



TOWN COUNCIL MEETING March 1, 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 Thursday, March 1, 2007, in the 2nd Floor Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

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

Council President Joakim asked Vice President Gary Brown to lead the Council in the Pledge of Allegiance and moment of silence.

President Joakim noted that, due to a lack of a quorum, the Planning Board would not be joining the council. The two items to be discussed would be postponed later in the meeting to March 15.

- **The SCHOOL BASED HEALTH PROCLAMATION referred to the 15th.**

- **FIRE DISTRICT STUDY COMMITTEE -**

Councilor Janice Barton introduced committee members present and explained the report that she handed out to the councilors. (The full report is on file with the Town Clerk). She explained the charge of their committee and recommendations.

Chief Crosby spoke to ESCI about doing a consolidation study. He explained what would be required and included in such a study.

Councilor Canedy spoke with the Matrix group. She addressed what they would do regarding an EMS study, including an outline of their work plan.

Councilor Barton noted that a lot of research had been done.

Chief Crosby said that an auditing firm from Orleans will be utilized by the fire districts – however, the auditing processing is just an overview.

Councilor Barton said that the committee is willing to continue. They will also work on an RFP and are available for questions.

Councilor Munafo asked why no RFP was created. Councilor Canedy said they investigated the companies, but need to create a legal RFP. The range was from \$6,000 for an overview to \$50,000 to \$100,000 for a full study. She stated they needed the detailed RFP to get a better idea of the cost.

Chief Crosby felt the council needs to say whether or not an RFP is required. He read a statement where he acknowledged that he was not representing the other chiefs but was representing himself. He did not want his opinion to represent them. He felt the fire districts need to appoint who represents them.

Councilor Milne noted that votes were not recognized in the minutes. He wanted to know who took the minutes. Councilor Barton took the minutes. There were several votes taken and some items were agreed upon by consensus. People were invited to bring forth questions in writing, and people were invited to come to the meeting.

Councilor Barton will submit an item in the future establishing an RFP committee.

- **COUNCIL REVIEW COMMITTEE**

Councilor Crocker explained the charge which was to review Chapter 2 of the Charter. He stated that the committee had received information from a variety of sources and did comparisons with other communities.

Sue Rohrbach stated that the committee had voted to recommend a council with 9 members. Five members will be chosen from districts and four will be at-large members. She explained the reasons for that makeup. The council term would be for four years, and all councilors would be elected together every four years. The years of service would be limited to 12 years.

Michael Daley explained the conclusions and the rationale behind them. The committee recommends a legislative move to file a bill with the recommendations included in the report.

Allen Goddard explained the full process of the change and how it would transpire as far as the legislative action. Lou Gonzaga explained that a full charter initiative could also be accomplished.

Marcy Dugas told the council that there are some sections of the charter outside of Chapter 2 that need to be addressed for change as well. John Alden explained the seats of the council and other areas that will require change.

Councilor Barry asked about the districts.

Councilor Munafo said we are getting further and further away from town meeting, etc. He was concerned about the four year term. Daley and Rohrbach explained that there was a lot of deliberation on this.

Councilor Canedy asked about the at-large vs. district candidates.

Daley explained that the working group will put together the legislation. Councilors are invited to join. The next step is with the council. (A copy of the full Report is on file with the Town Clerk)

PUBLIC COMMENT

John Alden feels the people in the town need to work together to solve issues.

Jack Craven feels there is a disconnect between the people and the council. He noted the foreclosure rates were high in the town. He did not agree with the split tax rate vote.

Peter Doiron felt public comment was being short-changed.

Lou Gonzaga gave accolades to the Police Chief and department. Don't be fooled by the Cape Cod Commission. He is against the recall; just vote her out.

Jon Julius noted in 20 years how much the taxes have gone up for residents but how little the taxes have gone up for businesses. He told the councilors to listen to the people. You should reconsider your vote. The recall is about democracy.

Rick Presbrey said you need to act on your rights responsibly. The big issue is injustice toward one councilor. She has not done anything deserving of a recall. We should be outraged.

Alan Burt agreed with Presbrey, and felt this was mean-spirited. It is unethical and nasty. He said he feels Janet is doing a great job.

Peter Fisher noted that Councilor Joakim had attended all of the Centerville Civic meetings and he felt that she worked very hard for Centerville. Accusing her of deceit is ludicrous.

Robert Tucker noted that gas is cheaper over the bridge. Why are we being charged more? It is cheaper down the Cape. Please check into the gas issue.

