



The Town of Barnstable

Town Council

367 Main Street, Village of Hyannis MA 02601

508-862-4602 • Fax 508-862-4770

email: Council@town.barnstable.ma.us

www.town.barnstable.ma.us

Councilors:

Gary R. Brown,
President

Henry C. Farnham
Vice President

Richard G. Barry
Janice L. Barton
Ann B. Canedy
James H. Crocker, Jr.
Leah C. Curtis
Janet Joakim
J. Gregory Milne
James F. Munafò, Jr.
Royden C. Richardson
Tom Rugo
Harold E. Tobey

Administrative
Assistant:
Donald M. Grissom

Town Council
Secretary:
Cheryl A. Phillips

TOWN COUNCIL AGENDA

January 8, 2004

7:00 PM

1. ROLL CALL
 2. PLEDGE OF ALLEGIANCE
 3. MOMENT OF SILENCE
 4. PUBLIC COMMENT
 5. ACT ON MINUTES
 6. COUNCIL RESPONSE TO PUBLIC COMMENT
 7. COMMUNICATIONS FROM ELECTED OFFICIALS,
BOARDS, COMMISSIONS AND STAFF,
CORRESPONDENCE, ANNOUNCEMENTS AND
COMMITTEE REPORTS
 8. PRESIDENT/VICE PRESIDENT COMMUNICATIONS
 9. TOWN MANAGER COMMUNICATIONS
 10. ORDERS OF THE DAY
 - A. OLD BUSINESS
 - B. NEW BUSINESS
-

INDEX

ITEM NO.	TITLE	PAGE
-----------------	--------------	-------------

A. OLD BUSINESS

2004-045 – Order of Approval for Lease of Building to Cape Cod Maritime Museum at Hyannis Harbor, Inc. (**Second Reading**) 3

2004-047 – Appropriation Order in the Amount of \$100,000.00 for Professional Services in Connection with Disposition of the Former Grade Five Building (**Public Hearing May Be Acted Upon**) (**Roll Call Required**) 4 – 5

B. NEW BUSINESS

2004-044 – Petitioning The General Court For Change In Barnstable Town Charter (**May Be Acted Upon**) 6

2004-049 - Ordinance Amendment Setting the Schedule of Fees to be in Effect in the Town of Barnstable (**To Be Referred To Public Hearing January 22nd**) 7 – 15

2004-053 – Councilor Compensation (**To Be Referred To Public Hearing January 22nd**) 16 - 17

2004-054 – Acceptance of Gifts for Walkway to the Sea/Main Street Improvement Project (**May Be Acted Upon**) 18 - 19

Minutes from Barnstable Town Council meetings on December 18, 2003 21 – 27

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

**2004-045 ORDER OF APPROVAL FOR LEASE OF BUILDING TO CAPE COD
MARITIME MUSEUM AT HYANNIS HARBOR, INC.
INTRO.: 12/04/03; 01/08/04**

ORDERED,

That a lease of the building on South Street formerly the premises of Anchor Outboard to Cape Cod Maritime Museum at Hyannis Harbor, Inc. for the purpose of establishing and operating a maritime museum, a copy of which lease is on file with the Town Clerk, is hereby approved.

SPONSOR: John C. Klimm, Town Manager

DATE

ACTION TAKEN

**A. OLD BUSINESS (PUBLIC HEARING MAY BE ACTED UPON)
(ROLL CALL REQUIRED)**

BARNSTABLE TOWN COUNCIL

**2004-047 APPROPRIATION ORDER IN THE AMOUNT OF \$100,000.00 FOR
PROFESSIONAL SERVICES IN CONNECTION WITH DISPOSITION
OF THE FORMER GRADE FIVE BUILDING
INTRO.: 12/04/03; 12/18/03; 01/08/04**

ORDERED: That the Town Council hereby appropriates and transfer the sum of ONE HUNDRED THOUSAND NO/100 (\$100,000.00) Dollars from available funds to be expended by the Town Manager for appraisal and other allied professional property analysis services to assist in the development and review of options and proposals for the disposition of a portion of the former grade five school building and grounds located at the end of High School Road in Hyannis shown as Parcel 1 on Assessors Map 326, any amounts expended pursuant to this authorization to be offset from the proceeds of any eventual disposition.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

**AGENDA ITEM SUMMARY
2004-047**

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: November 25, 2003
SUBJECT: RFP Development and Review for Former Grade Five School

BACKGROUND AND ANALYSIS: A committee has been formed to review options and make recommendations to me and ultimately to the Council for the future of the former grade five school building and some of the immediately surrounding land in light of the School Committee's declaration last August that the property is no longer needed for public school purposes. Both the Committee and I are convinced that a thorough appraisal is needed to insure confidence in the final option or proposal chosen. Time is of the essence since the building is presently vacant and therefore subject to accelerated deterioration.

