



## TOWN COUNCIL MEETING

December 6, 2012

**A** quorum being duly present, Council President Frederick Chirigotis called the December 6, 2012, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

**PRESENT:** Janice Barton, Ann Canedy, Frederick Chirigotis, James Cote, Jennifer Cullum, Debra Dagwan, June Daley, Jessica Rapp Grassetti, Michael Hersey, Janet Joakim, John Norman, Thomas Rugo, James Tinsley, Jr.

The Pledge of Allegiance was led by President Chirigotis, followed by a Moment of Silence.

### **PUBLIC COMMENT:**

Alan Burt stated he has a homeless day flyer for the Town Council Members. Burt asked for prayers for all the homeless people. He is striving to get other towns involved in working with the homeless. Burt told the Councilors all are welcome at the Annual Campout and he will save tent space. (Exhibit A)

Sylviana Joseph-Bright told the Council it is not nice to be calling people names, we all have two eyes, two ears, two nostrils, and we all are sinners. People do not deliberately make themselves homeless. Love and forgive one another, do not judge us.

John Alden commended the people who work at the senior center, remembered Bob Tucker, and is still working to get better government in this town.

Patrick Page – Sorry I am late. I've got pollution on my property. I want something done about it. I am just going to stare at you for the rest of my time.

Ron Bourgeois stated the he owns several buildings in Hyannis. He said he is against the restrictions.

Closed public comment.

### **ACT ON MINUTES: (Includes Executive Session)**

Upon a motion duly made and seconded it was voted to postpone the minutes to a later date.

**VOTED: 13 Yes**

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

Councilor Canedy enjoyed the Renewable Energy and Pay As You Throw Workshop. Canedy asked if there could be another workshop on Renewable Energy, and Pay As You Throw. We need to revisit the workshop and explore costs. Health department related trash issues?

Councilor Cote invited everyone to the Holiday Stroll in Osterville on December 14<sup>th</sup>. Come out and have a good time.

Councilor Joakim invited everyone to the Centerville Stroll on December 9<sup>th</sup>, don't miss out.

Councilor Daley invited everyone to the West Barnstable Fire Department to meet Santa Claus on Saturday, December 8<sup>th</sup>.

Town Manager, Tom Lynch reported there will be another meeting on renewable energy, pay as you throw and other alternatives in early January.

**ORDERS OF THE DAY:**

<b>2013-031 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES BY INSERTING "CHAPTER 160. PROBLEM PROPERTIES" INTRO 10/18/12, 11/15/12, 12/06/12</b>
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Opened public comment

Presentation delivered by Laura Cronin. Cronin started by thanking the Council for the opportunity to give this presentation. She recognized several people including the voices of the village for all their assistance. She walked us through the deterioration of the neighborhoods. Cronin covered items 2013-031 to 2013-035.

Milton Berglund said these ordinances will put the burden on the address, not on all taxpayers. Berglund stated the objective is to give a voice to the homeowners, and that the legal department has reviewed and worked on the language used. Berglund urged the Council to support these ordinances.

Luiz Gonzaga stated in his profession he has delivered eviction notices, and he is worried Barnstable will have more distressed properties. He is afraid Barnstable will become a police state.

Ron Beaty read a statement (Exhibit B) drawing on the inspiration of James Otis Jr., likening the ordinances to an unfair type of legal instrument. Beaty further compared the ordinances classification of problem property to a scarlet letter. Ron then presented a gift from the National Archives of the Constitution and the Declaration of Independence to the Town Clerk's office.

Jerry McGowan commended the people from Hyannis for working on these ordinances. Why have existing ordinances been voluntary programs? What are their points of view, yea and neigh; and social services be taken into consideration.

John Crow read an editorial from the Boston Globe, regarding absentee landlords. He stated a few trouble spots can drive a neighborhood down.

Patrick Page stated that Barnstable has a problem property at the YMCA.

**Recess**

Meg Loughran read a letter from the Centerville Civic Association to be entered into the meeting minutes. The Association voted unanimously to support the proposed ordinances. Loughran said we need to ensure the quality of life in our neighborhoods. (Exhibit C)

Kris Clark read a letter from the West Barnstable Civic Association to be entered into the meeting minutes. Clark asked the Town Council to continue to work on the language of the ordinances, as the Association does not support them in the current form. (Exhibit D)

Nancy Krajewski had several comments to the proposed ordinance changes. Krajewski said she is concerned about the drastic measures. She explained that in other towns notification is sent to property owners when the police respond to the address. This gives the property owner the ability to act on it immediately. Why could this system not be adopted by the town of Barnstable? Krajewski is however in favor of 2013-033. (Exhibit E).

Dominic Alessandra spoke about Sea Captains homes that have real history in the Town of Barnstable. Alessandra said these are a national treasure and they are being neglected. I don't know if that is addressed in these ordinances, but there should be some kind of preservation of historic properties.

Tricia Gisleson said she has a problem with the ordinances as they are written. The owners should be notified upon the first instance of a police response. She stated the Housing Authority and Housing Assistance Programs are not doing their jobs. Tricia said we cannot get rid of problem tenants and that needs to be addressed.

Richard Zoino stated everyone here wants a better downtown area. The ordinances, are too loose, not defined enough, and need to be tightened up.

Peter Cross said these ordinances are a start as we can't keep doing what we are doing now. A lot of work went into this, vote for them. Cross stated the Council can always adjust and tweak the ordinances after we have something in place.

Deputy Chief Craig Tamash, speaking on behalf Chief MacDonald, asked for the support of the Council to start moving this forward. Tamash said many of us are fortunate that we do not live next door to a problem.

Bo Chu said as a Noah Shelter resident for about three years, this is the first time I felt safe coming up and speaking at the Town Council meeting. He stated this is dramatic democracy in action.

Justin Horner said as a concerned citizen he is not sure if these ordinances are they way to go. Horner stated the Drug Task Force team is doing great work. He said that right outside this door there is drug use going on in the village green. He is against this proposal,.

Closed public hearing.

#### **COUNCIL RESPONSE TO PUBLIC COMMENT:**

A lengthy discussion ensued, with Councilors: Barton, Canedy, Cote, Cullum, Dagwan, Daley, Rapp-Grassetti, Hersey, Joakim, Norman, Rugo, and Tinsley commenting on the ordinances as follows:

- Not in favor of creating more regulations if the current regulations are not being enforced.
- Could we ask the Director of Regulatory Services, Tom Geiler if the regulations in place are being enforced?

Tom Geiler, Director of Regulatory Services stated the regulations are being enforced. His staff investigates every complaint. The problem is that more of the calls are not covered by the regulations we have in place at this time. Today is the three step process:

1. Educate the tenant/homeowner
2. Issue non-criminal citation
3. Take them to court.

- Concerned about the drug activity in her area.
- Wants to make the community a safer place to live and we just keep throwing money at it.

- In favor of this ordinance 2013-031.
- It is a war against illegal activity.

Chief MacDonald stated that the area has had thousands of police responses. The Police and other departments have helped clean up the area. Unfortunately, they did not get any assistance from the people who live there. MacDonald said we are talking about a handful of addresses in the Town of Barnstable that this ordinance would impact.

- Supports the intent of the ordinances.
- Would like the language as close to perfect as possible before we go forward with them.
- Support the intent, and the concept.
- Fine tune before we pass them
- Concerned about domestic violence
- Concerned about identifying a property as a problem property right away.
- Tie up the loose ends.
- Do not table the ordinances until they are perfectly written.
- Pass these as they are written and work on tightening them up.
- We have to do something,
- Get this started. If it is wrong fix it.
- Many of these items exclude the Town or Barnstable housing or properties the town owns.
- Does the chief have the ability to have a detail there?
- Good intention. Start small cast a bigger net if you need too.
- Need more definitions.
- Is there a possibility of postponing until a date certain?
- Serious concern regarding domestic violence issue
- Vacant homes foreclosed upon are creating a tool to make it difficult for people who are already experiencing difficulties
- All the ordinances were the best of intentions
- Need tweaking
- In favor of 2013-031, especially if the police have been to a property three times
- Write down every point or problem we have with the ordinances
- Concern with drug activities in neighborhoods, three times is enough
- Be careful not to target certain areas in Town of Barnstable
- Agree in principle what about false complaints
- Will support passing the item as long as it can be adjusted afterwards
- Holding one party responsible for the actions of someone else
- As it is written I cannot support it on 2012-031.
- On a Boston model ordinance it was 8 strikes
- Ruth Weil stated that 4 calls start the process to a total of 8.
- The number should be higher to solve the problem
- Change the ordinance to go after the tenant not the property owner
- Keep this on the front burner

Upon a motion duly made and seconded it was to continue this public hearing on January 17th  
**VOTE: Unanimous 13 Yes**

**Recess**

<p align="center"><b>2013-032 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES BY  INSERTING, "CHAPTER 54. BUILDING AND PROPERTY MAINTENANCE"  INTRO 10/18/12, 11/18/12, 12/06/12</b></p>
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Upon a motion duly made and seconded it was to continue this public hearing on January 17th  
**VOTE: 12 YES, 1 No (Tinsley)**

**2013-033 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 59, COMPREHENSIVE OCCUPANCY INTRO 10/18/12, 12/06/12**

Upon a motion duly made and seconded it was opened to public hearing to continue on January 17th  
**VOTE: 12 YES, 1 No (Tinsley)**

**2013-034 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 170, RENTAL PROPERTIES INTRO 10/18/12, 11/15/12, 12/06/12**

Upon a motion duly made and seconded it was opened to public hearing to continue on January 17th  
**VOTE: 12 YES, 1 No (Tinsley)**

**2013-035 AMENDING THE CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 133, NOISE INTRO 10/18/12, 11/15/12, 12/06/12**

Upon a motion duly made and seconded it was opened to public hearing to continue on January 17th  
**VOTE: 12 YES, 1 No (Tinsley)**

**2013-043 AMENDING THE CODE OF BARNSTABLE GENERAL ORDINANCES ARTICLE 1, §1-3, CHAPTER 170 RENTAL REGISTRATION INTRO 11/15/12, 12/06/12**

Upon a motion duly made and seconded it was opened to public hearing to continue on January 17th  
**VOTE: 12 YES, 1 No (Tinsley)**

**2013-048 ALLOCATION OF TAX LEVY FISCAL YEAR 2013– TAX FACTOR INTRO 12/06/12**

Open public hearing

Jeff Rudziak, Director of Assessors spoke about the tax rate needing the sign off from each of the Councilors. He would entertain any questions the councilors may have.

- Christopher Kehoe told the Council that the bulk of the CPI is in the Hyannis Fire District, which already pays a higher tax rate than residential in Barnstable. Two years ago Barnstable raised the rooms and meal taxes have gone up paid by the end user. Please vote to keep the percentage to 1% for the businesses.
- Jessica Silver of Hyannis Area Chamber of Commerce supports a factor of 1% in our business locations.
- Elizabeth Wurfbain strongly opposes changing the tax rate for businesses.

Closed to public hearing

Upon a motion duly made and seconded to move the question  
**VOTE: Unanimous**

Upon motion duly made and seconded it was

**RESOLVED**, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the fiscal year 2013.

**VOTE: Unanimous-Roll Call, 13 YES**

<b>2013-049 ALLOCATION OF TAX LEVY FY13 – RESIDENTIAL EXEMPTION INTRO 12/06/12</b>
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Opened public hearing

Jeff Rudziak, Director of Assessors, introduced the tax exemption

- Tricia Gisleson believes the exemption is very important.
- Jim Kinsella asked if Mr. Rudziak could speak to this at the bottom of the summary item “not be adopted.” Is that a typo?
- Per Mr. Rudziak, no official recommendation from the Board of Assessors.

Closed public hearing

- Councilor Canedy opposes this item.
- Councilor Tinsley if we don't approve this item, we would burden the taxpayers with an additional six hundred dollars in taxes

A motion was made and seconded to move the question.

**VOTE: Unanimous**

Upon motion duly made and seconded it was

**RESOLVED**, that the Town Council hereby votes to adopt a Residential Exemption percentage of 20% for fiscal year 2013.

**VOTE: 11 YES, 2 NO (Canedy, Norman)**

<b>2013-050 ALLOCATION OF TAX LEVY FY13 – SMALL COMMERCIAL EXEMPTION INTRO 12/06/12</b>
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Jeff Rudziak, Director of Assessors, gave a brief explanation, only within the commercial/industrial classification only if assessed fewer than one million dollars.

Councilor discussion ensued as follows:

- Approximately how many properties does this include? (257)
- Do all 257 properties qualify? (Yes)
- Have you heard any reaction to approving this item or going back to the way it was? (No reaction one way or another)
- Chamber does not support this

Upon motion duly made and seconded it was

**RESOLVED**, that the Town Council hereby votes to adopt a Small Commercial Exemption of 10% for fiscal year 2013.

**VOTE: Roll Call, 13 NO**

**2013-042 AUTHORIZING THE TOWN TREASURER, UPON THE APPROVAL OF THE TOWN MANAGER TO ENTER INTO A LEASE-TO-PURCHASE AGREEMENT TO ACQUIRE GOLF COURSE EQUIPMENT INTRO 11/15/12, 12/06/12**

President Chirigotis announced this was withdrawn at the request of the proponent

**2013-046 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO 11/15/12, (Postponed), 12/06/12**

President Chirigotis announced this was withdrawn at the request of the proponent

**2013-054 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO 12/06/12**

Upon motion duly made and seconded it was to move to a 2<sup>nd</sup> reading on December 20th  
**RESOLVED**, that the Town appoint the following individuals to a multiple-member board/committee/commission:

**LICENSING AUTHORITY**

David Nunheimer, 221 Saddler Lane, W. Barnstable, as an associate member with a term expiring 06/30/2013

**YOUTH COMMISSION**

Samuel Spillane, c/o HYCC, Youth Commission, 141 Bassett Lane, as a member with a term expiring 06/30/2013

Colleen Morin, c/o HYCC, Youth Commission, 141 Bassett Lane, as a member with a term expiring 06/30/2013

**VOTE: Unanimous to refer to a 2<sup>nd</sup> reading on December 20th**

**2013-055 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES INTRO 12/06/12**

Upon motion duly made and seconded it was referred to the Planning Board for public hearing

**VOTE: Unanimous**

**2013-056 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO 12/06/12**

Upon motion duly made and seconded it was referred to a 2<sup>nd</sup> reading on Dec 20th  
**RESOLVED**, that the Town appoint the following individual to a multiple-member board/committee/commission:

**STEAMSHIP AUTHORITY PORT COUNCIL**

Robert R. Jones, 65 Pinewood Road, Hyannis, as a Town of Barnstable representative member with a term expiring 12/31/2014

**VOTE: Unanimous to refer to a 2<sup>nd</sup> reading on December 20th**

**TOWN MANAGER COMMUNICATIONS:**

- Governor may be cutting 1 % to local aid
- On Thursday had public hearing on proposed fee changes
- Barns has been selected as one of 9 towns
- Years of service thanking employees who have been with us

**NOMINATION OF OFFICERS:**

Nominations for the office of President:

1. Councilor Dagwan nominated by Councilor Barton 2<sup>nd</sup> Councilor Tinsley

Nominations for the office of Vice President:

1. Councilor Rapp-Grassetti nominated by Councilor Joakim 2<sup>nd</sup> Councilor Cullum

Upon a motion duly made and seconded to suspend Rule one and vote now

**VOTE: 12 Yes, 1 No (Canedy)**

For the office of President all in favor of Councilor Dagwan

**VOTE: Unanimous**

For the office of Vice President all in favor of Councilor Rapp-Grassetti

**VOTE: Unanimous**

**ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn.**

**Unanimous**

**Adjourned at 10:10 PM**

Respectfully submitted,

Ann M. Quirk, CMC

Assistant Town Clerk – Town of Barnstable

**NEXT REGULAR MEETING: December 20, 2012**

Exhibits:

- A Flyer National Homeless Memorial Day
- B Ron Beaty (West Barnstable) Statement
- C Centerville Civic Association Letter presented by Meg Loughran
- D West Barnstable Civic Association presented by Kris Clark
- E Letter presented by Nancy Krajewski