Demetrius Atsalis said Mr. Julius has never spoken to him about the taxes. It is about property values. He felt the councilors did the right thing, and noted the amount of savings for the residents that evolved from the vote. You are representing the town of Barnstable when you vote.

Leonard Gobeil said the vote on the split tax rate took courage and he applauded the President for voting the way she felt was right for the citizens. The 27th Amendment allows congress to vote for a pay raise for the next congress, which he related to the council doing the same.

Royden Richardson admires the President and her family who are supporting her. He encouraged her.

Scott Blazis will not be lectured by anyone on democracy. You do not agree with every vote every person takes. But he would hope the person he voted for has compassion and the people at heart.

Michael Ewald is grateful for the television viewing. He has felt a disconnect on the split tax. The disconnect comes when the representatives vote against something that the people asked to have.

Chris Keogh said there is a split tax rate in Hyannis now. The recall is ridiculous.

Gary Blazis said the town is in trouble because less than a handful of people are constantly criticizing the job you are doing. The town has a triple A rating, which shows you are doing a good job. This town is not about threats and should not be.

COUNCIL RESPONSE TO PUBLIC COMMENT

President Joakim asked why Gary Lopez is not here. This has been one of the hardest weeks of my life, she added. She read a number of the blog entries that were put there by the individuals who are behind the recall. She said that she has decided to fight to keep this seat. This is not about me – it is about the entire process.

The Assessor for the Town of Barnstable, Jeff Rudziak said there was a lot of information and misinformation out there. Property owners are the ones who get taxed not the businesses. He compared the tax figures for residential and business owners from 4 years ago to this year. (See attached presentation for full figures). The residential people are not bearing the large burdens; the non-exempt residential properties are bearing the burden.

Councilor Tobey came here to support the President. He hopes all constituents will take his lead.

Councilor Barton thanked the people who got up and made positive comments, including former councilors. She too feels the gas charges needs to be investigated.

Councilor Canedy again complimented the police on the recent event in Barnstable village. She said each councilor came to the vote in their own way. She does not like the use of the recall in this way. This has been personal, distracting and dangerous....struck by adjectives used against the President.

Councilor Farnham addressed the two blog sites that are owned by Eric Schwab. Citizens for Open Government – as long as it is their way. They are destructive and not constructive. There is a value for gadflies. These are lies. They are dangerous for our town. He feels councilor Joakim is honest and does not lie. It is time to rise against the bloggers.

Councilor Curtis supported what has been said this week. We are here to do the work of the town. At the end of the day her hope is the council will come together as a stronger body. She has never been exposed to or seen this kind of action and commends the council for supporting the president.

Vice President Brown noted that 244 towns do not have a split tax rate. We are the only town on the Cape to have a triple A rating. The town is about the harbor and the gulls....he spoke to the positive things about the town.

Councilor Barry said we have our report card and it is good. We have never had a triple A bond rating until Janet. He said she is a hard working person, and feels that Pr. 6 residents are lucky to have her.

Councilor Munafo supports Janet whole heartedly. Regarding the split tax rate, he suggested getting rid of the split tax rate options on the state level, which he felt were destructive.

Councilor Chirigotis thanked Assessor Rudziak for giving us the facts. He pointed out that the Police Chief stood in front of his men and behind his men and felt that was wonderful. He pointed out a number of the businesses that have left town.

Councilor Crocker is happy he is not on a blog. The negativity has intensified in spite of the good work done. The facts the blogs give out are not factual.

Councilor Milne said he supports Councilor Joakim. He is not supportive of the movement. He does not care for the charter and does not like the recall. He was purportedly going to be recalled for his involvement in naming the Hyannisport Beach after Eugenia Fortes. He also did not like it when former Councilor Riedell was the subject of recall.

ACT ON MINUTES

Upon motion duly made and seconded, it was voted to approve the minutes of February 15, 2007.

VOTE: 11 Yes (1 absention/Councilor Farnham)

A brief recess was taken.

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

A) Cape Cod Commission Royden Richardson is the representative to the Cape Cod Commission and came to report to the council. He told of past study groups that recommended changes. He was impressed by the caliber of the planners. He explained the history of the commission and why it came into being.

Margo Fenn, Director of the Commission, said the 21st Century Task Force completed their recommendations. CCC needs better communication with towns, better planning, needs to be more user friendly. Ultimately more than 30 recommendations were made for change. Barnstable has served as a model in many respects.

There is a new website for CCC. She updated the council on many of the various changes that are being made in the application, mapping, planning, wastewater treatment, regulations, modification of thresholds, working with towns, a limited DRI review, etc.

(See attached chart of recommendations and report).

This is the new website address for the Commission: www.capecodcommission.org

Councilor Crocker asked why the Commission is holding money and do you pay interest. Fenn said that the money is collected for specific conditions and projects. The Commission needs to make sure that the money is used for the specific condition. Once the town puts together a request letter and once there is a contract the funds will be released.

Councilor Curtis asked about the mitigation and how it is decided. Fenn said they look for safety or congestion problems in and around the area near the project. The applicants are only required to pay for their share.

Councilor Milne asked about possible incentives for companies who bring in high quality jobs; and possibly decrease incentives for businesses who bring in low –paying jobs. Fenn said some of the threshold changes will help on this.

Councilor Chirigotis pointed out that transportation is a problem as well as trash disposal.

Councilor Farnham said they want to see a start date and an end date on DRI applications. This way we can see how long it takes.

Councilor Canedy asked about commuter rail. Fenn said there is interest. Canedy asked about having a study every 5 years. Fenn hopes for a continuing process.

Councilor Barton asked if there is a transportation plan and was told that it is on the website.

President Joakim asked about the GIZ and if it is to be used in other towns. Fenn said that she is working in a few towns.

Councilor Munafo went to a meeting regarding a proposed project on a wind energy project on West Main St.

President Joakim identified a couple of school based issues.

Councilor Barton made a couple of village announcements along with Councilor Milne.

Vice President Brown found out that cell phone use while driving can get you a \$100 ticket in Connecticut.

ORDERS OF THE DAY

2007-082 - TOWN OF BARNSTABLE ZONING ORDINANCE FOR LAND-BASED WIND ENERGY CONVERSION	INTRO.: 02/01/07; 03/01/07
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2007-083 - TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE ZONING ORDINANCE TO EXTEND THE BOUNDARY OF THE HYANNIS GATEWAY ZONING DISTRICT	INTRO.: 02/15/07; 03/01/07
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Upon motion duly made and seconded it was voted to postpone action on 2007-082 and 2007-083 until March 15, 2007.

VOTE: Unanimous in favor

2007-084 - APPOINTMENTS

INTRO.: 02/15/07; 03/01/07

Upon motion duly made and seconded it was voted to approve the following:

BOARD OF HEALTH APPOINTMENT:

Junichi Sawayanagi, 1085 Main Street, West Barnstable, MA 02668, term expires 06/30/2009

CONSERVATION COMMISSION APPOINTMENT:

Louise Riemenschneider Foster, 204 Clamshell Cove Rd., Cotuit, MA 02635, term expires 06/30/2007

VOTE: Unanimous in favor

Councilor Curtis thanked past Board of Health Member, Susan Rask for filling a vacancy when needed. Councilor Milne asked for a proclamation to be created for her.

2007-086 - ACCEPTANCE OF A FY2007 STATEWIDE EMERGENCY

TELECOMMUNICATIONS BOARD TRAINING GRANT AWARD IN THE AMOUNT OF

\$24,300.00 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY

INTRO.: 03/01/07

Manager Klimm explained that this supports training costs for the statewide E-911 system.

Upon motion duly made and seconded it was:

RESOLVED: that the Town Council hereby accepts a FY 2007 Statewide Emergency Telecommunications Board Training Grant award in the amount of \$24,300.00 from the Executive Office of Public Safety.

VOTE: Unanimous in favor

2007-087 - ACCEPTANCE OF A FY 2007 GRANT FROM THE MASSACHUSETTS

CULTURAL COUNCIL'S JOHN & ABIGAIL ADAMS GRANT PROGRAM IN THE AMOUNT

OF \$50,000. INTRO: 03/01/07

Manager Klimm said that the Growth Management Dept. applied for and received this for staff in the arts and culture area.

Beth Dillen wrote the grant application.

The person to be hired will not continue unless funding can be found outside the town (i.e. such as another grant).

Councilor Farnham wants to see a projection on the phases and what you are working toward.

Asst. Manager Paul Niedzwiecki stated that, hopefully, the town is going to be a catalyst in the arts and ultimately turn it over to non-profits and others.

Upon motion duly made and seconded it was:

RESOLVED: that the Town Council does hereby accept the grant award in the amount of \$50,000 from the Massachusetts Cultural Council's John & Abigail Adams Grant Program.

VOTE: Unanimous in favor

ADJOURNMENT

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

ADJOURNED: at 10:53 p.m.

Respectfully submitted,

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