FISCAL IMPACT: While this appropriation requires a present expenditure from free cash, it is expected to be recovered from the proceeds of any future disposition.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends that the Council approve this appropriation.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2004-044 PETITIONING THE GENERAL COURT FOR CHANGE IN BARNSTABLE
TOWN CHARTER
INTRO.: 12/04/03 01/08/04**

ORDERED,

that the general court is hereby petitioned for legislation as follows:

An Act Amending the Charter of the Town of Barnstable.

Section 2-11 of the charter of the Town of Barnstable is hereby amended by striking out the last sentence and inserting in place thereof the following:

No person elected to serve as a town councilor may thereafter be re-elected to that position in more than two consecutive town elections.

SPONSOR: Ann B. Canedy, Barnstable Town Council

DATE

ACTION TAKEN

B. NEW BUSINESS (To Be Referred To Public Hearing January 22nd)

BARNSTABLE TOWN COUNCIL

**2004-049 ORDINANCE AMENDMENT SETTING THE SCHEDULE OF FEES TO BE
IN EFFECT IN THE TOWN OF BARNSTABLE
INTRO.: 01/08/04**

ORDERED:

That Article XIII of Chapter II of the Town of Barnstable General Ordinances is hereby amended by deleting the current Article XIII language and replacing it with the following language.

ARTICLE XIII. SCHEDULE OF FEES

The following schedule of fees shall be in effect in the Town of Barnstable.

Section 1:

MGL

Chap.98 Section 56

Weights and Measure Annual Fees

<u>Description</u>	<u>Fee</u>	
	<u>1-3</u>	<u>4 or more</u>
Scale with capacity over 10,000 lb	\$ 200.00	\$ 200.00
Scale with capacity 5,000-10,000 lb	125.00	100.00
Scale with capacity 100-5,000 lb	75.00	65.00
Scale with capacity less than 100 lb	45.00	40.00
Weights (each)	7.00	5.00
Liquid measures	25.00	25.00
Liquid measure meters	-----	-----
Lubricant meters	45.00	35.00
Motor fuel meters	45.00	35.00
Vehicle tank meters	100.00	90.00
Vehicle tank meter gravity	150.00	125.00
Bulk storage tank meter	150.00	125.00
Mechanical pumps – each stop	10.00	10.00
Taxi meters (semi annually)	50.00	45.00
Commercial odometer – hubodometer	50.00	45.00
Leather measure	150.00	140.00
Dry measure one bushel or less	75.00	75.00
Dry measure more than one bushel	100.00	100.00
Counting device	100.00	100.00
All other measuring devices	100.00	100.00
Rope, wire or chain measuring device	25.00	20.00
Reinspection fee (after official rejection)	95.00	95.00

Miscellaneous Licenses & Permits

101-33	Temporary License to sell for charitable purposes	10.00
112-87	License for electrologists	10.00
138-30A	License for pharmacist to sell alcoholic beverages	1,750.00
140-2	Licenses for inns and restaurants	100.00
140-21B	License to serve non alcoholic beverages	100.00
140-32B	License for mobile home parks	50.00
140.32B	License for motels	50.00
140-34	License for lodging house	50.00
140-49	License for vehicle for sale of food	250.00
140-56A	License for shooting gallery	100.00
140-59	Auto dealer license	100.00
140-177A	License for automatic amusement devices	100.00
140-183A	Entertainment annual	250.00
140-183A	Entertainment daily	25.00
140-1851	License for fortune tellers	250.00
140-192	License for rental boats (fresh water)	100.00
	License to store hazardous materials	100.00
	Septic system inspection filing	25.00
	Board of Health request for variance	85.00
	Application fee – licenses and permits	100.00
85-11A	Bicycle Registration	00.25

Parking Fines

MGL

Chapter 90 Section 20A ½

Handicap Violations	100.00
Fire Lane Violations	50.00
Hydrant Violations	50.00
Overtime Violations	25.00
Meter Violations	25.00

(Amended by Town Council vote 2001-112 on June 21, 2001)

Section 2:

LICENSE TO STORE INFLAMABLES

MGL	<u>Description</u>	<u>New Permit</u>	<u>Annual Permit</u>
	Chapter 148 Section 13		
	1 – 500 gallons or 4,000 pounds	\$ 45.00	\$ 0.00
	500-999 gallons or 8,000 pounds	45.00	22.50
	1,000 – 4,999 gallons or 40,000 pounds	75.00	37.50
	5,000 – 9,999 gallons or 80,000 pounds	105.00	52.50

10,000 - 29999 gallons or 240,000 pounds	135.00	67.50
30,000 - 99,999 gallons or 800,000 pounds	165.00	82.50
100,000 - 199,999 gallons or 1,600,000 pounds	240.00	20.00
More than 200,000 gallons or 1,600,000 pounds	330.00	165.00

Adopted Nov. 7, 1981 – Approved Feb. 23, 1982
 Amended Nov. 5, 1988 – Approved Jan. 3, 1989
 Change of fees – Amended 1991 – Approved Nov. 21, 1991
 Amended and adopted Section 2 on April 16, 1992

Section 3:
BUILDING, SIGN, WIRING, PLUMBING AND GAS PERMIT FEES

<u>Description</u>	<u>Fees</u>
<u>BUILDING PERMITS</u>	
<u>Residential (R03, R-4 Use Groups)</u>	
New Buildings	
Application fee	\$ 100.00
Permit Fee	\$4.10 per \$1,000 of construction value
Additions, Alterations/Renovations	
Application fee	50.00
Permit Fee	\$4.10 per \$1,000 of construction value \$25.00
Minimum	
Commercial & All Other Use Groups	
New Buildings	
Application fee	150.00
Permit fee	\$8.10 per \$1,000 of construction value
Additions, Alterations/Renovations	
Application fee	100.00
Permit fee	\$8.10 per \$1,000 of construction value \$50.00
minimum	
<u>All other structures (not specified)</u>	
Permiit fee	\$8.10 per \$1,000 based on actual value \$100.00 minimum
<u>PLUMBING PERMITS</u>	
Residential – per unit	
	\$25.00/first fixture plus \$12 each additional fixture
Commercial – per unit	
	\$45.00/first fixture plus \$15 each additional fixture

GAS PERMITS

Residential – per unit
 \$25.00/first fixture plus \$12 each additional fixture
 Commercial – per unit
 \$45.00/first fixture plus \$15 each additional fixture

ELECTRICAL PERMITS

Residential

New construction per unit	\$100.00
Additions/renovations < 500 sf	25.00
> 500 – 1500 sf	50.00
>1500 sf	100.00
Minor alterations/appliances	25.00
Change of Service/meter	30.00
Accessory structures (garage, barn, etc. excluding separate meter)	30.00
Temporary service	30.00
Meters per unit	30.00
Smoke detectors/alarms	30.00

Commercial

New construction per unit	\$150 + \$25 per 1000 sf > 4000 sf
Additions/renovation < 100 sf	50.00
>1000 – 2500 sf	75.00
> 2500 sf	\$150 + \$25 per 1000 sf. > 4000 sf
Minor alterations/appliances, etc.	25.00
Change of service/meter	40.00
Temporary service	30.00
Signs	25.00
Carnivals/fairs	
1 – 10 concessions/rides	50.00
10 concessions/rides	100.00

SIGNS

Under 25 sf	25.00
Over 25 – 50 sf	50.00
Over 50 – 75 sf	100.00
Over 75 sf	150.00

MISCELLANEOUS PERMITS & FEES

Accessory Building: All Use Groups	
> 120 sf – 500 sf	\$ 35.00
> 500 sf – 750 sf	50.00
> 750 sf – 1000 sf	75.00
> 1000 sf - 1500 sf	100.00
> 1500 sf	Same as New Building Permit based on actual cost
Change of Permit Holder	25.00
Pre-building code structure, Certificate of Occupancy	75.00

Change of Use permit (no construction)	25.00
Foundation permit (separate from building permit for cause only)	25.00
Zoning Compliance Certificate (lots/existing uses/structures)	\$50.00 minimum + research time
Reinspections (for work not ready for inspection, incomplete work or failure of inspectors to gain access to premises)	50.00
Removal of Stop Work order	35.00
Replacement of lost permit inspection cards	25.00
Chimney/fireplace (new & reconstruction)	25.00
Certificates of Inspection	\$10 increase CMR 780 Table 106 \$50.00 minimum
Permit renewals	
1 st renewal	25.00
2 nd renewal (for cause only)	50.00
In ground swimming pools	60.00
Above ground swimming pools	25.00
Decks, open porch	30.00
Relocation/moving (includes new foundation)	150.00
Demolition	
Residential Principle buildings (\$4.10 per \$1,000 of construction value) minimum	75.00
Accessory buildings	35.00
Commercial buildings (\$8.10 per \$1,000 of construction value) minimum	75.00
Home occupation (no construction)	25.00
Pre-permit plan review (1 & 2 family)	25.00
Temporary residential Certificate of Occupancy (for cause only)	25.00
Residential Certificate of Occupancy	25.00
Temporary commercial Certificate of Occupancy (for cause only)	75.00
Commercial Certificate of Occupancy	75.00
Pre-permit plan fees	100.00
Site Plan (Fees)	
Project Construction Cost under \$5,000.	100.00
\$5,000. - \$14,999.	200.00
\$15,000. - \$49,999.	250.00
\$50,000. - \$249,999.	350.00
\$250,000 or more	500.00
Permit related to work begun prior to time allowed for acquiring permits under building, electrical, plumbing and gas code	2 times permit cost

Express Permits (minimum \$25.00)

Residing/Reroofing (residential) (\$4.10 per \$1,000 of construction value)	
Wood/coal stoves	25.00
Replacement Windows	25.00
Sheds under 120 sf	25.00
Others (as determined by inspector)	25.00

Tents (2-5.1)

Residential	25.00
Fund Raiser/Special Event/Non-Profit Agency	25.00
Commercial (Temporary Accessory Structure)	100.00
Organized & supervised recreational camp (Special Permit required)	50.00

(Amended by Town Council on Aug. 15, 1996 – item 97-015 by a 10 Yes, unanimous vote).
 (Amended by Town Council item #96-083, passed 1/4/96.)
 (Amended by Town Council item #2001-113 on June 21, 2001)

SPONSOR: John C. Klimm, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

AGENDA ITEM SUMMARY
2004-049

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director Regulatory Services Department
DATE: November 20, 2003
SUBJECT: Fee Schedule Change

BACKGROUND: Chapter II Article XIII of the General Ordinance contains the schedule of fees established by the Town Council. The fees contained therein are primarily fees for licenses or permits associated with commercial or business activities. The council has maintained a policy of 100% cost of service recovery rate for several years. The fee schedule was last changed in May of 2001 and before that in 1992.

ANALYSIS: Changes in laws and regulations as well as changes in technology impact the procedures and policies governing the licensing and inspection process. Safeguards introduced to prevent contamination of drinking water or safe storage of hazardous materials have wide support for very good reason. They also increase the permitting and inspection costs. This revision is an attempt to bring the fees closer to achieving the council goal of 100% cost recovery. In some cases this is not possible. Some permits carry state imposed maximums that prevent the town from achieving 100% cost recovery.

FISCAL IMPACT: It is anticipated that adoption of this amended fee schedule would have a positive impact on the town's financial position. Failure to adopt the amended schedule will result in reduced revenue in FY 05. Reduced revenue will require the town reduce expenditures to balance the budget. Reduced revenues will almost certainly result in reduced services. Reduced services may result in additional lost revenue from fees associated with the reduced services.

Our goal is to continually increase our efficiency and effectiveness. We cannot do that without appropriate resources. Fees for service are an important resource.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this order.

BOARD/COMMITTEE ACTION:
N/A

STAFF ASSISTANCE:
Lois Lomba, Administrative Assistant, Consumer Affairs Division
Thomas McKean, Director Public Health
Thomas Perry, Building Commissioner
Thomas F. Geiler, Director Regulatory Services

**AGENDA ITEM SUMMARY
2004-049**

**SCHEDULE OF FEES
COMPARISON SHEET
(Includes only those fees proposed to change)**

**Weights and Measures Fee Schedule Comparison
Current Fee/Proposed Fee**

	Current Fee		Proposed Fee	
	1-3	4-+	1-3	4+
Scale 10,000 lb	\$150	\$150	\$200	\$200
Scale > 5,000 lb < 10,000 lb	\$ 75	\$ 50	\$100	\$100
Scale > 5,000 < 10,000 lb	\$100	\$ 75	\$125	\$100
Scale > 100 < 5,000 lb	\$ 50	\$ 40	\$ 75	\$ 65
Scale < 100 lb	\$ 35	\$ 30	\$ 45	\$ 40
Weights	\$ 5	\$ 4	\$ 7	\$ 5
Liquid Measures	\$ 10	\$ 8	\$ 25	\$ 25
Lubricant Meters	\$ 25	\$ 20	\$ 50	\$ 35
Vehicle Tank Meters	\$ 50	\$ 50	\$100	\$ 90
Vehicle Tank Meter Gravity	\$ 75	\$ 65	\$125	\$110
Bulk Storage Tank Meter	\$100	\$ 75	\$125	\$110
Mechanical Pumps – each stop	\$ 10	\$ 10	\$ 10	\$ 10
Taxi Meter (semi-annually)	\$ 35	\$ 30	\$ 50	\$ 45
Commercial Odometer	\$ 35	\$ 30	\$ 50	\$ 45
Leather Measure	\$150	\$125	\$150	\$140
Dry Measure one bushel or less	\$ 50	\$ 50	\$ 75	\$ 75
Dry Measure more than one bushel	\$ 75	\$ 75	\$100	\$100
Counting Device	\$100	\$100	\$100	\$100
All Other Measuring Devices	\$100	\$100	\$100	\$100
Ropes, Wire or Chain Measure	\$ 20	\$ 15	\$ 25	\$ 20
Reinspection Fee				
(After official rejection)	\$ 75	\$ 75	\$ 95	\$ 95
Application Fee (licenses and permits)	50		\$ 100	

**Building Fee Schedule Comparison
Current Fee/Proposed Fee**

Mass. Gen. Laws Chap. & Section	Current Fee	Proposed Fee
Application Fees		
Residential New	\$50.00	\$100.00

Residential Additions	\$50.00	\$50.00
Renovations/Alterations/Additions	\$25.00	\$50.00
Commercial New	\$100.00	\$150.00
Commercial Additions/Renovations & Alterations	\$50.00	\$100.00
Building Permit Fees		
Residential	\$3.10 per K	\$4.10 per K
Commercial	\$6.10 per K	\$8.10 per K
Reinspection Fees	\$25. 00	\$50.00
(For work not ready for inspection, incomplete work or failure of inspector to gain access)		
New Fees		
Commercial Demolition	\$75.00	\$8.10 per K
Residential Temporary Certificate of Occupancy	N/A	\$25.00
Residential Certificate of Occupancy	N/A	\$25.00
Commercial Temporary Certificate Of Occupancy	N/A	\$75.00
Commercial Certificate of Occupancy	N/A	\$75.00

Site Plan Fees (NEW)

<u>Project Cost</u>	<u>Site Plan Review Fee</u>
Under \$5000.00	\$100.00
\$5001.00 – 15,000.00	\$200.00
\$15,001.00 – 50,000	\$250.00
\$50,001.00-\$250,000.00	\$350.00
Over \$250,000.00	\$500.00

B. NEW BUSINESS (To Be Referred To Public Hearing January 22nd)

BARNSTABLE TOWN COUNCIL

2004-053 COUNCILOR COMPENSATION

INTRO.: 01/08/04

ORDERED,

That Chapter I of the General Ordinances is hereby amended by striking out Article III and inserting in place thereof the following:

ARTICLE III. COUNCILOR COMPENSATION.

The compensation for town councilors shall be \$4,500.00 per year. The compensation for the president shall be \$6,500 per year. The compensation for the vice president shall be \$5,500.00 per year.

SPONSOR: James F. Munafo, Jr., Town Councilor

DATE

ACTION TAKEN

AGENDA ITEM SUMMARY
2004-053

TO: Town Council
FROM: James F. Munafo, Jr., Town Councilor
DATE: December 30, 2003
SUBJECT: COUNCILOR COMPENSATION

RATIONALE: The town is forecasting a difficult financial future. Barnstable faces diminishing state aid and by the failure of the recent Proposition 2 ½ overrides, the community has told us it has no desire to increase property taxes. With expenditures rising above revenues the Town Council is still responsible to approve a balanced budget.

The council recognizes that all Departments may face cuts and some services may face elimination. The Barnstable Town Council is not exempt or insulated from these difficult times.

Therefore the Town Council proposes a representative pay decrease. Where it may not amount to the saving of any services, the 10% decrease in base salary does represent the sincere desire of this Council to work together to resolve our financial shortcomings.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2004-054 ACCEPTANCE OF GIFTS FOR WALKWAY TO THE SEA/MAIN STREET
IMPROVEMENT PROJECT
INTRO.: 01/08/04**

RESOLVED,

that the Town Council, pursuant to the provisions of G.L. c. 44, §53A, hereby establishes an account for the purpose of receiving gifts to help defray the cost of improvements being undertaken under the Walkway to the Sea/Main Street Improvement Project and authorizes the expenditure of monies from said gift account for that purpose.

SPONSOR: John C. Klimm, Town Manager

DATE

ACTION TAKEN

AGENDA ITEM SUMMARY
2004-054

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: December 30, 2003
SUBJECT: Acceptance of Gifts for Walkway to the Sea/Main Street Improvement Project

RATIONALE: The Walkway to the Sea and Main Street Improvement Projects each represent the culmination of many years of planning on the part of the Town of Barnstable, Main Street business and property owners, residents and elected officials. Intended to improve both underlying infrastructure as well as aesthetic values along Main Street and through the town green to our harbor front, these ambitious projects have garnered considerable community support, due, in no small part to the significant grant funding that has been secured for both efforts.

While the majority of both projects will be completed within the existing budget, several design elements have been identified in the RFPs as “add-ons” with no funding identified to date. For this reason those associated with the project have determined that a mechanism for donations be established so that the community can assist in raising the funds necessary to complete these important projects.

In recognition of such donations, contributors will be given an opportunity to memorialize their gift in predetermined areas. This aspect of the program will encourage and demonstrate community participation in these important projects.

11. PUBLIC COMMENT

12. ADJOURNMENT

NEXT MEETING IS JANUARY 22ND.

TOWN COUNCIL MEETING
December 18, 2003

A quorum being duly present, Town Council President, Gary Brown called the Regular Meeting of the Barnstable Town Council to order at 7:00 p.m. in the Town Hall hearing room at 367 Main Street, Hyannis, MA

Councilors Present: Richard Barry, Janice Barton, Gary Brown, Ann Canedy, James Crocker Jr., Leah Curtis, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo Jr., Royden Richardson, Thomas Rugo, and Harold Tobey.

President Brown turned over the opening to James Crocker, Jr., Councilor from Precinct 5, who introduced the color guard from COMM Fire Department. The color guard presented the colors which were followed by the Pledge of Allegiance and a Moment of Silence. Please see the attached documents which outline Mr. Crocker's presentation regarding the COMM and other town fire department's duty readiness and ultimately their response to emergencies. This was brought to the forefront because of the recent fire at the Crosby Boat Yard in Osterville. Photos were on display and chiefs from other villages were also introduced. President Gary Brown read a proclamation which was presented to each of the five fire departments of the Town of Barnstable. Chief Jenkins from West Barnstable said on behalf of the departments they thanked the council – we train and prepare for such things and we pray that they will never happen. We have trained for 30 years on this fire and we knew that it could happen. On behalf of the men and women of our departments we appreciate this. Thanks were also given on behalf of those who were not present as well.

PUBLIC COMMENT:

Al Baker from Marstons Mills welcomed the new councilors. Baker stated that the Town Hall repairs were made from the water damage of last spring and much of that repair work was completed by the DPW workers. They did a great job. Homeless – I think Mildred's is one of the worst choices because of road crossing issues. Pufferbellies has come up as a suggested location as has Colonial Candle. They both need to be researched. The Barnstable Civic League has been in place for over a year. He encouraged people to get involved in civic/village associations. The appointments committee needs to go after the talent that we have in our community.

James Canary and Mary Egan from Centerville said people can preach to you, but just do it. It is cold out there. Do something about the homeless issue. Don't debate it, do it. Canary works for two non-profits: Nauset, Inc., and Chips House. Your life can change at a moments notice with a head injury. We are having a Polar Bear plunge January 1st. You can jump into the water at Craigville Beach at 11 a.m. It is a fund raiser. Beach parking will be no problem – he challenged the councilors to join in, including President Brown who said he would.

Luiz Gonzaga said that we do have to do something on the issue of homelessness. You can fix a mistake. A man was hit by a car on Route 28 this week and he was not inebriated. You can't cross Route 28.

Deborah Dagwan wished all a happy holiday. She also spoke on the homeless – she said that Mildred's, Pufferbellies and one other location have been brought up as alternative locations. The Noah Shelter was recently renovated and people want to know why it is being moved. The concerns seem to evolve around the homeless being around Main St. If they are the problem then we should probably try to assess that behavior and change it. You need to do something.

Peter Feeney from the Windjammer once again brought forward Barnstable Road and he wants a break in the divider to allow access to the Airport Plaza. It is killing us, he said. We are missing the Christmas season. It is frustrating to be cut off from your clientele. It is a mess and I hope that we can get some assistance.

Burton Peltz, an attorney representing the Airport Plaza, said he has spoken with Mark Ells and he appreciates his concern. We have heard from numerous tenants who are looking to re-locate. We are losing business. The shopping center could become a ghost town and you will have reduced revenues. Mr. Ells indicated that there are 2 reports and the CCC is working on a suggestion or solution. The concern is the beginning of tourist season and something must happen before then. The plaza owners will give frontage to create a turning lane – it will have to be a mutually agreeable portion etc. We are willing to do something and would like this to move and get it out to bid in at least March and the work done before the summer season.

Deborah Dagwan, speaking for Eugenia Fortes, said Eugenia had a friend in a motorized wheelchair who had nowhere to get across Barnstable Road and literally went in the wheelchair around the rotary in order to cross the street. She also knew a woman with a stroller who had no way to get across the street, this is a problem.

Al Baker spoke on the Barnstable Road problem as a DPW commissioner. He said there will be a solution before the summer season. We were wrong in what we did, it was poor engineering.

Paul Drouin said Peter Feeney is absolutely right and it is very, very difficult to get in and out of that plaza. They also heard there was some sort of plan similar on Route 28. As far as Mildred's the civic association is in support of it and they would like to see some help for the homeless. This can really happen and it can be done he would support it.

Upon motion duly made and seconded it was voted to approve the minutes of December 4, 2003 with the following corrections: James Munafo, Jr. asked for corrections on his name (add junior); on page 15, 3rd paragraph Joe Dugas, is the *honorary* chairman, and David Lewis is the *sculptor*.

VOTE: Unanimous in favor of approval.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Milne said he feels strongly that the homeless campus issue needs to be resolved. He asked President Brown for an update on where we are on this issue. If the RFP is going out tomorrow on Mildred's, is there still time for Pufferbellies to happen? He told Mr. Baker that he would find the new appointments committee to be a good one and it will be a more public process. He agreed that Barnstable Road needs to be corrected and DPW seems to be working on a solution.

Councilor Barton pointed out (in opposition to Mr. Gonzaga's statement that the churches do nothing) that there are several area churches who work to take people in and they give them food and a place to stay.

Councilor Tobey said that it was refreshing to hear that a mistake had been made on Barnstable Road (Al Baker) – that is the way this town should go – if you make a mistake, address it.

Councilor Richardson commented on President Brown's birthday suit (relative to the Polar Bear plunge) and said that Brown was the only person known to man who was born with a speedo on. Regarding the homeless – last season there were 4 homeless deaths, 3 of them people from this town and they died from exposure, not a traffic accident. Regarding the Noah Shelter, it can't take care of the needs of all who are here. The size and location is not large enough. The churches ARE heavily involved in helping the homeless and they hold what is called "nights of hospitality". People in the churches are providing meals and the Salvation Army is as well. They need an adequate site. They need a homeless campus. The cost for one of the alternative sites that was recently suggested is over a million dollars and that kind of money is not available.

Councilor Curtis said that President Brown has talked to the county in terms of long-range planning on the homeless issue. The homeless issue has seemed to focus just on Hyannis – but they come here because we provide the services, so we need to negotiate and look at how some other towns could assist us.

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

Councilor Joakim said Sen. Therese Murray's office called her and she said that they are looking into revising Chapter 70. The Equity in 70 Committee has decided to work with the towns and come up with a statement. www.capeforkids.org is the website where you can read this.

Councilor Milne said he has sent a letter to the Governor on this, smart growth and grant money, and he said the Governor wants them to meet with Lt. Gov. Healy. He

thanked Mark Ells and Dept. Chief Martin regarding Fawcett Pond and their cross walk and it seems to have helped.

Councilor Barton attended the Independence House annual breakfast and said that domestic violence is a major issue on the Cape. She also had the BCQE newsletter available, as well as some information on the youth commission. She will go into the ocean on Jan. 1 and challenged councilors to join her.

Councilor Richardson said the assessment committee has had two meetings and they have been very informative and productive.

Councilor Munafo thanked the town for securing the property on Pleasant St. and cleaning up a property on Smith St. He told any citizen who might feel uncomfortable speaking on an issue to please contact him and he will try to help them. His last name is pronounced MUN (as in money) A FOE.

Councilor Curtis told residents about a breakfast at the Liberty Hall Club where she will be available to speak with residents of the Mills. Jan. 6th will be the first meeting of the village association.

Vice President Farnham said all councilors were involved in a workshop last week and as a reminder to the councilors, they should look at the list of topics and prioritize them as soon as possible.

Councilor Tobey said we have a large agenda to carry and that we would be doing business in front of the camera where the whole community would see a week ahead of time what our agenda will be. It will also spread out public comment. He wants a consensus to do that. President Brown said the first workshop will be on Jan. 29. Tobey wants the workshops to be more of a meeting. Brown will discuss it later.

President Brown said earlier this week Hyannis Fire Fighters were honored by the Commonwealth. Some of the men received a medal of valor, and fire fighter of the year awards and he complimented those recipients.

Also Brown received a letter announcing that next to the Sears Department Store there will be a lighting of the menorah on Dec. 25th.

