



# The Town of Barnstable Town Council

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## Councilors:

Gary C. Blazis

President

Gary R. Brown

Vice-President

Richard G. Barry

Richard W. Clark

Richard D. Elrick

Janet S. Joakim

Robert R. Jones

Audrey M.

Loughnane

J. Gregory Milne

Royden C. Richardson

Carl S. Riedell

Administrative

Assistant:

Donald M. Grissom

Town Council

Secretary

Cheryl A. Phillips

Town Council

## TOWN COUNCIL AGENDA

December 19, 2002

7:00 PM

1. ROLL CALL
  2. PLEDGE OF ALLEGIANCE
  3. MOMENT OF SILENCE
  4. ELECTION OF OFFICERS
  5. ACT ON MINUTES
  6. PUBLIC COMMENT (also encouraged at the end of meeting)
  7. COUNCIL RESPONSE TO PUBLIC COMMENT
  8. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS AND STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS
  9. PRESIDENT/VICE PRESIDENT COMMUNICATIONS
  10. TOWN MANAGER COMMUNICATIONS
  11. ORDERS OF THE DAY
    - A. OLD BUSINESS
    - B. NEW BUSINESS
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***Holiday Party Following Town Council Meeting***



***Happy Holidays!***



**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

**2003-046 ACCEPTANCE OF A TRAFFIC ENFORCEMENT GRANT  
(CLICK IT OR TICKET CAMPAIGN) FROM THE GOVERNOR'S  
HIGHWAY SAFETY BUREAU  
INTRO.: 12/19/02**

**RESOLVED:** That the Town Council hereby accepts a Traffic Safety Grant award in the amount of \$9,600 from the Governor's Highway Safety Bureau.

**SPONSOR:** John C. Klimm, Town Manager

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

**AGENDA ITEM SUMMARY  
2003-046**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** John J. Finnegan, Chief of Police  
**DATE:** November 12, 2002  
**SUBJECT:** Acceptance Of a Traffic Safety Grant award in the amount of \$9,600 from the Governor's Highway Safety Bureau

**BACKGROUND**

The Department has been awarded a grant in the amount of \$9,600 to participate in the Campaign sponsored by the Governor's Highway Safety Bureau.

The goal of the **Click It or Ticket** Campaign is to increase safety belt use in Massachusetts from 56% in 2001 to 60% in 2003. Nationwide safety belt use is at 75% as of 2002.

The **Click It or Ticket** Campaign will have six "mobilizations" that combine high-visibility traffic enforcement, media messages, and community education and outreach between November 2002 and September 2003.

States that participated in last May's **Click It or Ticket** mobilization saw an overall 9% increase in safety belt use.

Our low safety belt use rate was a major factor in the 433 fatalities, 91,000 injuries and \$6.3 billion costs associated with motor vehicle crashes in Massachusetts in 2000.

Since safety belts reduce the risk of death or serious injury in a motor vehicle crash by up to 50%, we can improve highway safety in Massachusetts by getting more people to buckle up with this **Click It or Ticket** Campaign.

### **Campaign Schedule**

#### **Thanksgiving Holiday Mobilization**

November 18 – December 1, 2002

#### **Winter Holidays Mobilization**

December 16-22, 2002

#### **Child Passenger Safety Week Mobilization**

February 10-16, 2003

#### **Memorial Day/Start-of-Summer Mobilization**

May 12-26, 2003

#### **July 4th Mobilization**

June 30 – July 6, 2003

#### **Labor Day/Back to School Mobilization**

August 25 – September 7, 2003

**ANALYSIS:** Acceptance of this grant will assist the Department in the continuance of our traffic safety programs.

**FISCAL IMPACT:** This grant will supplement the currently allocated funds. There is a required match that will be satisfied using currently allocated department resources.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends acceptance of this grant.

