



## TOWN COUNCIL MEETING January 4, 2007

A quorum being duly present, Council President Janet Joakim called the meeting of the Barnstable Town Council to order at 7:00 pm, on January 4, 2007, at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

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

Vice President Brown led the Council in the Pledge of Allegiance and a moment of silence.

### • HISTORICAL COMMISSION PRESENTATION

Nancy Clark, Chair of the Barnstable Historical Commission gave a Power Point presentation on the various historical commissions and committees within the town and their purposes (see A attached). Barbara Flinn, Marilyn Fifield, Nancy Shoemaker, Jessica Rapp Grasseti, George Jessop and Melissa Cummings-Niedzwiecki were also present from the Commission. They also identified some of their goals including inventories and proposal for the National Historic Register. They want to improve communication with the council. (See handouts attached as A, B, C.)

Councilor Canedy congratulated the group on its 40<sup>th</sup> anniversary. She asked the status of the Certified Local Government designation. The Historical Commission submitted it to the Growth Management Department and Ms. Clark was not sure of what was happening with the application.

Canedy also asked what an inventory and an historic preservation plan are. Clark said the definitions are on the attachments. Canedy asked if they wanted the town-wide inventory brought up to date – yes they do. Marilyn Fifield said they are working on the plans. They have two applications before CPC to do a town-wide inventory. The inventory is different from a historic plan.

Councilor Curtis thanked them all. She questioned the decisions made on demolition permits and asked what “if not historical contributing” means. Clark said it goes under certain criteria. If it has no historical significance like a garage built in 1932, it could be destroyed.

Councilor Farnham asked what the Certified Local Government designation entails, etc. Ms. Clark said that you have to present a yearly report and you have to have people on staff and on your commission who are knowledgeable. The report needs to show what you have accomplished. We need the government to ok it, and then we can apply for grants.

Councilor Munafo noted that this was a large presentation and they covered a lot of ground and did it well.

Councilor Crocker also thanked the volunteers for all their work. He asked about demolition permits. He said property rights have value. Where do we draw the line between rights and what is feasible and economical to rebuild. George Jessup said that part of the analysis includes the economic value of the property (specifically waterfront). Two of the 3 recent properties were large and well maintained, and the style was unique. These were not small (4,000 sq. foot at least). They looked at the soundness of the foundations – the property was

worth a demolition delay to see if they could rehab instead of tearing down. These were not economically decrepit.

Jessup said that some of the applications are approved for demolition. We try to preserve the historic aspect of the community. Some demolitions come through for partial demolition. They try to preserve the historic value. Councilor Crocker pointed out that inland homes that need help, and are forced to wait 6 months, can handicap the people.

Crocker asked about the status of the National Register issue and the National Guard Armory. Clark said the Commission never took a vote on the Armory and were not approached. No one spoke for the commission.

Councilor Milne said Commissioner Fifield spoke as an individual in a newspaper article on the Armory. There was no doubt that she spoke on her own. This board is very enthusiastic. He asked if there were any further communication suggestions to help. Do you reward people who do a banner job in restoration? He thanked them for their work.

Ms. Clark said that in the past they have given out awards for preservation – and they welcome any suggestions for nominees. Ms. Grasseti wants better communication between their board and Growth Management – she wants to know if there is an artifacts inventory. She would like the inventory done so that we can loan them out for display.

Councilor Canedy asked if there is a cost for the CLG. She was told there is no cost to the town and a chance for money to come to the town.

Asst. Manager Paul Niedzwiecki said we had a good first step meeting yesterday to begin to communicate better. We can't guarantee that we will say what you want us to say. He stated that we asked for an inventory in the Hyannis area and the commission wanted a town wide inventory and, so far we don't have any inventory. It is about process and we are committed to work it out. As far as the dredging of the Centerville River and the timbers that were put into the parking lot - if the project had been shut down we would have lost a lot of money. So there are competing interests out there. There are sometimes jurisdictional issues. We try to be responsive and are taking steps to be a team player.

Niedzwiecki also said that there was correspondence from the State to the Historic Commission. That correspondence should have been shared with the government. So we have some issues. And, as far as the CLG goes, we are not going to enter into an agreement when it might involve costs down the road.

Ruth Weil, Director of Growth Management said that she never turns down money and echoed the Asst. Manager's comments. The CLG designation involves only 16 towns. She has a copy of one agreement and some of the issues involve things with which we may not wish to be involved. She is committed to improving communication. We are going to work on it.

President Joakim thanked the commission. (Presentation and questions ended at 8:05 p.m.)

