and seconded it was

RESOLVED: that the Town Council hereby transfers \$1,497,508 of unexpended bond proceeds from the following projects for the purpose of constructing the Hyannis Youth and Community Center:

2001-087 Sidewalk Construction	\$5,393
2002-080 Police Facility Addition	2,993
1998-092 Prince Cove Dock and Ramp	85,074
2000-110 Kennedy Rink Improvements	141,779
1995-155 Road Intersection Realignment	156,236
1998-054 BUTAPS	<u>1,106,033</u>
Total	1,497,508

VOTE: Unanimous (roll call)

2007-011 APPROPRIATION ORDER FOR HYANNIS YOUTH AND COMMUNITY CENTER

Upon a motion duly made and seconded it was

ORDERED: that the Town Council hereby appropriate \$442,328 for the purpose of constructing the Hyannis Youth and Community Center, and to meet such appropriation, that \$442,328 be transferred from the reserves in the Capital Trust Fund.

VOTE: Unanimous (roll call)

Upon a motion duly made and seconded it was voted to open a public hearing on Item **2006-048** at 10:11 PM.

VOTE: Unanimous

Manager Klimm gave the rationale.

Upon a motion duly made and seconded it was voted to close the public hearing at 10:12 PM.

VOTE: Unanimous

2006-048 ORDER TAKING OF GALLAGHER LANE EASEMENTS FOR HIGHWAY PURPOSES

Upon a motion duly made and seconded it was

ORDERED that the layout of Gallagher Lane, with areas and dimensions as shown on plans which are on file with the Town Clerk's Office, is hereby accepted and that the Town Manager is authorized to take by eminent domain easements for highway purposes over the parcels of land shown as abutting the said street and to appropriate the sum of \$1.00 therefore.

VOTE: Unanimous

2007-001 APPOINTMENTS

Upon motion duly made and seconded it was

ORDERED That the Barnstable Town Council appoints the following individuals to a multiple member board/committee/commission:

AIRPORT COMMISSION APPOINTMENT:

Daniel W. Santos, 111 Stoney Point Road, Cummaquid, MA 02637, term expires 06/30/2009

Thomas B. Dolby, 12 Mountwood Road, Marstons Mills, MA 02648, term expires 06/30/2009

Councilor Curtis explained that Mr. Santos was the committee's nomination and Mr. Dolby was nominated from the floor at the last meeting for the one seat available.

Councilor Milne who made that nomination felt this was a critical appointment and did not nominate Mr. Dolby lightly. He has paid close attention to the Airport Commission both as its current liaison and before. He spoke about all the issues that have affected the commission and feels that Mr. Dolby is the kind of individual the commission needs. He suggested to Mr. Santos that he would be more suited to a term on the board of health based on his background. Dolby will put the community first on this committee.

Councilor Crocker does not agree. The committee needs to work together. He feels Mr. Santos's skill set as an engineer will be an asset at this time as a terminal is being built. Councilor Munafo interviewed Dolby for the position and believes Mr. Santos is more qualified.

**VOTE: (roll call) Santos: 7
Dolby: 5**

Mr. Santos was appointed by majority vote.

TRUST FUND ADVISORY BOARD APPOINTMENT:

Christopher J. Ward, 19 Cats Paw Way, Centerville, MA 02632, term expires 06/30/2009

VOTE: Unanimous

2007-004 ORDER AUTHORIZING SALE OF LAND, 30 OAKVILLE AVENUE, FOR AFFORDABLE HOUSING

Upon a motion duly made and seconded it was

RESOLVED: that the Town Manager is authorized to dispose of by sale on behalf of the Town all right, title and interest in surplus Town land acquired by tax foreclosure having a street address of 30 Oakville Avenue, Osterville shown on Assessors Map 143 as Parcel 003 for a price to be established by competitive proposal or auction, provided it is appropriately restricted for affordable housing, and to execute and deliver any and all documents necessary to complete the sale in accordance with the terms of this Order.

Manager Klimm gave the rationale. This will authorize the town to put this project out to bid. It is straightforward and a relatively small parcel. Residents will have input when it goes before the ZBA.

Councilor Barry left the hall because he represents the former owner of the parcel.

Councilor Crocker said both the Village of Osterville and Osterville Village Assn. approve this item. He provided additional details on the location and spoke about the other parcels owned by the town throughout the town.

VOTE: 11 Yes (roll call)

Councilor Barry returned to the hall.

Upon a motion duly made and seconded it was voted to open a public hearing on Item **2007-006** at 10:32 PM.

