

**TOWN COUNCIL MEETING
June 16, 2005**

A quorum being duly present, Town Council President, Gary Brown, called the meeting of the Barnstable Town Council to order at 7:00 pm, on June 16, 2005 at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Richard Barry, Janice Barton, Gary Brown, Ann Canedy, James Crocker, Jr., Henry Farnham, Janet Joakim at 7:05 PM, Greg Milne at 7:25 PM, James Munafò, Jr., Royden Richardson, Tom Rugo at 7:07 PM, and Harold Tobey. **ABSENT:** Leah Curtis

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

ACT ON MINUTES

Upon motion duly made and seconded it was voted to approve the minutes of June 2nd, and May 26, 2005 with the following addition of a letter. President Brown submitted a letter from Peter Doiron to become part of the minutes of June 2, 2005.

VOTE: Unanimous (9 Yes) (Councilors Joakim, Rugo, and Milne arrived after the vote had been taken on the minutes).

• **DAVID COLE -- CHAIRMAN, CABLE TV ADVISORY COMMITTEE**

David Cole spoke on behalf of municipal cable franchising asking the Town Council's support and to approve his resolve. Cole stated the resolve to maintain municipal cable franchising was drafted in the form of a letter for mailing to our congressmen.

Upon motion duly made and seconded it was voted to accept the resolve presented by Cole to support municipal franchising to help benefit our freedom of speech. The resolve is to be sent to the congressmen in our state and signed by the President of the Council and the Town Manager.

VOTE: Unanimous

• **JANE ESHBAUGH COMMUNITY SERVICE AWARD**

The Jane Eshbaugh Community Service Award was presented by Gary Brown and Janice Barton to Paul Drouin. He knew Jane and spoke of her tireless effort on behalf of the Town of Barnstable. Drouin has volunteered for many committees and projects over the years and is dedicated to the community. Drouin thanked all for the award.

ORDERS OF THE DAY

OLD BUSINESS

**2005-081A ZONING ORDINANCE AMENDMENT TO EXPAND THE RESOURCE PROTECTION OVERLAY DISTRICT TO INCLUDE THE REMAINING AREA OF THE TOWN NORTH OF THE MID CAPE HIGHWAY WHICH IS NOT SO SUBJECT
INTRO.: 05/05/05; 05/19/05; 06/16/05**

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above-named item.

VOTE: 7 Yes 5 No

Ralph Cahoon spoke regarding Route 6A and the importance of trying to protect this area. He and others, who came with him, are concerned about various issues and problems that further development will make worse. He asked what would happen if this doesn't go through – more development.

Ron Jansson, a long time resident, asked that the Town Council reject this proposal. He also stated no one has done a study on the effect of the (RPOD) overlay district. Also, no one has satisfactorily explained why this is happening. Jansson said he had spoken with the Fire District about the impact and their response was there wasn't any adverse impact.

President Brown read a letter from the planning board in support of this item.

Al Baker spoke regarding the impact of 2-acre zoning on the children who, when adults, would not be able to afford to live here. He asked the Council to think about their future.

Eugenia Fortes stated 1-acre zoning is needed. She said the children are going away because they cannot afford to live on the Cape. Ms. Fortes stated she may be the oldest person here that has been coming to the Town Council Meetings.

Paul Revere grew up in Cummaquid. This document on 2 acre zoning simply extends the overlay district. If any existing lot is grandfathered the lots can be merged. Barnstable Village needs the same as the rest of the villages. Barnstable should be given the same protection as the other villages. There are a lot of tear down and rebuilds in the area but not new building. There is not a lot of development going on at Barnstable Harbor. He named the old Barnstable families that would be affected by this 2 acre zoning.

John Julius said millions and millions of dollars is being spent on studies, but no study was done on this. He said the facts have to be obtained. Julius spoke of due process and stated this council seems to have a habit of strip and cut it away. He hoped the Council had listened to Mr. Jansson who spoke on the matter.

Lou Gonzaga is opposed to 2 acre zoning. His recommendation that the lots should have been identified was before the Council. He stated that people cannot afford to live here. Gonzaga asked the Council to listen and then decide what should be done.

Edward Kelly stated he has lived in Cummaquid for 57 years. He said the statement by Mr. Cahoon was false (well fields are south of Route 6). Kelly had to subdivide his property for his children so they could live here. He stated the Fire District has well fields, and the Town of Barnstable has land. He said to look at all the facts before a decision can be made.

Paul Doiron said the rules for building are too loose and have to be tightened.

Marsha Jansson thinks we are moving too fast on this, and would like her children to be able to afford to live here. She felt this had been rushed. Mrs. Jansson stated the Council represents the people, herself, her family, and neighbors. She felt the 2-acre zoning was unfair. Mrs. Jansson asked the council to consider the children who are our future.

Upon a motion duly made and seconded it was voted that to move out of public hearing.

VOTE: Unanimous

Councilor Canedy said the Planning Board would be working on this matter and that this doesn't apply to subdivided land. The item has already been before the council and the Planning Board. In addition, she had written an article about the matter that was published in a local newspaper and a lot of positive feed back was received. She stated the 2-acre

zoning does not stop growth, but helps to slow it down. She said the historic district is an economic draw.

Councilor Canedy also stated that Barnstable harbor has been contaminated. We are talking about the bay, the creek, road run off, and septic systems that do not stop nitrates. She spoke of the area in front of her home that is a dead marsh. Canedy also recommended in the past to have 2 acre zoning. She stated the reality regarding affordable housing, is that housing in Barnstable is not affordable. We have already reached 10 percent of affordable housing and that there can be other means for affordable housing in Barnstable.

Councilor Crocker said he is grateful for Councilor Canedy being an advocate for this cause, but we have to think of all our constituents. He said this matter is before our Planning Board, and there are zoning changes on the horizon. He stated we are using the proper approach for zoning, but doesn't think the document is ready at this time. He suggests letting the Planning Board work on this matter and they will bring it forward.

Councilor Barton spoke on affordable housing. We need rental income not necessarily houses. More accessory housing would help. There is 2 acre zoning in other villages but not in Barnstable. There are a lot of people in Barnstable that are in support of this 2 acre zoning.

Councilor Barry represents the Precinct which is far away from this area and we have two acre zoning. The difference between the north and south side is the tidal flow. He said nine out of ten people are not in favor of this. We would love to have a sewer system in Cotuit. He cannot support this since the people who are in support of this are not here tonight.

Councilor Tobey cannot support this motion since the people who have spoken tonight are against it.

Councilor Richardson said one reason why this village was not included before was due to scientific reasons. It just didn't rise to the same levels as other areas in the town. Councilor Richardson thought there would be some reasons for this to come forward tonight, but he hasn't heard that so he does not support it.

Councilor Joakim had a conversation with a very shy couple about their village and they didn't understand why Barnstable Village doesn't have two acre zoning. We have to recognize that even though people may not be here tonight in support of this they are at home watching. She stated her support for the item.

Councilor Canedy spoke regarding the parcels of land and the scientific evidence - there is plenty of evidence. Millway Beach was closed because of contamination. She stated Barnstable residents are here tonight but did not get up to speak. Councilor Canedy has been told by her constituents to fight for Barnstable Village people. They want this.

Councilor Rugo asked the staff for help to clarify various representations.

Tom Broadrick of the Planning Dept. confirmed what Councilor Canedy had said. He stated there are 315 parcels that are greater than 2 acres or more. The 2-acre zoning would cut these parcels in half as far as development. Broadrick stated in the Scudder Lane area they cut ½ of the parcels because they were wet.

2005-081A ZONING ORDINANCE AMENDMENT TO EXPAND THE RESOURCE PROTECTION OVERLAY DISTRICT TO INCLUDE THE REMAINING AREA OF THE TOWN NORTH OF THE MID CAPE HIGHWAY WHICH IS NOT SO SUBJECT
INTRO.: 05/05/05; 05/19/05; 06/16/05

Upon motion duly made and seconded, a vote was taken on the above item and did not pass by a:

VOTE: Roll Call - 5 Yes 7 No (Leah Curtis absent)

A brief recess was taken to get set up for the budget presentation.

President Brown asked to take out of order the administrative code item 2005-126.

2005-126 ADMINISTRATIVE CODE AMENDMENT
INTRO.: 06/02/05; 06/16/05

Assistant Town Manager Niedzwiecki spoke regarding the administrative code amendments. He explained some of the changes, including planning, school and DPW. If not approved, we will have to make some changes to the budget. Councilor Munafo is uncomfortable with voting on the item. He made a motion which was seconded to postpone this item to the next meeting of July 14, 2005.

Vice President Farnham asked about the impact if moved July. Town Manager Klimm said there will have to be a change in the budget. He has no problem with the extra time. Klimm asked for an amendment to put the money for the new consolidated department in the manager's office budget until voted.

Upon motion duly made and seconded it was moved to postpone action on this item until the July 14th meeting:

VOTE: 9 YES 3 NO

FY-2006 BUDGET

Town Manager John Klimm spoke on the Town Budget Presentation for 2006. He updated everyone on changes and improvements. The Manager asked everyone to take the time to read the Financial Advisory Report. He spoke on how to fund our capital financial budget buster - that is to fund our roads. He also stated that the schools are also addressing their capital needs. Klimm introduced the Town's Financial Director, Mark Milne, who gave an overview of the budget utilizing a slide show. This is the last year of our revenue sharing agreement.