**STAFF ASSISTANCE:** Barnstable Police Chief John J. Finnegan

**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

**2003-047 ACCEPTANCE OF A COMMUNITY POLICING PROGRAM GRANT  
AWARD IN THE AMOUNT OF \$95,000 FROM THE EXECUTIVE  
OFFICE OF PUBLIC SAFETY  
INTRO.: 12/19/02**

**RESOLVED:** that the Town Council hereby accepts a Community Police Program Grant award in the amount of \$95,000 from the Executive Office of Public Safety.

**SPONSOR:** John C. Klimm, Town Manager

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

**AGENDA ITEM SUMMARY  
2003-047**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** John J. Finnegan, Chief of Police  
**DATE:** November 12, 2002  
**SUBJECT:** Acceptance Of a Community Policing Program Grant award in the amount of \$95,000.

**BACKGROUND:** the town has been awarded a Community Policing Program Grant award for FY 2003 in the amount of \$95,000. The Department applied for, and was awarded, this amount to support the Mountain Bike patrols, to supply bicycle helmets to young people, to support the RAD Program, the Citizen’s Police Academy and Main Street Sub-station, the Adopt a School Program and the Traffic Division.

**ANALYSIS:** acceptance of this grant will assist the Department in the continuance of our Community Policing efforts.

**FISCAL IMPACT:** this grant will supplement the currently allocated funds.

**TOWN MANAGER RECOMMENDATION:** the Town Manager recommends acceptance of this grant.

**STAFF ASSISTANCE:** Chief John J. Finnegan

**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

**2003-048 RESOLVE TO ACCEPT GRANT AWARD FROM CAPE  
COD CHAMBER OF COMMERCE  
INTRO.: 12/19/02**

**RESOLVED:** that the Town Council hereby accepts a Pride in Cape Cod grant, in the amount of \$500.00, from the Cape Cod Chamber of Commerce, for the purchase of bulbs and planting supplies, to be used at the Conant Property, a Conservation Area located on Route 149 in West Barnstable.

**SPONSOR:** John C. Klimm, Town Manager

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

**AGENDA ITEM SUMMARY  
2003-048**

**TO:** Town Council  
**FROM:** John Klimm, Town Manager  
**THROUGH:** Thomas F. Geiler, Director Regulatory Services  
**DATE:** December 2, 2002  
**SUBJECT:** Resolve to accept grant award from Cape Cod Chamber of Commerce

**BACKGROUND:** the Cape Cod Chamber of Commerce, Pride in Cape Cod Committee, awards grants to programs that enhance the appearance of the Cape's built environment and protects the Cape's natural environment. The Chairman of the Potting Shed Project Committee, a committee under the direction of the Conservation Land Management Subcommittee, applied for and has been awarded a grant to purchase bulbs, potting soil and fertilizer, for planting at the Conant Property. The Conant Property is a 22.73-acre Conservation parcel located on Route 149, in West Barnstable. The importance of the project is to improve the appearance of the Conservation parcel for the public to enjoy.

**ANALYSIS:** labor to plant the bulbs will be provided through the Potting Shed Committee and volunteers. Grant funds received will go to purchase potting compost, topsoil, fertilizer and bulbs.

**FISCAL IMPACT:** the grant is for \$500.00. Labor is provided through the Potting Shed Committee and volunteers. There will be no financial impact to the Town of Barnstable.

**TOWN MANAGER RECOMMENDATION:** the Town Manager Recommends adoption of this item.

**BOARD/COMMITTEE ACTION:** the Conservation Land Management Subcommittee recommends adoption of this item.

**STAFF ASSISTANCE:** Darcy Karle, Conservation

**12. PUBLIC COMMENT**

**13. ADJOURNMENT**

**NEXT MEETING IS JANUARY 16TH.**

## BARNSTABLE TOWN COUNCIL MINUTES

December 5, 2002

A quorum being duly present, Town Council President, Gary Blazis, called the meeting of the Barnstable Town Council to order at 7:30 pm, on December 5, 2002 at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

**PRESENT:** Richard Barry, Gary Blazis, Gary Brown, Richard Clark, Richard Elrick, Janet Joakim, Robert Jones, Audrey Loughnane, Gregory Milne, Carl Riedell and Royden Richardson.

President Blazis lead the Council in the Pledge of Allegiance and a moment of silence.

### NOMINATION OF OFFICERS

Assistant Town Clerk Lucia Fulco opened the floor for nominations for the offices of Town Council President and Town Council Vice President.

The following nominations for president were made and seconded: Royden Richardson nominated Gary Blazis and Richard Elrick nominated Gary Brown. There were no other nominations forthcoming so nominations for president were closed.

The following nominations for vice president were made and seconded: Carl Riedell nominated Robert Jones. There were no additional nominations so nominations for vice president were closed.

Voting will occur at the next council meeting on December 19, 2002.

President Blazis took the Town Manager Communications out of order.

Town Manager's John Klimm had several items to report.

He submitted the town's ten year financial forecast, which will be the basis of financial decisions to be made in the next months, for their review. Finance Director Milne will make a presentation on it at an upcoming meeting.

He read a letter from Government Finance Officers Association announcing that the town has received the GFOA's Distinguished Budget Presentation Award. This is the second time Barnstable has received this award.

He announced that Treasurer Jeff Cannon had received his Certified Massachusetts Municipal Treasurer certificate from the Massachusetts Collectors & Treasurers Association. Klimm extended his congratulations.

He announced that the committee on affordable housing in Osterville has worked diligently on a plan for the Darby property. Councilor Riedell explained that Osterville has arrived at an agreement on what the affordable housing will be in that village. He thanked Charles Sabatt, Attorney for Osterville, and David Richardson, Osterville Village Association Board Member, for their efforts. Riedell reviewed the findings. There will be 87 units, 57 for families and 30 for seniors. The four members will sit

together to write an RFP for development on the Darby property. It will be the finest unit development. People have come together and reached an amicable solution to a problem. Hopefully the rest of the villages will follow suit. Blazis thanked Councilor Riedell for putting the whole deal together. Osterville should thank him as well.

Klimm announced his decision of tentative improvements relative to the intersection of Ocean Street, South Street and Old Colony Road in Hyannis. Engineering looked at the possibility of a roundabout, closing off one of the roads, etc. After reviewing computer models it was determined that there is not enough benefit to cause the impact on local businesses. Based on advice from many sectors of town, including Paul Drouin of the Hyannis Civic Association and Lynne Poyant of the Hyannis Chamber, Klimm proposes to install countdown timers and smart lights next fall; implement a comprehensive traffic signage program to be completed next year; reexamine the decision to go two-way on Old Colony Boulevard; integrate a diagonal walkway and pedestrian traffic controls in plans for the Walkway to the Sea; upgrade sidewalks on Ocean Street; implement a privately funded comprehensive public safety initiative to include police coverage in peak hours. His proposal does not include closing the intersection at Ocean Street. Klimm thanked all the councilors including the councilors from Hyannis. President Blazis thanked Klimm for his sensitive, thorough and professional treatment of this issue.

Upon a motion duly made and seconded it was voted to approve the minutes of November 21, 2002. **VOTE: 10 Yes** (Councilor Clark was absent on 11/21 and did not vote.)

#### **PUBLIC COMMENT**

Representative Demetrius Atsalis thanked the town manager for the Ocean Street decision. He also wished all a happy holiday. He offered to bring any council issues to the State House.

George Gillmore, a lease holder at the Prince Cove Marina, submitted a letter to the council on his behalf, now that the town has renewed interest in purchasing that parcel. (See exhibit A.)

Paul Drouin, Hyannis Civic Assn., thanked Klimm for all his good work and effort on the Ocean Street issue. He is willing to listen to citizens who pay the tax bills and his door is always open.

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

Councilor Loughnane announced the Christmas stroll in West Barnstable.

Councilor Riedell mentioned the Osterville stroll on Friday the 13<sup>th</sup>.

Councilor Barry chimed in with news about the Cotuit Civic Assn. holiday activities this Saturday.

Councilor Brown announced the Hyannis Village of Lights this weekend.

Councilor Milne thanked Councilor Riedell and Councilor Joakim for attending the traditional Thanksgiving Day football game against Falmouth and also congratulated

BHS for their win. Town leaders from both towns wagered on the outcome of the game – Barnstable offered quahogs (freshly harvested by Councilor Brown), while Falmouth offered a case of cranberries. The cranberries will be delivered for use at the council Christmas Party on December 19<sup>th</sup>. Nicholas Bruce, riding on his Big Brother, Councilor Riedell's shoulders, presented the trophy. Milne also suggested the new council leadership develop a process for dealing with snow on council meeting nights. It was not the best situation to meet tonight. Meetings belong to the public and their safety is an issue.

Councilor Jones reported on the *ad hoc* committee formed to look into the shoaling situation. The Woods Hole group is in a data collecting stage of identifying the flows of shoaling. They will come to a conclusion in a week or two and will bring it to the council for a presentation.

President Blazis congratulated Mary Beth O'Brien, the new Postmaster in Marstons Mills and recognized Tom Golding, the past Postmaster.

## **ORDERS OF THE DAY**

### **A: OLD BUSINESS**

Upon a motion duly made and seconded it was voted to open a public hearing on **2003-037 APPROPRIATION AND TRANSFER ORDER: FUNDING OF ADDITIONAL PARKING ENFORCEMENT ACTIVITIES** at 7:57 PM.

**VOTE: Unanimous consensus** (Councilor Richardson was out of the room.)

Klimm gave the rationale. He had asked Thomas Geiler, Director of Health, Safety & Environmental Services to put together a plan to enforce the parking ordinances. This does not take money from the general fund. For every dollar raised 3 will be returned.

Upon a motion duly made and seconded it was voted to close the public hearing at 8:00 PM.

**VOTE: Unanimous**

### **2003-037 APPROPRIATION AND TRANSFER ORDER: FUNDING OF ADDITIONAL PARKING ENFORCEMENT ACTIVITIES**

Upon a motion duly made and seconded it was

**ORDERED:** that the Town Council does hereby appropriate the sum of \$13,750, \$9,800 for salaries and the sum of \$3,950 for operating expenses, to be added to the FY 2003 budget of the Regulatory Services Department, Consumer Affairs Division budget for the purpose of providing additional parking enforcement activities, and that to meet such appropriation, that \$13,750 be transferred from the parking meter receipts reserve account.

Councilor Loughnane asked why the expenditure was made prior to the appropriation. Geiler explained that two parking lots have had the additional enforcement put in place in August as a trial to see if it would work. It was successful. The funds were savings from job vacancies. Klimm explained that by August there were repeated daily calls from all these areas. It became an emergency. He was not intending to circumvent the council. Klimm will make cuts to fund it if the council does not want to make the

appropriation. At the time, one councilor felt immediate action was needed. It was a crisis situation at the Centerville Beach area. Loughnane pointed out that she was not debating the merits but that she did not want to see a pattern of purchases made prior to the appropriation. An emergency is an emergency, but the matter should come before the council as quickly as possible.

**VOTE: Unanimous (roll call)**

Upon a motion duly made and seconded it was voted to open a public hearing on **2003-039 APPROPRIATION ORDER FOR MAINTENANCE AND IMPROVEMENTS TO PROPERTY PURCHASED WITH FUNDS FROM THE CAPE COD OPEN SPACE ACQUISITION PROGRAM** at 8:08 PM.

**VOTE: Unanimous**

Klimm gave the rationale. The town is allowed to spend a percentage of revenues for routine maintenance. There is no regular funding plan. He would like to set priorities to expend the money.

Upon a motion duly made and seconded it was voted to close the public hearing at 8:10 PM.

**VOTE: Unanimous**

**2003-039 APPROPRIATION ORDER FOR MAINTENANCE AND IMPROVEMENTS TO PROPERTY PURCHASED WITH FUNDS FROM THE CAPE COD OPEN SPACE ACQUISITION PROGRAM**

Upon a motion duly made and seconded it was

**ORDERED:** that the Town Council hereby appropriate \$100,000 for the purpose of funding the costs associated with the maintenance and improvements to property purchased by the Town of Barnstable under the Cape Cod Open Space Acquisition Program, to an account designated by the Town Manager.

Councilor Jones asked Lindsay Counsell, Land Bank Committee, if the funds would go for signage. Yes. There already is signage on the Conant and Hovey parcels. Jones feels signage is important so public will know it is town land and open to public in most cases.

**VOTE: Unanimous**

**B. NEW BUSINESS**

**2003-041 TRANSFER ORDER FROM FY 2003 EXPENSES TO SALARY BUDGET**

Upon a motion duly made and seconded it was

**ORDERED:** that the sum of \$30,000 be transferred from the Department of Public Works Solid Waste Division's operating expenses to the Department of Public Works Solid Waste Division personnel expense budget.

Klimm gave the rationale.

Councilor Elrick pointed out that the normal pattern goes from public to private. This is reverse. Why is it better for public sector to do it? Mark Ells, Acting Director of DPW, said that since 1997 the town has done its post-closure monitoring using a consulting firm and outside labs. Town employees extract the samples then transport them to the lab to do the work. The department has a fully staffed lab with two people. It was about \$23,000 less to have the town people to do it even with the overtime expense. The savings allowed funds to be available to do erosion control. There will be no increase in the budget.

Councilor Clark asked about lab costs. Ells said the lab costs have gone down due to capping the landfill which has stopped things from leaching out. They are looking at using the county lab where they can. This has worked out as well. Clark also asked if DEP allows the capping organization to do the monitoring. The town still takes the samples and sends them out to county or private labs. There is a third party looking at the results.

**VOTE: Unanimous**

**2003-042 ORDER TO APPROVE A CHANGE IN THE TERM OF THE GOLF CART CONTRACT**

President Blazis said this item would be put off to a future meeting. There were no objections.

**2003-043 SNOW AND ICE OVERDRAFT ORDER**

Upon a motion duly made and seconded it was

**ORDERED:** that pursuant to Chapter 44, Section 31D MGL, which provides for the ability of the Town to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal; the Town Council approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2003, subject to further approval action by the Town Manager

Klimm explained that this allows the town to incur the liability.

**VOTE: Unanimous**

**2003-044 ESTABLISHMENT OF BOARD OF OVERSEERS FOR STURGIS CHARTER SCHOOL**

Upon a motion duly made and seconded it was voted to refer this item to a future meeting.

**VOTE: No objection**

**2003-045 HYANNIS DOWNTOWN 500 BLOCK MORATORIUM, ZONING AMENDMENT**

Upon a motion duly made and seconded it was voted to refer this item to a joint public hearing on January 16, 2003.

**VOTE: Unanimous**

Councilor Loughnane had a point of information. Did this come from the Hyannis Forward Committee? No.

**PUBLIC COMMENT**

Councilor Richardson announced the Centerville holiday activities.

Councilor Milne said the Selectmen's dinner was cancelled due to snow and postponed to either December 10<sup>th</sup> or 11<sup>th</sup>. Hopefully many more councilors will be able to attend.

Upon a motion duly made and seconded it was voted to go into executive session for the purpose of discussing land acquisition and contract provisions with non-affiliated town employees and return to public session at 8:45 PM.

**VOTE: Unanimous (roll call).**

President Blazis reopened the public meeting at 8:57 PM

A motion was made and seconded to approve the employment contract for the Police Chief, John Finnegan.

**VOTE: Unanimous**

A motion was made and seconded to approve the five-year employment contract for the Director of Finance, Mark Milne.

**VOTE: Unanimous**

A motion was made and seconded to approve the five-year employment contract for the Assistant Town Manager, Joellen Daley.

**VOTE: Unanimous**

Upon a motion duly made and seconded it was voted to adjourn the meeting at 9 PM.

**VOTE: Unanimous**

Respectfully submitted,

Lucia Fulco  
Assistant Town Clerk