VOTE: Unanimous

Paul Niedzwiecki, Assistant Town Manager, gave the rationale.

Upon a motion duly made and seconded it was voted to close the public hearing at 10:35 PM.

VOTE: Unanimous

Councilor Curtis hopes that the lighting in the parking areas around town hall will also be considered as part of the public safety issues.

Councilor Crocker moved that this be set aside to provide an opportunity to talk to the fire district regarding ownership of street lights, reimbursements, etc. Mr. Niedzwiecki explained that the \$50,000 was only for the study which would provide something to discuss and the Hyannis Fire Department has been involved. Crocker wanted to know who would own and pay for the lights. Niedzwiecki explained that with a design, the town can go after capital money. Hyannis Fire Department is responsible for the operational cost and they will be and have been included.

President Farnham asked if the staff could do the study rather than an independent 3rd party. Lighting is a very technical area where guessing would produce ineffective results. Towns don't as a rule have the capacity to do this in-house. Councilor Munafò said it seems like a small amount to invest in the knowledge. The fire districts are excited about the cost savings. Councilor Milne wanted to make sure resident neighbors' and abutters' thoughts are included in the decision. What about the utility poles and burying them?

Councilor Crocker feels it is not about whether it is a good idea or who will do a better job, but about incorporating a group who has handled the street lighting for many years. He does not feel the urgency to do it this evening.

An amendment to add the following was suggested and seconded: "The Hyannis Fire District shall be included in the discussions of the study." (This was a friendly amendment – no vote taken.)

Manager Klimm pointed out that the fire department standards of security may be different than police or resident standards. No one group has the high level of expertise.

A motion was made and seconded to move the question.

VOTE: Majority

2007-006 APPROPRIATION FOR STUDY OF AESTHETICALLY AND HISTORICALLY APPROPRIATE STREET LIGHTING IN THE HYANNIS GROWTH INCENTIVE ZONE

Upon a motion duly made and seconded it was

ORDERED: that the Town Council hereby appropriate \$50,000 for the purpose of preparing a lighting study in Hyannis, MA, and to meet such appropriation, that \$50,000 be transferred from the reserves in the Capital Trust Fund. The Hyannis Fire District shall be included in the discussions of the study.

VOTE: 12 Yes (Roll Call) As amended.

Upon a motion duly made and seconded it was voted to open a public hearing on Item **2007-008** at 10:50 PM.

VOTE: Unanimous

John Klimm gave the rationale.

Beth Dillen, Special Projects Coordinator, Growth Management Department, further explained that the funds will be used to buy-down the cost on resale to make the price of the home to the qualified buyer fall within 'affordable' guidelines regardless of the fair market value.

Upon a motion duly made and seconded it was voted to close the public hearing at 10:54 PM.

VOTE: Unanimous

Councilor Crocker asked if this would be like taking a mortgage on the properties. Ruth Weil, Director of Growth Management Department said the money will go to the seller to save the buyer from paying an amount that would make the house price above the affordable guideline. There is no requirement for the town to take a mortgage but it will be considered on a case-by-case basis. It will be a revolving fund which is replenished when the house is sold. It will be recorded against the deed.

It was moved and seconded to suspend the rules to extend the meeting past 11 PM.

VOTE: Majority in favor.

Councilor Crocker had questions about the ramifications of the town being in the second mortgage business.

A motion was made and seconded to move the question.

VOTE: Majority in favor.

2006-008 COMMUNITY PRESERVATION FUND APPROPRIATION FOR AFFORDABLE HOUSING PRESERVATION

Upon a motion duly made and seconded it was

ORDERED: that, pursuant to the provisions of G. L. c. 44B, the sum of Seventy-five thousand and No/100 (\$75,000.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144; and that the Growth Management Department is authorized to contract for and expend from year to year the amount appropriated with the prior approval of the Town Manager for acquisition of interests in land or buildings and other costs and expenses limited to the necessity for retention, preservation and support of existing or hereafter created community housing until fully expended.

VOTE: 11 Yes, 1 No (roll call – Crocker No)

Town Attorney Robert Smith said the council needed to vote to continue the meeting past 11 PM by a 2/3 vote, after the item under discussion at 11 PM was completed.

A motion was made and seconded to continue the meeting until the agenda was completed.

VOTE: 6 Yes, 6 No Fails (roll call Yes Votes: Barton, Brown, Crocker, Curtis, Farnham, Tobey)

Upon motion duly made and seconded it was voted to adjourn at 11:10 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk