

BARNSTABLE TOWN COUNCIL MEETING

June 3, 2004

The June 3, 2004 regular Barnstable Town Council Meeting was called to order by President Gary Brown at 7:02 p.m., in the hearing room of the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Gary Brown, Henry Farnham, Janice Barton, Janet Joakim, Ann Canedy, Harold Tobey, Tom Rugo, J. Gregory Milne, James Crocker, Jr., Royden Richardson. **ABSENT:** Richard Barry was present but left because of illness in his family; Leah Curtis (ill), James Munafo, Jr (he missed the first part of the meeting but came toward the end of the executive session and was present for the end of the meeting.)

President Brown led the council and guests in the pledge of allegiance, followed by a moment of silence. At that time the President asked all to honor and think of Ruth Rusher, a very special resident and a true Cape Codder, who passed away this past Monday. We will always remember her.

Also speedy recovery wishes were given to Art Belanger after a recent accident working for the town. He is recovering after surgery in a Boston hospital.

The minutes of May 20, 2004 will be voted on at the June 17th meeting.

PUBLIC COMMENT

Al Baker spoke about Paul Bishop, who also worked for the town and passed away. He announced that the COMM fire district meeting is coming up on the 8th. He mentioned other events happening in Liberty Hall as well. The herring run is not shut down – the water was shut at the sluiceway – but now it is open.

Ralph Cahoon said a Barnstable Village meeting was held recently and there was discussion on the LCP. If anyone has concerns, contact the association.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Crocker said the COMM meeting is being scheduled for the second time, he hopes that all will come and they will have a quorum.

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

Councilor Canedy said that she walked with other councilors in the Memorial Day Parade in Centerville. It was a great occasion. Jackie Fossiano did a marvelous job as well as others involved in the ceremony. She also sent Eugenia Fortes best wishes for a speedy recovery. She acknowledged the Town Clerk for her response to the new same-sex marriage issue. (Town Clerk appreciates it.). Canedy said that she is proud to be a part of this government.

Councilor Barton said that the Youth Commission will hold a car wash on June 20 at the same time as the car show. The Marstons Mills Civic Association gave 3 scholarships to Marstons Mills students. The Jane Eshbaugh Community Service award will be given out on June 17.

Councilor Joakim announced that the bill dealing with the Chapter 70 funds sponsored by Rep. Demetrius Atsalis was due for discussion in the legislature. She invited him to explain further. Pres. Brown recognized Atsalis who said they asked for the median income to be put into the formula. He explained that a committee was being formed and they are going to come out with recommendations in October. Rep. Jeff Perry will be working on it. We hope to have Barnstable get its fair share, he added. Joakim told folks to look at Capeforkids.org. Atsalis said write letters on this and address them to Marie St. Fleur, Chairman of Education and send them to Atsalis' office.

Joakim also reminded all about June 15 at 2:30 p.m. at the Senior Center where the new director will be formally welcomed.

Councilor Milne suggested that we send one letter from the whole council that we all could sign. President Brown said we will do that.

Milne also made a few announcements and stated that the Hyannis Civic Association will study carefully the efforts of the assessment committee. Because they have the lions share of commercial property, they will take an active role.

Councilor Crocker attended the OBPA meeting where Mark Ells and Neil Andres were acknowledged for their work on the paving process. He also stated the Manager had done a good job in communication throughout this time. He said Hank Farnham deserved kudos for his work on the Father's Day car show and inclusion of special entities.

Councilor Richardson said the assessment committee will meet on the 14th in the evening in the hearing room.

Vice President Farnham said the Fathers Day car show, which is the largest spectator event in the area will be on June 20th. They will close Main St. from Barnstable Road to Sea Street from 9 a.m. – 1:30 p.m. It is their 10th year.

President Brown recognized Cheryl Bartlett and asked her to explain the new location for the homeless shelter. She thanked everyone for keeping the pressure on homelessness. We are close to a great solution, she said.

Tom Bernardo from the Assembly of Delegates was present and Brown thanked him for his efforts.

TOWN MANAGER COMMUNICATIONS

Town Manager John Klimm said the assembly budget is done and Barnstable will be receiving \$40,000. Klimm said that President Brown was persistent because Barnstable has taken the lion's share of the efforts on homelessness. Klimm talked to Tom Lynch who said there was also money set aside for local communities. There might be \$80,000 for Barnstable, and this will help with our schools and it will be great news – our money has saved jobs for teachers in the classrooms.