2005-101 APPROPRIATION ORDER POLICE DEPARTMENT
INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

APPROPRIATION ORDER 2005-101

Police Department

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$10,480,519** be raised and appropriated for the purpose of funding the Town's FY 2006 **Police Department** budget as presented to the Town Council by the Town Manager.

VOTE: Roll Call - Unanimous

2005-102 APPROPRIATION ORDER BARNSTABLE MUNICIPAL AIRPORT ENTERPRISE FUND INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

Al Baker asked if there is a mechanism that makes an enterprise account put more money back into the general fund without going back for just charges for services. Mark Milne said we look at all the departments who give services and do charge them back. It has increased over the last few years. Each enterprise account is set up in separate accounts.

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

VOTE: Unanimous

APPROPRIATION ORDER 2005-102

Barnstable Municipal Airport Enterprise Fund

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$5,232,223** be appropriated for the purpose of funding the Town's FY 2006 **Airport Enterprise Fund** budget, and to meet such appropriation that **\$5,232,223** be raised from current year revenues by the airport as presented to the Town Council by the Town Manager

VOTE: ROLL CALL - Unanimous

2005-103 - APPROPRIATION ORDER EDUCATION INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

Eugenia Fortes asked if it will help the busing.

Supt. Thomas McDonald acknowledged that they have reduced the bus fee, he agrees that we should be transporting the students.

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

VOTE: Unanimous

Councilor Crocker asked Superintendent McDonald the cost of kindergarten. McDonald explained the costs. The fees that are being charged are on a sliding scale. We don't know even today how many children are going to end up in kindergarten in September. Councilor Crocker needed clarification from the Town Manager. The manager said they will need an amendment for the appropriation \$54,233,400.

Upon motion duly made and seconded it was voted to amend the appropriation to \$54,233,400.

Councilor Joakim asked if the cost will go up for people at the lower level. No. This will pay back about 98 people who paid more than the anticipated cost. Councilor Munafo asked about the money saved in the consolidation of the finances. Milne addressed the issue. About \$690,000 was transferred and two positions were eliminated. So about \$90,000 less is being spent after the consolidation.

Councilor Canedy asked for an explanation of the amendment. Asst. Supt. Glen Anderson spoke on the kindergarten bus fee issues. We need to make sure the people pay the money first.

VOTE ON AMENDMENT - Unanimous in favor

APPROPRIATION ORDER 2005-103

Education

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 2006 **Education** budget as presented to the Town Council by the Town Manager:

\$54,233,400 for the purpose of funding the **Local School System**;

\$2,129,855 for the purpose of funding the **Regional School District**

Assessment;

\$1,361,394 for the purpose of funding the **Sturgis Commonwealth Charter School and School Choice Assessments**

VOTE: Roll Call - 11 YES 1 No as amended

2005-104 APPROPRIATION ORDER DEPARTMENT OF PUBLIC WORKS – GENERAL FUND BUDGET INTRO.: 05/19/05; 06/16/05
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Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

APPROPRIATION ORDER 2005-104

Department of Public Works General Fund Budget

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$7,114,834** be raised and appropriated for the purpose of funding the Town's FY 2006 **Department of Public Works General Fund** budget as presented to the Town Council by the Town Manager.

VOTE: Roll Call - Unanimous

2005-105 APPROPRIATION ORDER DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

**APPROPRIATION ORDER 2005-105
Department of Public Works Solid Waste Enterprise Fund**

Upon motion duly made and seconded it was voted to:

ORDERED: that the sum of **\$2,025,489** be appropriated for the purpose of funding the Town's FY 2006 **Department of Public Works Solid Waste Enterprise Fund** budget as presented to the Town Council by the Town Manager, and to meet such appropriation that **\$1,722,000** be raised from current year revenues by the solid waste facility and that **\$303,489** be transferred from the solid waste savings account.

VOTE: ROLL CALL - Unanimous

2005-106 APPROPRIATION ORDER DEPARTMENT OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

Richard Andres had a problem with the math. Mark Milne stated \$4,279,074 was the correct number and the other \$100,000 was appropriated in the capital program. The number is correct. Mr. Baker asked for the savings account transfer explanation. Milne said that we did not go up on the rates. There is a new debt service coming on line and we need the money to cover for the debt service. Councilor Munafa was still confused over the approval and the amount needed. Why do we need to vote for this again? Milne said we should amend it to change the amount.

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

VOTE: Unanimous

Motion was made and seconded to amend this item to \$4,279,074.