## **PUBLIC COMMENT**

Alan Burt thanked the Human Services Committee for help on the Homeless Persons Day that was highlighted with a mock homeless camp. He appreciated the help on this from Councilor Janice Barton and others. He acknowledged those who played a role in this day. (See D attached for his full speech.)

Lou Gonzaga suggested utilizing the assessor's property records and the Registry of Deeds, as well as the Cape Cod Times archives for housing inventory information. He has heard great things about the police department. Get rid of the Cape Cod Commission.

John Julius said that he as well as Paul Revere, Peter Doiron and Gary Lopez have been written up as being involved in lawsuits. Only he (Julius) has been involved in 8 lawsuits. As far as the charter petition, they hope to get out this weekend and it is going well. Cape Cod Times took a shot at him and others. We are not gadflies. We are not pests. We care about the town.

John Alden does not like putting the council response to public comment at the end of the meeting. Public comment needs to be heard and issues need to be talked about. He would like a progress report on overcrowded housing; it is not getting any better.

Bob Frazee is dismayed that the conversation is where it is on the CLG. There may be some downsides but he is not familiar with any. The town has a difficult time embracing historic preservation. Preservation is not about stopping change. We are not hysterical. It is about managing change, and understanding the resources.

Robert Tucker presented a list with overcrowded houses – he wants to know when it will be stopped. Let's hope that now since you voted it through you will also try to stop this.

Peter Doiron said Comcast is raising the rates by 3%. We could do it ourselves. At one point it was noted that Cape Cod water is better than a Colorado stream – yet recently towns have had some large water issues. MEPA has now declared that the airport is a public involvement site. He does not sue anyone.

Public comment closed at 8:28 p.m.

### **COUNCIL AND TOWN MANAGER RESPONSE TO PUBLIC COMMENT**

Councilor Barton thanked Mr. Burt. She said \$11,000 was raised that day honoring the homeless. She thanked everyone who took part. History teachers in Barnstable do teach local history.

Councilor Canedy said the Sturges Library is coming forward for CPC funds to archive the Cape Cod Times archives. Our beaches and historic areas help bring people here. She does value the knowledge on the historic boards and commissions.

Councilor Milne said, based on public comment, he would like an update on what is happening and where has the energy gone on clearing up the crowded homes. The law abiding people are having some issues.

Vice President Brown said that documentation is missing on the cases of overcrowded housing. Most complaints are hearsay. Keep documentation for a week, get license plate numbers and turn the information in – we need the documentation in order to act.

Asst. Manager Niedzwiecki said we have been hit from both sides on the rental issue. Some say we are heavy handed. We will act as the information comes in. This is an investigation and a lot of resources are needed to enforce this. We are trying to focus on the most egregious. This will continue. At this point I would hesitate to bring up names of individual residences where there have been problems.

DPW Director of Public Works Mark Ells explained that there are an ongoing monitoring wells near the Fire Academy, and they will move forward with an emergency response to pump and treat. We are working with the state agencies and our Board of Health and will advise as it progresses. Councilor Crocker said there will be a series of monitoring wells and they are tracking it and will pull the water out of the ground and handle it. They are trying to identify the problem and are making progress.

## **REPORTS FROM TOWN COUNCIL, BOARDS, AND COMMITTEES**

Councilor Barry noted that there will be a hearing on the Crocker Neck conservation area on January 9<sup>th</sup>.

Councilor Munafo thanked those who had responded to the council compensation survey – please get it in so that we can debate the issue.

Councilor Barton announced kindergarten registration, and indoor air quality. She addressed Operation In From The Cold, and the fact that they are looking at the place of origin of homeless individuals.

Vice President Brown congratulated the Hyannis Business Improvement District who will be doing a presentation at the MMA conference.

Councilor Milne asked when the school/town subcommittee will convene. President Joakim said she is working on that.

## **ACT ON MINUTES**

Upon motion duly made and seconded it was voted to approve the minutes of December 21, 2006 with the following corrections: On page 5, 5<sup>th</sup> paragraph it should read: “To clarify something that a previous speaker had said, Councilor Munafo asked Smith if the DA could have fined the council.”

**VOTE: 13 yes as amended**

## **ORDERS OF THE DAY OLD BUSINESS**

### **A. OLD BUSINESS**

**2007-061 - APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$965,000 FOR THE PURPOSE OF MAKING CERTAIN IMPROVEMENTS TO BISMORE PARK INTRO.:12/07/06; 01/04/07**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing 2007-061.

**VOTE: 13 yes**

Asst. Manager Niedzwiecki and Kate Kennen from Growth Management gave a Power Point presentation that highlighted the harbor, the properties that the town owns, and plans for more accessibility and improvements at the harbor. Over 10,000 people a day travel in the harbor between ferries and other vessels. There is a lot of property being utilized for parking and that will be studied. We look at the land, now we have to look at the use of the water as well: capital improvements, regulatory changes and management revisions.

Many capital improvements have been made on Main St., the Walkway to the Sea, the Harbor Your Arts Program, and other temporary art projects. The town is well situated on the harbor with different properties. We need to connect the spaces on our own. We need improvements to Bismore Park, we did work to Aselton but that needs additional help. The Maritime Museum needs some mixed use and we are also looking to connect this area to Pleasant Street. Some other plans near Baxters will include Drouin Park; and, the Lewis Bay Boat Ramp needs to be renovated.

We made Bismore Park a priority and applied for an Urban Self Help Grant – (they got a \$500,000 grant). They need an additional \$465,000 to complete the total need of \$965,000. There will be reimbursement on it. They showed proposals for possible projects like redoing the bathroom and making a visitor center, redoing the parking areas and adding green space, redoing the parking meters, redoing the harbor walk and shifting the shanties so as not to block neighbor views. They are going to build a new 2,300 square foot building, with a 1,000 square foot deck with seating, welcome area, new restrooms, dock master's office and conference area, mechanical area, and a partial second floor which would have the harbormaster's office. So it is \$865,000 for the building and \$100,000 would be used for new parking meters. Those meters will raise revenues and are programmable. They looked at income from meters, concessions and vending and HYA shanties to bring in almost \$140,000 a year. Niedzwiecki explained the bonding process and where the money will be coming from. It is a good business plan.

Lou Gonzaga said that we are not a business user-friendly town. Become business user friendly. What do we have to offer? And, what is here to buy? Nothing. A few nice shops and others are copies of things from China. We need to create and get more businesses to come here. Call it East Hyannisport.

Mr. Tucker lives on Pleasant Street and said nobody walks down the street. There needs to be jobs in the Town. There are homeless and you spend this money. I don't understand this.

Upon motion duly made and seconded it was voted to go out of the public hearing at: 9:13 p.m.

**VOTE: 13 yes**

Councilor Canedy said there are two harbors and the other one is Barnstable Harbor. She had to beg borrow and steal to get the bathrooms open in Barnstable. We have a million dollar dredging project coming up, docks that need repair in Barnstable and bathrooms that are not open and clean. She would like both harbors done. Niedzwiecki said it is an Urban Grant and we will be reimbursed \$500,000.

Councilor Barton asked about the cost of the building.

Councilor Curtis said she feels it is important that the rest of the attractions in the town and Hyannis be made available and highlighted. There is more to the town than just Hyannis. If we are going to spend this kind of money then we need to look at the whole town and other areas. She asked if the \$500,000 reimbursement would pay off the short-term note. Yes was the answer.

Councilor Farnham said this is exciting. He is stunned with the price of a 2,300 square foot place. This is a bathroom; the number is breathtaking. Why don't we have Jim Stewart draw out a plan and put it out for bid? There are more than two harbors in town. He asked Lou Gonzaga to come back with some suggestions to improve the business community.

Councilor Crocker wanted it confirmed that this can be spent only on Bismore Park due to the grant. (Yes was the answer). He asked for qualification on the BUTAPS and what does this mean to the taxpayer. Mark Milne, Director of Finance said we have borrowing authorization for \$2.7 million. They are requesting \$965,000 of this authorization – so we are just shifting part of the authorization. There will be no new authorization. The revenue will pay the debt service. After we transfer – the state grant will pay off \$500,000 and then we can rescind the rest of the authorization or transfer it to another borrowing. Obviously this is a good opportunity.

Crocker wants to see a good underground program. He feels that this is not a big enough office and believes that we should think about moving the harbormaster elsewhere. He also asked if this is going to act as an enterprise fund and how do we know the revenue will be assigned. See if you can come up with a deck on the second floor. Niedzwiecki said the revenue there now goes back to Bismore.

Councilor Tobey will support this. It is a win/win situation.

Councilor Munafo asked about the specificity of the money for Bismore. Yes, it is just for Bismore Park. This was an urban self-help grant and can only be used in Hyannis. We have done some revitalization now are we going to spend more money. Munafo is looking at his responsibility. He also noted that the structure is being moved due to visual blocking. His question was: If you take the building to a 2-story structure, would that create more of a visual blocking?

Munafo would not mind if we postponed this to get more information and put that into a motion to postpone. Niedzwiecki said this is time sensitive...and it should be passed tonight (Munafo withdrew his initial motion).

Councilor Milne applauded the program. This is the port for Nantucket. He is in favor of the harbormaster being on the harbor – there is no logic to having him on Phinney's Lane. Is there

a plan to get rid of the Phinney's Lane structure? He agrees that a second floor deck would be a positive as well.

Pres. Joakim said a Main Street business owner just called and wanted it noted that people come through the harbor, but we need to try to capture those people and get them to Main Street as well as the rest of the town.

Councilor Curtis clarified that the money includes a new building, draining issues, landscaping, and parking meters. It was noted that the cost would not landscape the whole area. The cost is about \$260 a square foot for the structure. But the goal is to design a building that makes sense and do it less expensively if possible – and if there is a savings then other things can be accomplished in the area..

Vice President Brown explained a few issues and urged the councilors to give the basic authorization. In 3 years, with the revenues, it will pay back the short term borrowing. We don't want the Steamship moving over to Crosby's. This is an urban development grant – it has nothing to do with the rest of the town. It is an ideal opportunity.

Councilor Rugo asked about the meters. They will be different and accept credit cards. Rugo reminded the council that in the past the Steamship Authority promised us a walk around the area (near Baxter's) and we should get it. The parking lots for Nantucket are not good.

Councilor Chirigotis noted that the harbormaster has a small shed on Barnstable Harbor. Thousands of people use the ferry – there is a rush to get in and get out – if we can capture them it makes good sense.

Councilor Canedy has no problem with the grant but she has a problem with the other \$465,000. Niedzwiecki said it is a matching grant, we are going to get reimbursed \$500,000.

Councilor Barton asked if this will take Bismore off the CIP.

Councilor Tobey called the question which was seconded.

**VOTE: 13 Yes to move the question**

Upon motion duly made and seconded it was:

**ORDERED:** That the sum of \$965,000 be appropriated for the purpose of funding certain capital improvements for Bismore Park and that to meet that appropriation, the Town Treasurer is authorized to borrow \$965,000 and that the Town Manager is authorized to contract and expend said appropriation made available for that purpose and is authorized to accept any grants or gifts in relation thereto and furthermore that the town rescind \$965,000 of borrowing authorization under Council Order 1998-054 for the purpose of the Barnstable Unified Transportation and Parking System. (BUTAPS).

**VOTE: Roll call – 12 Yes/1No (Canedy)**

Upon motion duly made and seconded it was voted to take item **2007-068** out of order and vote on it.

**VOTE: 13 Yes**

**2007-068 - ACCEPTANCE OF A FY 2007 & 2008 GRANT FROM THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS IN THE AMOUNT OF \$500,000. INTRO.: 01/04/07**

Upon motion duly made and seconded it was:

**RESOLVED:** That the Town Council does hereby accept the grant award in the amount of \$500,000 from the Executive Office of Environmental Affairs under the Urban Self-Help Grant program.

**VOTE: 13 yes**

**2007-063 - LOAN ORDER FOR REFUNDING BONDS INTRO.: 12/21/06; 01/04/07**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing 2007-063.

**VOTE: 13 yes**

Mark Milne, Finance Director explained that it is just authorization for refinancing. Bond counsel said this will refund all outstanding bond issues and we can react to the market quickly if the rates are favorable. We may never use it but will be ready

Upon motion duly made and seconded it was voted to go out of the public hearing at: 9: 58 p.m.

**VOTE: 13 yes**

Councilor Crocker asked what is outstanding against the \$50 million. Milne said the total amount (\$50M) is about what is outstanding and available for different borrowing. We need to realize a savings of at least 3%. Our advisors use that as a figure and make sure that it will cover any costs as well. Then it would make sense to go forward. We run these figures monthly.

Councilor Munafo asked if we had done this before. Milne said we did come to the council for a \$10 million authorization. The advisors said we have a better opportunity and suggested the language in this item. So is a revision from the first one.

Councilor Curtis asked Director Milne for an update in a 3 – 6 month period of time.

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

**VOTE: 13 yes**

Upon motion duly made and seconded it was:

**ORDERED:** that in order to reduce interest costs, the Treasurer with the approval of the Town Manager is authorized to issue refunding bonds pursuant to G.L. c.44, §21A to refund all or a portion of the remaining amounts of any of the Town's bonds outstanding as of the date hereof; that the refunding bonds shall be issued in an amount not to exceed \$50,000,000, in order to pay the principal, redemption premium and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including a refunding trust agreement with a bank or trust company.



**VOTE: (Roll Call) 13 yes**

<b>2007-058 - ORDER AMENDING SECTION 220-10 OF THE GENERAL ORDINANCES INTRO.: 12/07/06; 12/21/06; 01/04/07</b>
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Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing 2007-058.

**VOTE: 13 yes**

Councilor Farnham explained it was adding the word “regular” in the text of the section. This allows us to have meetings off-site and not have to worry about the added costs of a videographer. The meetings would all remain public and be posted as required, they would just not be required to be televised.

Peter Doiron would be for a more encompassing section and gave a couple of suggestions for amending the item.

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

**VOTE: 13 yes at 10:03 p.m.**

Councilor Milne spoke in favor of certain meetings being televised. He feels this is a convenience proposal. We should be open government. We now have a great film studio and staff. He asks that the council not support this item.

Councilor Farnham spoke with the School Committee, and they would like to have this passed and asked for support.

Councilor Crocker asked for the difference between the way it is now and the way it will be with the word “regular” added. He pointed out that is the way it is now. There was some discussion on the issue.

Councilor Chirigotis said regular meetings shall be televised but special meetings are not required to be televised.

Councilor Canedy said that it helps by not having to pay for a videographer for extra meetings that may put everyone to sleep.

Councilor Tobey asked for clarification. Attorney Houghton said all meetings must be televised. In this item, all regular meetings would have to be televised – special meetings or other meetings would not have to be televised at all.

Councilor Chirigotis asked if extra budget meetings would have to be televised. They would not.

Councilor Munafo said do it for the school committee but not the town council. He feels it should remain the same as it now stands.

Upon motion duly made by Councilor Rugo and seconded it was voted to call the question.

**VOTE: 13 yes**

Upon motion duly made and seconded it was:

**ORDERED,**

That the general ordinances are hereby amended by striking out section 220-10 and inserting in place thereof the following:

**§ 220-10. Suspension of requirement for televising meetings.**

All regular meetings of the Town Council and School Committee shall be televised, unless, by a vote of 2/3 of those present and voting, because of emergency conditions or some other substantial reason stated as part of the vote, the body in question suspends the requirements hereof. Nothing contained in this article shall be so construed as to conflict with the requirements of MGL Chapter 39, § 23A et seq.

**VOTE: (Roll Call 6 YES 7 NO - Defeated) (No votes by: Barry, Canedy, Chirigotis, Crocker, Curtis, Milne & Munafò)**

**NEW BUSINESS**

**2007-065 – APPOINTMENTS      INTRO.: 01/04/07**

Upon motion duly made and seconded it was voted to refer this item (2007-065) to a second reading on January 18, 2007.

**VOTE: 13 yes to refer**

**2007-067 - TOWN COUNCIL RULE CHANGE RE: AGENDA ORDER OF BUSINESS  
INTRO.: 01/04/07**

Upon motion duly made and seconded it was moved to refer this item (2007-067) to a second reading on Feb. 1.

**VOTE: 13 yes to refer**

**2007-069 - COMMUNITY PRESERVATION FUND APPROPRIATION FOR COMMUNITY  
HOUSING AND HISTORIC RESOURCES FOR ASSESSOR MAP AND PARCEL NUMBERS  
326-020 AND 326-019      INTRO.: 01/04/06**

Upon motion duly made and seconded it was voted to refer this item (2007-069) to a public hearing on January 18, 2007.

**VOTE: 13 to refer**

**2007-071 - COMMUNITY PRESERVATION FUND APPROPRIATION FOR HISTORIC  
REHABILITATION      INTRO.: 01/04/07**

Upon motion duly made and seconded it was voted to refer this item (2007-069) to a public hearing on January 18, 2007.

**VOTE: 13 yes to refer**

## **PRESIDENT/VICE PRESIDENT COMMUNICATIONS**

President Joakim is working on liaisons to committees. She asked the councilors to call her if they would like to discuss it with her. She wants to improve relationships. She would like two liaisons for regulatory boards and then we can act as a conduit between the board and the council. Councilor Rugo said that he disagrees with the regulatory aspect. President Joakim explained that she doesn't necessarily want the liaison to sit through all meetings. She does, however, want the councilors to make an appearance and ask if there are issues that they wish to have brought forward.

## **PUBLIC COMMENT**

Marilyn Fifield wanted to defend herself. She said that she has never opposed the acquisition of the Armory. I have never withheld correspondence.

Peter Doiron is confused about the new rules on the use of names. He quoted Charlotte Striebel who stated that she wanted to keep the meeting moving and let everyone speak.

## **ADJOURNMENT**

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

**ADJOURNED: at 10:30 p.m.**

Respectfully submitted,

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