ORDERS OF THE DAY OLD BUSINESS (SECOND READING)

2004-084 APPROPRIATION AND LOAN ORDER WATER POLLUTION CONTROL
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ENTERPRISE FUND CAPITAL IMPROVEMENT PLAN
INTRO.: 04/20/04; 05/20/04; 06/03/04

Upon motion duly made and seconded it was voted to hold off voting on this until the second meeting in June.

VOTE: 10 YES

2004-087 APPROPRIATION ORDER EDUCATION

INTRO.: 4/29/04; 05/20/04; 06/03/04

Pres. Brown read a letter from Councilor Munafo, a copy attached hereto as Exhibit A. He is not in favor of the budget because it exceeds the per pupil foundation level.

Upon motion duly made and seconded it was voted to go into a public hearing.

VOTE: 10 yes

With no discussion and Supt. Andre Ravenelle, as well as the School Committee Chair Ralph Cahoon in attendance, a motion was made a seconded to go out of the public hearing.

VOTE: 10 yes

Councilor Barton asked about whether the hiring of an Assistant Superintendent and a Financial Manager will impact the budget. Ravenelle said no, since it was built into the budget.

Councilor Tobey asked about consolidating the Town's finance department with the school's. He pointed out that our financial manager has brought us all types of ratings and is superb – why can't we merge your finance department and ours. It would save money and show that the budget is being run properly. It would help alleviate suspicion. Tobey said we have a person on board who can do this. Cahoon said we have discussed this and the sub-committee would work on recommendations, but the results were unsatisfactory as far as he was concerned. Cahoon did say that we can continue to work on it and there is room for discussion, but right now we need a finance person. Tobey said it has always been a sticking point. People think that it could move forward, but it has never happened. If consolidation takes place, I think it would show good leadership. Cahoon said there are only a couple of towns that have done consolidation and it would be difficult. He will look at it, but won't do it to make it look like something will happen.

Councilor Richardson said he feels progress has been made. Many improvements have been made such as communication and budget preparation. We do need to keep talking about the financial piece.

Councilor Joakim pointed out that we do need to work on consolidation. It is a new idea. The two finance departments are working together, so that is a beginning, and we can continue to work on this.

Councilor Milne echoed Tobey. He asked if hiring this financial person locks them in to this position for the future. Cahoon said it is non-union and will be limited by the time of a contract. Everything will be changing with the site based finances. Things will look different in 5 years.

Milne asked about buildings and grounds consolidation. Cahoon said there was a report and on the short term there was no way to save money. We will look at everything for ways to save.

Councilor Crocker asked questions for Councilor Curtis regarding funding benefits. Paul Funk, temporary acting finance director, said he spoke with her and explained it all. Those figures include everything from health to disability, workman's compensation, etc. He said we can only project them as best we can. Crocker said as far as kindergarten fees, he understands that it is necessary this year; but he asked that they please consider not charging anything more than the true cost of kindergarten. Does the school own any vehicles? Ravenelle said that they own the special needs buses and one van. Other than maintenance vehicles and the van, that is it.

Crocker asked Ravenelle to list cuts made: 15, K-4 teachers; 3, grade 5 and 6 teachers; 1, grade 5 and 6 enrichment teacher; 5 middle school teachers; 1 middle school enrichment teacher; 2 high school guidance councilors; 2 high school secretaries; a health person, and others that totaled 32 positions.

Vice President Farnham thanked Mr. Funk and the school committee. He too did not realize we were going to hire a new finance director. Farnham stressed that the consolidation is something we need to focus on. Mr. Tobey's wants need to ring loud and clear. What is the salary range for the director (mid \$90,000 he was told).

Councilor Rugo said that will help explain this issue. He said if there is a management issue that should go to the manager. It would be a mistake for duplicate services.

Councilor Barton said we (consolidation committee) should have given a report – perhaps we should give them more often. As we work together we are looking for the good of the children.

Upon motion duly made and seconded it was:

ORDERED: that the following sums be raised and appropriated for the purpose of funding the Town's FY 2005 **Education** budget as presented to the Town Council by the Town Manager:

\$52,310,173 for the purpose of funding the **Local School System;**

\$1,814,254 for the purpose of funding the **Regional School District Assessment;**

\$1,163,396 for the purpose of funding **Commonwealth Charter School and School Choice Assessments**

VOTE: 10 yes – Roll Call

2004-080A EASEMENT OF LAND

INTRO.: 04/15/04; 05/06/04; 6/03/04
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Upon motion duly made and seconded it was moved to bring forward the amended item entitled 2004-080A for consideration.

VOTE: 10 yes

Councilor Crocker explained the item (see summary and picture attached hereto) He said that the advantage of gaining the triangle at the water is that there are a number of stationary pilings that currently fall outside of our area. He then referred all to a letter from Attorney Albert Schultz in which he stated that even the circled finger pier would be included. This will be a neighborly swap.

Upon motion duly made and seconded it was:

ORDERED: that the Town Manager is hereby authorized to exchange easements and conveyances of land along the southerly boundary of the Prince's Cove Marina, with Thomas J. Burrows, Trustee, owner of the abutting lot, assessors' map 076, parcel 025.

VOTE: 10 yes – Roll Call

2004-104 APPOINTMENTS INTRO.: 05/20/04; 06/03/04

Councilor Rugo and Councilor Canedy abstained from the vote.

Upon motion duly made and seconded it was voted:

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

CAPE COD REGIONAL TECHNICAL VOCATIONAL SCHOOL COMMITTEE

Ann Williams, 25 Wedgewood Drive, Centerville, MA 02632 to serve until 6/30/2007

CABLE TV ADVISORY COMMITTEE

J. Douglas Murphy, 111 Wild Goose Way, Centerville, MA 02632 to serve until 6/30/2007
Nancy L. Richard, PO Box 196, Cummaquid, MA 02637 to serve until 6/30/2007

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE

Thomas Michael, 170 Buckskin Path, Centerville, MA 02632 to serve until 6/30/2007

CONSERVATION COMMISSION

Albert Barbour, PO Box 522, Barnstable, MA 02630 to serve until 6/30/2007
Robert A. Lancaster, 21 Hannah Circle, Cotuit, MA 02635 to serve until 6/30/2007
Peter Sampou, 431 Maple Street, West Barnstable, MA 02668 to serve until 6/30/2007

COUNCIL ON AGING

Robert May, PO Box 555, West Barnstable, MA 02668 to serve until 6/30/2007
Walter F. Neale, Jr., 12 Carriage Lane, Barnstable, MA 02630 to serve until 6/30/2007

CULTURAL COUNCIL

Joline Diehl, 63 Snows Creek Drive, Hyannis, MA 02601 to serve until 6/30/2007
Patricia A. Kelly, 333 Megan Road, Hyannis, MA 02601 to serve until 6/30/2007

DISABILITY COMMISSION

Jean Boyle, PO Box 624, West Hyannisport, MA 02672 to serve until 6/30/2007
Robert Fauteaux, 30 Pine Avenue, Hyannis, MA 02601 to serve until 6/30/2007

ECONOMIC DEVELOPMENT COMMISSION

Howard K. Penn, 21 Lookout Lane, Hyannis, MA 02601 to serve until 6/30/2007
Patrick Princi, 29 Wayside Lane, West Barnstable, MA 02668 to serve until 6/30/2007
Steve Shuman, 27 Eastview Terrace, Marstons Mills, MA 02648 to serve until 6/30/2007

HOUSING COMMITTEE

Tom Kosman, 20 Sheep Meadow Road, West Barnstable, MA 02668 to serve until 6/30/2007

Frederick Presbrey, 84 Minton Lane, West Barnstable, MA 02668 to serve until 6/30/2007
Ralph M. Krau, 312 Compass Circle, Hyannis, MA 02601 to serve until 6/30/2006
Laura Shufelt, 1696 Osterville W. Barnstable Road, West Barnstable, MA 02668 to serve until 6/30/2007

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION

Marina Atsalis, 242 Ocean Street, Hyannis, MA 02601 to serve until 6/30/2007
Paul Drouin, 125 Harbor Bluffs Road, Hyannis, MA 02601 to serve until 6/30/2007
George Jessop, 863 Bumps River Road, Centerville, MA 02632 to serve until 6/30/2007

JFK MEMORIAL TRUST FUND

Henry L. Murphy, Jr., 243 South Street, Hyannis, MA 02601 to serve until 6/30/2007

LICENSING AUTHORITY

Paul Sullivan, 209 Longview Drive, Centerville, MA 02632 to serve until 6/30/2007

OLD KINGS HIGHWAY HISTORICAL DISTRICT COMMITTEE

Jeffrey Wilson, PO Box 126, West Barnstable, MA 02668 to serve until 6/30/2007 withdrawing name

OPEN SPACE COMMITTEE

Sue Rohrbach, 432 Main Street, Centerville, MA 02632 to serve until 6/30/2007
Kris Clark, 398 Woodside Road, West Barnstable, MA 02668 to serve until 6/30/2007

PUBLIC WORKS COMMISSION

Albert Baker, 30 Wakeby Road, Marstons Mills, MA 02648 to serve until 6/30/2007

RECREATION COMMISSION

Katherine L. Pina, 49 Windmill Lane, Cotuit, MA 02632 to serve until 6/30/2007

SANDY NECK BOARD

John J. Kennefick, Sr., PO Box 849, 74 Holway Drive, West Barnstable, MA 02668 to serve until 6/30/2007

SCHOLARSHIP COMMITTEE

Deborah J. Hill, 70 Fernbrook Lane, Centerville, MA 02632 to serve until 6/30/2007

SHELLFISH ADVISORY BOARD

Barbara Enos, 103 Long Pond Circle, Centerville, MA 02632 to serve until 6/30/2007
Daniel Looney, 392 Prince Hinckley Road, Centerville, MA 02632 to serve until 6/30/2007
Stuart W. Rapp, 601 Lambert Mill Road, Centerville, MA 02632 to serve until 6/30/2007

TRUST FUND ADVISORY BOARD

Linda Gadkowski, 419 Huckins Neck Road, Centerville, MA 02632 to serve until 6/30/2007
Kathy Silvia, 44 Ice Valley Road, Osterville, MA 02655 to serve until 6/30/2007
William A. Murdoch, 760 South Main Street, Centerville, MA 02632 to serve until 6/30/2007

VILLAGE IMPROVEMENT FUND

Jean Desmond, 780 S. Main Street, Centerville, MA 02632 to serve until 6/30/2006

WATER POLLUTION CONTROL BOARD

John Rosario, 400 Mitchell's Way, Hyannis, MA 02601 to serve until 6/30/2006
Phillip C. McCartin, 10 Hollingsworth Road, Osterville, MA 02655 to serve until 6/30/2007

WATER QUALITY COMMITTEE

Thomas Camberari, 62 Joan Road, Centerville, MA 02601 to serve until 6/30/2007
Jon Erickson, Box 546, Barnstable, MA 02630 to serve until 6/30/2007

YOUTH COMMISSION

Steve Brown, 173 Lake Elizabeth Drive, Centerville, MA 02632 to serve until 6/30/2007

VOTE: 8 yes 2 abstain (Rugo/Canedy)

<p>2004-101 GRANT ACCEPTANCE AND TRANSFER ORDER INTRO: 05/20/04</p>

Councilor Crocker asked to thank those who wrote the grant.

Upon motion duly made and seconded it was:

ORDERED: that the Town Council hereby accept the following grant for the Bridge Creek Salt Marsh Restoration Project Phase 2, West Barnstable: National Oceanic and Atmospheric Administration (NOAA) Community-Based Restoration Program grant - \$117,675.

VOTE: 10 yes

<p>2004-102 ORDER ENDORSING THE CAPE COD PATHWAYS PROJECT PLAN AND AMENDING THE ADMINISTRATIVE CODE AUTHORITIES AND RESPONSIBILITIES OF THE OPEN SPACE COMMITTEE INTRO.: 06/03/04</p>

Councilor Canedy read the rationale and explained the Pathways Project as well. Canedy said there is no way to estimate the price tag as each easement or addition will have to be approved.

Councilor Richardson asked if we could do this now; and where would these be. Canedy said they are east – west pathways . Some exist now.

Attorney Robert Smith said this may not affect private property rights. They might do it even without the assignment of responsibility. Richardson asked him if the land bank people could do it now, without this order. Smith said they could do this. Smith said this body has the power to add to the workload of a municipal agency. You have the power to add to it. Canedy said the open space committee asked for this so that they can also look into acquiring easements and legal rights.

Manager Klimm said this is about accessibility. We have spent money and few are aware of where the land is and can enjoy it. This is a statement by each community that we are not just buying open space, but there are many experiences to be enjoyed. It doesn't bind us to anything – open space should be enjoyed by the people who have paid for it.

Councilor Joakim would have liked to have had an open space representative present.

Councilor Richardson asked if other towns have done this. Canedy said Sandwich is contemplating it.

Councilor Barton said the conservation trails are on the town website. She asked if there was a map of the plan.

Councilor Crocker has faith in Canedy's representation. We are looking at less money in the kitty and looking at possible money to be spent. Our last dollars could be spent on easements.

Councilor Milne echoed Crocker and said the services of the Cape Cod Commission are administered under it.

Councilor Richardson asked Milne if we could get easements to the ocean now from the old Gulf Station property. How does this order help us do it or make it easier? Milne said he just gave the 725 Park as an example. Richardson asked if this will make it easier and asked to have someone from the Open Space Committee come to us. Canedy said we could do that but Lindsay Counsell would like to participate in something on the 11th of June.

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

VOTE: 8 yes 2 no

Upon motion duly made and seconded it was:

ORDERED:

SECTION 1. That the Town Council hereby endorses the goals and objectives of the Cape Cod Pathways Trail Plan to create a dedicated east-west walking trail spanning the length of Cape Cod set forth in the report prepared by Horsley & Witten, Inc. dated April 17, 2003.

SECTION 2. That Section 41.02(A) entitled "Authorities and Responsibilities Acquisition" of the Open Space Committee is hereby amended by adding in the first sentence, after the words "acquisition of specified land areas that qualify" the words "for inclusion in the Cape Cod Pathways project and/or," said first sentence of Section 41.02(A) as amended to read as follows: "The Open Space Committee shall recommend to the Town Council, acquisition of specified land areas that qualify for inclusion in the Cape Cod Pathways project and/or as land bank purchases in accordance with Chapter 293 of the Acts of 1998 as paraphrased below."

VOTE: 10 yes

2004-103 ORDER DISCONTINUANCE OF A PORTION OF PARKER ROAD IN WEST BARNSTABLE

Upon motion duly made and seconded it was voted to postpone action on this item until July 15.

VOTE: 10 yes

Upon motion duly made and seconded it was voted to go into an executive session for the purpose of discussing land acquisitions at: 8:50 p.m. and to come back into open session at the completion of said executive session.

VOTED: - ROLL CALL – 10 yes

Back into open session at about 10:35 p.m.
The following late files were introduced for a first reading:

2004-105 – Appropriation and Loan Order in the Amount of \$200,000 for the purpose of Acquiring 2.04 acres more or less in Barnstable.

Upon motion duly made and seconded it was voted to move this item to a public hearing on July 15.

VOTE: 11 yes

2004-106 – Appropriation and Loan Order in the amount of \$180,000 for the purpose of Acquiring 5.3 acres more or less in Barnstable

Upon motion duly made and seconded it was voted to move this item to a public hearing on July 15.

VOTE: 11 yes

2004-107 – Appropriation and Loan Order in the amount of \$9,950,000 for the purpose of Acquiring personal property and real property consisting of 125.63 acres more or less in Barnstable

Upon motion duly made and seconded it was voted to move this item to a public hearing on July 15.

VOTE: 11 yes

2004-108 – Appropriation and Loan order in the amount of \$500,000 for Land Bank acquisition and related expenses

Upon motion duly made and seconded it was voted to move this item to a public hearing on July 15.

VOTE: 11 yes

2004-109 – Appropriation and Loan order in the amount of \$250,000 for the purpose of acquiring 13.43 acres more or less in Marstons Mills

Upon motion duly made and seconded it was voted to move this item to a public hearing on July 15.

VOTE: 11 yes

2004-110 – Appropriation and Loan Order in the Amount of \$250,000 for the purpose of acquiring 10.2 acres more or less in Marstons Mills

Upon motion duly made and seconded it was voted to move this item to a public hearing on July 15.

VOTE: 11 yes

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

VOTE: 11 yes

ADJOURNED: at 10:50 p.m.

Respectfully submitted,

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