VOTE: Unanimous in favor

APPROPRIATION ORDER 2005-106

Department of Public Works Water Pollution Control Enterprise Fund

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$4,279,284** be appropriated for the purpose of funding the Town's FY 2006 **Department of Public Works Water Pollution Control Enterprise Fund** budget as presented to the Town Council by the Town Manager, and to meet such appropriation that **\$3,930,000** be raised from current year revenues by the water pollution control facility and that **\$349,284** be transferred from the water pollution control savings account.

VOTE: ROLL CALL - Unanimous

2005-107 APPROPRIATION ORDER DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

APPROPRIATION ORDER 2005-107

Department of Public Works Water Supply Enterprise Fund

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$2,600,000** be appropriated for the purpose of funding the Town's FY 2006 **Department of Public Works Water Supply Enterprise Fund** budget as presented to the Town Council by the Town Manager, and to meet such appropriation that **\$2,600,000** be raised from current year revenues by the water supply operations.

VOTE: ROLL CALL - Unanimous

2005-108 APPROPRIATION ORDER REGULATORY SERVICES DEPARTMENT INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

APPROPRIATION ORDER 2005-108

Regulatory Services Department

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$2,079,195** be raised and appropriated for the purpose of funding the Town's FY 2006 **Regulatory Services Department** budget as presented to the Town Council by the Town Manager.

VOTE: ROLL CALL - Unanimous

**2005-109 - APPROPRIATION ORDER COMMUNITY SERVICES DEPARTMENT
GENERAL FUND BUDGET INTRO.: 05/19/05; 06/16/05**

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

**APPROPRIATION ORDER 2005-109
Community Services Department General Fund Budget**

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$2,408,822** be raised and appropriated for the purpose of funding the Town's FY 2006 **Community Services Department** Budget as presented to the Town Council by the Town Manager.

VOTE: ROLL CALL - Unanimous

**2005-110 - APPROPRIATION ORDER COMMUNITY SERVICES DEPARTMENT
GOLF COURSE ENTERPRISE FUND INTRO.: 05/19/05; 06/16/05**

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

**APPROPRIATION ORDER 2005-110
Community Services Department Golf Course Enterprise Fund**

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$2,029,226** be appropriated for the purpose of funding the Town's FY 2006 **Golf Course Enterprise Fund** budget; and to meet such appropriation that **\$2,029,226** be raised from current year revenues by the golf course facility.

VOTE: ROLL CALL - Unanimous

**2005-111 - APPROPRIATION ORDER COMMUNITY SERVICES DEPARTMENT
MARINA ENTERPRISE FUND INTRO.: 05/19/05; 06/16/05**

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

Carol Horgan spoke regarding the larger mooring fees and heard that they had been rescinded. Dan Horn said what you are hearing is still be talked about and has not been decided yet. The fees for this year are stable.

Councilor Munafo asked if this was the marina fund we just adopted. Yes.

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

VOTE: Unanimous

APPROPRIATION ORDER 2005-111

Community Services Department Marina Enterprise Fund

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$646,936** be appropriated for the purpose of funding the Town's FY 2006 **Marina Enterprise Fund** budget; and to meet such appropriation that **\$646,936** be raised from current year revenues by the marina facilities.

VOTE: ROLL CALL - 10 YES 2 NO (Milne and Munafo)

2005-112 - APPROPRIATION ORDER COMMUNITY SERVICES DEPARTMENT SANDY NECK PARK ENTERPRISE FUND INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

John Brennan said he has spoken on a number of issues over the years. There has been considerable damage to the area and a lot of work has been done. The swim beach portion is less than 10% of the shoreline. There are still outstanding concerns. We believe priority to the swim area must be addressed.

Park Manager Nina Coleman spoke on the condition of the beach and the need for another life guard. This budget has been reduced. We hope the staff will be complete this summer. We are working on the clean-up.

Councilor Canedy said that constituents have brought to our attention the condition of the beach. She commended Ms. Coleman. This work has to be done by people not machines.

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

VOTE: Unanimous

Councilor Munafo asked if this was a new enterprise account – Yes.

APPROPRIATION ORDER 2005-112

Community Services Department Sandy Neck Park Enterprise Fund

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$425,459** be appropriated for the purpose of funding the Town's FY 2006 **Sandy Neck Park Enterprise Fund** budget; and to meet such appropriation that **\$425,459** be raised from current year revenues by the Sandy Neck Park facilities.

VOTE: ROLL CALL - 11 YES 1 NO (Munafa)

**2005-113 - APPROPRIATION ORDER GROWTH MANAGEMENT DEPARTMENT
GENERAL FUND BUDGET INTRO.: 05/19/05; 06/16/05**

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

APPROPRIATION ORDER 2005-113

Growth Management Department General Fund Budget

Upon motion duly made and seconded it was moved that the order be amended by adding at the end thereof the following:

", provided that the amount hereby appropriated be expended under the direction and control of the Town Manager, for the positions and programs within the proposed department of growth management, until such time as the council has adopted an administrative code amendment providing for such a department."

VOTE: Passed.

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$962,834** be raised and appropriated for the purpose of funding the Town's FY 2006 **Growth Management Department** Budget as presented to the Town Council by the Town Manager, provided that the amount hereby appropriated be expended under the direction and control of the Town Manager, for the positions and programs within the proposed department of growth management, until such time as the council has adopted an administrative code amendment providing for such a department.

VOTE: ROLL CALL - Unanimous

**2005-114 - APPROPRIATION ORDER TOWN COUNCIL DEPARTMENT INTRO.:
05/19/05; 06/16/05**

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

APPROPRIATION ORDER 2005-114

Town Council Department

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$288,529** be raised and appropriated for the purpose of funding the Town's FY 2006 **Town Council** budget as presented to the Town Council by the Town Manager.

VOTE: ROLL CALL - Unanimous

2005-115 - APPROPRIATION ORDER TOWN MANAGER DEPARTMENT

INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

APPROPRIATION ORDER 2005-115

Town Manager Department

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$549,676** be raised and appropriated for the purpose of funding the Town's FY 2006 **Town Manager** budget as presented to the Town Council by the Town Manager.

VOTE: ROLL CALL Unanimous

2005-116 - APPROPRIATION ORDER ADMINISTRATIVE SERVICES DEPARTMENT

INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

APPROPRIATION ORDER 2005-116

Administrative Services Department

Upon motion duly made and seconded it was:

ORDERED: that the sum of **\$4,969,889** be raised and appropriated for the purpose of funding the Town's FY 2006 **Administrative Services Department** budget as presented to the Town Council by the Town Manager.

VOTE: ROLL CALL - Unanimous

2005-117 - APPROPRIATION ORDER OTHER REQUIREMENTS INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

President Brown asked Mark Milne where the funds are coming from and going to. Milne said these are helping us finance the budget.

Councilor Crocker asked about the money from the sale of real estate. Milne said that requirement was lifted by the Special Acts of 2005.

Councilor Canedy asked for an explanation on how these enterprise funds can go back into the general fund. Mark Milne explained that they determine the services that we provide to the enterprise operations on an annual basis and charge them back to the general fund.

Councilor Farnham asked if the water supply was added in. Milne said it will be better to wait to figure the administrative costs and come back with a budget transfer.

Councilor Crocker asked about the real estate revenue fund. Milne said this was on the Iyanough Road property.

APPROPRIATION ORDER 2005-117

Other Requirements

Upon motion duly made and seconded it was:

ORDERED:

- 1) That the sum of **\$21,145,619** be raised and appropriated for funding the Town's FY 2006 **Other Requirements** Budget as presented to the Town Council by the Town Manager;

- 2) And that the following sums be transferred from the Town's Enterprise Accounts for the purpose of funding Administrative Costs within the General Fund:

Water Pollution:	\$553,727
Solid Waste:	\$280,057
Airport:	\$744,189
Golf Course:	\$175,000
Marinas:	\$169,415
Sandy Neck:	\$ 70,191

- 3) And further, that the sum of **\$428,000** be transferred and appropriated from the **Pension Reserve Account** for the purpose of funding the Town's annual pension appropriation obligation under the provisions of Chapter 32, Section 22D; and that the sum of **\$251,000** be transferred and appropriated from the **Insurance Reserve Account** for the purpose of funding the Town's insurance costs;

- 4) And further, that the sum of:

\$30,000 be transferred from the Bismore Park Account
\$32,400 be transferred from the Wetlands Protection Account
\$45,535 be transferred from the Adult Social Day Revolving Fund
\$52,000 be transferred from county surplus funds, and,
\$90,000 be transferred from the sale of real estate special revenue fund

all for the purpose of funding the Town's FY 2006 general fund budget as presented to the Town Council by the Town Manager.

5) And further, that the sum of **\$3,545,971** be transferred and appropriated from the General Fund savings account for the purpose of funding the FY 2006 budget.

VOTE: ROLL CALL - Unanimous

2005-118 - REVOLVING FUNDS AUTHORIZATION ORDER INTRO.: 05/19/05; 06/16/05

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

REVOLVING FUNDS AUTHORIZATION ORDER 2005-118

ORDERED: Pursuant to Chapter II, Article XVIII-A, Section 3 of the General Ordinances, the Town Council hereby authorizes the following revolving funds for FY 2006:

Fund	Revenue Source	Dept Officer Auth. to Expend Funds	Use of Fund	Total Expenditure Limit FY 2006
Classroom Education Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$35,000
Adult Social Day Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$150,000
Recreation Program Fund	Program registration fees	Recreation Director	Salaries, benefits, expenses, contract services to operate program	\$450,000
Shellfish Propagation Fund	Fees from permits	Natural Resources Director	Salaries, benefits, expenses, contract services, shellfish equipment to operate program	\$100,000
Building Inspections Fund	Fees from permits for municipal & private projects	Building Commissioner	Salaries, benefits, expenses, contract services to operate program	\$150,000
Consumer Protection Fund	Fees from weights & measures services,	Director Regulatory Services Dept.	Salaries, benefits, expenses, contract services to operate program	\$150,000
Geographic	Fees for GIS maps & reports	Information Systems	Materials and supplies	

Information Systems Fund		Director	needed to operate program	\$20,000
Police Training Fund	Program registration fees	Chief of Police	Salaries, benefits, expenses, contract services to operate program	\$50,000
			Total	\$1,105,000

**VOTE: ROLL CALL - Unanimous
BUDGET COMPLETE.**

**2005-129 ORDER – EASEMENTS FOR ROUTE 132 UPGRADE INTRO: 06/02/05;
06/16/05**

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing the above named item.

VOTE: Unanimous

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

VOTE: Unanimous

Town Engineer, Robert Burgmann, spoke regarding the relocation and upgrading of Route 132, and said that there is a light at the end of the tunnel. We are relocating Shoot Flying Hill Road (run parallel to Route 132) to join Huckins Neck Road. In order to do this, there are some takings that have to be done before this can happen (7 properties). There is one other small piece of property where the road has been running over private property for some time. We have to get this advertised.

Councilor Crocker asked if the sewer will be able to leach in this area. Burgmann said we have not looked at that. We are looking at other land for that purpose. Mark Ells, DPW Super., said that we are going over a landscape design along Route 132; and we are looking at a potential for irrigation. We might pursue it.

Councilor Canedy asked, regarding the eminent domain takings, how many are residential. How many of these owners are opposing. Burgmann said 2 of those parcels are residential, and 2 are going to be gifts, no one is actively opposing. NStar doesn't have any objection to what we are doing.

Upon motion duly made and seconded it was voted

ORDERED: That the Town Manager be authorized to acquire by gift, purchase or eminent domain for the purpose of constructing a public highway, an easement over seven parcels of land located along Route 132 in Barnstable, Barnstable County, Massachusetts, as follows: Easements E-1 containing 1,240± square feet of land, E-2 containing 1,344± square feet of land, E-3 containing 6,021± square feet of land, E-4 containing 6,021± square feet of land, E-5 containing 5,661± square feet of land, and E-8 containing 642± square feet of land together with associated slope easements numbered S-2, S-3, S-7, S-9, S-10, and S-22 all as shown on a plan of land entitled "Plan of Easements for the Reconstruction of Route 132, Iyannough Road, Barnstable (Hyannis) MA, as made by the DPW Survey Section, Scale Varies, May 2, 2005," a copy of which plan is on file in the

Town Clerk's office; and to appropriate the sum of \$83,243.00 for the purchase or taking of said easement [and associated costs] and authorize the Town Treasurer, with the approval of the Town Manager, to borrow such sums as they may determine and require to meet such appropriation, in whole or in part; and to authorize the Town Manager to grant easements in furtherance of the purposes stated herein; and that the Town Manager is authorized to contract for and to expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

VOTE: ROLL CALL - Unanimous

2005-130 - ACCEPTANCE OF GIFTS FOR 725 MAIN STREET INTRO.: 06/16/05

Councilor Canedy asked why this is general and not specific.

Vice President Farnham asked if we know what it is going to cost.

Councilor Milne said that we have just received a cost analysis. The park cost in terms of private monies a little less than \$500,000. Storm water drainage is going to be incorporated into the site. DPW is going to be bringing us figures as to their part of the project, but their project is already in.

Mark Ells said that we are still in the design stage. We are looking to site a pump station in the back portion. I believe were looking at \$200,000 in drainage work. I would be guessing at the pump station cost.

Upon motion duly made and seconded it was:

RESOLVED, that the Town Manager is authorized to accept gifts and grants in furtherance of the improvement of the property having an address at 725 Main Street (former Gulf station), Hyannis, Massachusetts.

VOTE: Unanimous

2005-131 - ORDER APPROVING CONSERVATION RESTRICTION TO BE HELD BY THE BARNSTABLE LAND TRUST, INC. INTRO.: 06/16/05

This item was withdrawn by the petitioner until July 14.

2005-132 - ORDER APPROVING CONSERVATION RESTRICTION TO BE HELD BY THE TOWN OF BARNSTABLE INTRO.: 06/16/05

This item was withdrawn by the petitioner until July 14.

2005-133 - ORDER APPROVING CONSERVATION/WATERSHED PRESERVATION RESTRICTION TO BE HELD BY THE CENTERVILLE-OSTERVILLE- MARSTONS MILLS WATER DEPARTMENT INTRO.: 06/16/05

Upon motion duly made and seconded it was voted to refer this item to a second reading on July 14, 2005.

VOTE: Unanimous

**2005-134 - TRANSFER ORDER FOR FY 2005 GENERAL FUND OPERATING BUDGET
INTRO.: 06/16/05**

Town Manager John Klimm said that every year there has been a request for adjustment in the budgets.

Councilor Barton asked about vacancies in personnel and has that been resolved. Klimm said that the civil service program is detailed and they must fill the positions in the process. They make the best projections that they can.

Chief Finnegan said they are going to do a training program.

Upon motion duly made and seconded it was:

ORDERED: That the sum of \$87,000 be transferred from the FY 2005 Police Department's personnel expenses to the FY 2005 Police Department's operating expense category and that the sum of \$31,000 be transferred from the FY 2005 Public Works Department's personnel expenses to the FY 2005 Public Works Department's operating expense category.

VOTE: Unanimous

2005-135 - ROAD CAPITAL STABILIZATION FUND OVERRIDE INTRO.: 06/16/05

Upon motion duly made and seconded it was voted to refer this item to a second reading on August 18th:

VOTE: Unanimous

PUBLIC COMMENT

Carol Horgan told the Council that money is needed. A lot of people have hardships. This is a very difficult time for residents. She spoke on the quarterly tax billing. She is against an override.

Al Baker wants to go back to 4 minutes for public comment since it is extremely informative. He is concerned that public comment might become a thing of the past. Also there will be no more breakfasts at Liberty Hall.

John Julius said don't let people walk on you. This is not about me, or the Town Council, this is about the 50,000 residents. Don't let people walk on you, especially the government. Julius said he stood at this podium the last time and asked the Town Attorney to answer his questions but he still has not received any answers. He stated tonight he would hand the Town Attorney his questions in writing.

Eugenia Fortes said she resented what Gary Brown said about her in the Cape Cod Times article. She stated she does not lie, and asked for an apology from President Brown.

Lou Gonzaga said the costs in the Town of Barnstable have gone up. Town people struggle to pay all costs and taxes.

John Brennan said we need to consider raising the salary of the lifeguards. Brennan said that email should not be used to do business. When an email is used by a majority it immediately becomes an open record.

Peter Doiron showed two books on the debate of the Constitution and said can you imagine if we only had 3 minutes back then. Librarians rank censorship in the same hell as rape. He said the Council President curtailed people's comments (freedom of speech). He has raised over 50 plus topics to the council.

Al Baker announced the Father's Day Car Show, and said the Marstons Mills hearse will be there.

LATE FILE

2005-136 - APPROVAL OF CONTRACTS WITH TOWN PERSONNEL INTRO.:6/16/05

Upon motion duly made and seconded it was

RESOLVED: That the Council confirms its approval of the following three contracts with Town Personnel:

- A. An extension of the existing contract with the Town Manager, John C. Klimm from 2008 to 2010.
- B. An extension of the contract with the Finance Director, Mark Milne, from 2008 to 2010, reflecting his additional duties with respect to the School Department and a corresponding increase in salary to \$107,000 per annum;
- C. A new contract with Donald Grissom as reflecting the increase of his duties from Council Administrative Assistant to Council Administrator, with an increase in salary to \$52,000 per annum;

All in accordance with contracts so filed with the Director of Human Resources.

VOTE: 10 YES 2 NO

COUNCIL RESPONSE TO PUBLIC COMMENT

President Brown regarding public comment said he has never stopped anyone from speaking. The 3 minute time limit is in the council rules. We need to have time to do business. This is the reason that we are elected. I have censored nothing, he stated.

Councilor Joakim in response to Mr. Brennan said salaries were raised for lifeguards. The problem is not enough qualified kids to fill the positions. She announced that the Roads Committee will meet to discuss overrides. Councilor Joakim said that regarding quarterly tax bills, there is an option for people if they do not wish to pay their taxes that way, they can pay them twice a year.

Councilor Barton thanked Mr. Baker and others at Liberty Hall for providing a place to meet and a great breakfast. She responded to Mr. Doiron since he asked how she felt about the first amendment rights. She does believe in the first amendment rights, but also believes that you need to treat people how you would want to be treated.

Councilor Canedy said she emailed the agenda item to everyone to call it to their attention and she feels it is acceptable to communicate that way. If tax bills arrive late, they are late. She would like the rule more uniform with state and Federal tax bills that are not late if postmarked on time.

Councilor Crocker addressed Carol Horgan and she is right that water rates will go up. There was no cost to the town and it fulfilled what happened at the COMM meeting.

Councilor Milne suggested regarding public comment, that the inertia that has caused the turmoil is because certain people on the council do not like the type of comments. Milne personally does not have any problem with it. We signed up for the job. Maybe our staff could work with the public.

Councilor Richardson agreed with Councilor Milne. How we react to each other is also important. He discussed overrides and how they can pass, because we do not have a good record on them.

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

Councilor Barton thanked the department heads and staff for attending the meeting. There is a summer food service program that is being brought forward by the county and she had information on it. She announced that there is a report on the exit polling that was completed by students.

Councilor Munafo said he will never feel properly prepared for the budget. We have had it a very short period of time. He takes the spending of money very seriously. To the CFAC who reviews the budget, he said, "we need your help". He needs your help. He would like the budget to come earlier.

Councilor Canedy made an announcement on an arts event in Barnstable.

Councilor Milne suggested putting all communications at the end of the meeting. Put public comment at the beginning and our communications would go at the end. He was still looking for an answer as to what could be done to help the donut shop owners whose business was curtailed because of the lack of curb cuts (Nantucket Electric work).

President Brown will look at the communications issue.

President Farnham announced the 11th annual Father's Day Car Show – 9 a.m. – 2 p.m. You will get to see a lot of vehicles you will not normally have the opportunity to see. He reminded all that Nantucket Electric is doing a lot for the town. As far as CFAC, they will look at counselor compensation and there was discussion about the budget and their participation. He said Finance Director Milne suggested a change in the budget calendar and involve them earlier in the process.

Councilor Richardson said the participation by CFAC has gotten better and better. The conversations have become easier. Manager Klimm said he wants to work with CFAC as well.

PRESIDENT/VICE PRESIDENT COMMUNICATIONS

President Brown wishes everyone a nice Father's Day and a nice Fourth of July!

TOWN MANAGER COMMUNICATIONS

Manager Klimm spoke of the dedicated volunteers on the CFAC. We will work in any way shape or form with them. They have been involved with the enterprise report, they did a report on the roads and other such work. They have taken on very important projects.

Mark Ells said that Nantucket Electric is a sensitive contractor to the businesses regarding any complaints that may arise during construction. Ells said he would be happy to go out and speak to the owners of the business that Milne focused on. But Ells wasn't aware of the situation here. We want to avoid it in the future and deal with the ramifications. He is not aware of any provisions for recouping losses.

Councilor Milne regarding the situation it was that they blocked the curb cuts and took up the parking lot, they weren't sensitive to the businesses (Quality Printing and Donut Works). There were other options for them. When someone looks like they have been impinged upon, I take action. I called the Town Manager's office to make them aware of this situation.

Town Manager would like Mark Milne to respond to Councilor Joakim regarding quarterly tax bills. Milne explained that two bills will be mailed in the month of June with one due August 1 and one due Nov. 1. Feb. 1 and May 1 will be the due dates of the second set of bills. Both payments could be made on August 1, for the first set; and both payments could be made on Feb. 1, for the second set, if the people do not want to pay on a quarterly basis.

Town Manager thanked all of the Town of Barnstable Employees (1339 of them); and also thanked the Town Councilors. He appreciated their hard work.

ADJOURNMENT

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

ADJOURNED: at 10:57 p.m.

Respectfully submitted,

Barnstable Town Council Secretary Cheryl A. Phillips
Linda E. Hutchenrider, Town Clerk/Town of Barnstable

Roll Call Votes – June 16, 2005

Councilor Curtis was absent from this meeting. The only votes that are displayed are the NO votes – all other votes were YES

2005-081A

No votes: Richard Barry, Gary Brown, James Crocker, Jr., James Munafo, Jr., Royden Richardson, Thomas Rugo and Harold Tobey – Defeated 5 yes 7 No

2005-101

Unanimous approval

2005-102

Unanimous approval

2005-103

No vote: James Munafo, Jr. – Passed 11 Yes 1 No

2005-104

Unanimous approval

2005-105

Unanimous approval

2005-106

Unanimous approval

2005-107

Unanimous approval

2005-108

Unanimous approval

2005-109

Unanimous approval

2005-110

Unanimous approval

2005-111

No votes: J. Gregory Milne, James Munafo, Jr. – Passed 10 Yes 2 No

2005-112

No vote: James Munafo, Jr. – Passed 11 Yes 1 No

2005-113

Unanimous approval

2005-114

Unanimous approval

2005-115

Unanimous approval

2005-116

Unanimous approval

2005-117

Unanimous approval

2005-118

Unanimous approval

2005-129

Unanimous approval