Pres. Brown also said let us wait until we have proper facts and figures before we talk to the people about the homeless shelter, nothing is a done deal.

ORDERS OF THE DAY

2004-047 APPROPRIATION ORDER FOR SERVICES IN CONNECTION WITH DISPOSITION OF FORMER GRADE FIVE BUILDING

Pres. Brown announced that he was going to postpone action on this item until January 8th, but welcomed anyone to speak who would not be able to attend on that night.

Bill Cronin said that he feels that there are enough people in town who could work on this without having it cost that much. You have expertise in all the town departments to provide the services needed. While the money would come back with the sale of the property, it would be \$100,000 less in our pockets.

Leonard Gobeil congratulated the councilors on their election. He said Peter Cross, who was voted as chair of this committee, sent him. As far as the appraisal, we have no clue how much money it will cost. We do plan to use the town's services. We don't want to come back for more money and we have no idea what it will cost. The sooner we get the RFP out the sooner we can move on this. We need a professional appraisal....that must be done by an outside firm.

2004-050 ACCEPTANCE OF A FY 2004 COMMUNITY POLICING PROGRAM GRANT AWARD IN THE AMOUNT OF \$95,000 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY

Vice President Farnham explained the importance of the money and that it will go to support the Bike Patrols, RAD and other such things.

Upon motion duly made and seconded it was

RESOLVED: that the Town Council hereby accepts a FY 2004 Community Police Program Grant award in the amount of \$95,000 from the Executive Office of Public Safety.

VOTE: 13 yes

2004-051 - ACCEPTANCE OF A 2003-2004 TRAFFIC ENFORCEMENT AND EQUIPMENT GRANT FROM THE GOVERNOR'S HIGHWAY SAFETY BUREAU

Acting Manager, Mark Milne, introduced Dept. Chief Craig Tamash and said this is part of the "Click it or Ticket" program and it has an educational component as well as an equipment portion. Councilor Munafo has a problem with the Click it or Ticket program. He said that normal law-abiding citizens will be lawbreakers because they don't wear a seat belt, and he is not in favor of this item because of that.

Councilor Richardson said that it has been proven that a person's life is better protected with a seatbelt – and this is a good way to prevent a head injury. What happens as far as your freedom? Afterward you, as taxpayers provide care for these people for the remainder of their lives.

Councilor Barry said he has problems with this as well and he said this is going in a direction it was not set up to go. Councilor Rugo asked if they could pull you over ONLY for a seatbelt violation and the answer was NO they can't do it.

Upon motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a Traffic Enforcement and Equipment Grant award in the amount of \$12,000 from the Governor's Highway Safety Bureau.

VOTE: 13 YES

2004-052 - RESOLVE ENDORSING CONCEPT AND LOCATION OF PROPOSED JFK MEMORIAL STATUE

Councilor Munafo has a difficult time with this concept at this location. This is a formal setting and he thinks the President should be depicted in a more dignified fashion. He doesn't feel a statue of the President walking barefoot should be placed at this location. The sculptor's vision is wonderful and will be one of the best pieces that Mr. Lewis has done, but his concern is appropriateness and location. Munafo feels there are more appropriate locations. He is having a hard time with it.

Councilor Farnham said this JFK museum is a little different and it focuses on the Cape Cod connection with President Kennedy. Farnham feels that this is classy yet informal and is impressed with the magnitude of growth. Yes, he was the President, but this location is appropriate based on what the museum tries to present.

Councilor Tobey was opposed to the other statute of the son and father and did not feel it was appropriate but this one has the dignity to show he was human and this is where he came for his vacations and to get away from the stresses and strains. It was his home away from home. He did walk the beach. He would support this 100%.

Councilor Canedy said the concept has been reviewed by all the Hyannis associations and the Kennedy family – the words "I always go to Hyannisport to be revived....etc." were his, so the concept seems to be appropriate.

Council Milne concurs.

Upon motion duly made and seconded it was

RESOLVED:

That the Barnstable Town Council endorses the concept and location of a proposed JFK Memorial Statue as presented to the Council by Lou Cataldo and David Lewis, on December 4, 2003.

VOTE: 12 yes 1 no

Mark Milne, on behalf of the Town Manager, announced that everyone had received a copy of the 10-year forecast, which is required as part of the charter. A presentation will be made on this in January.

PUBLIC COMMENT

Janet Joakim asked about the budget award. Finance Director/Acting Manager Milne said the town has received a budget award for three years in a row, and yes they just received it again.

ADJOURNMENT

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

ADJOURNED: at 8:32 p.m.

VOTE:

Respectfully submitted,

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

Happy Holidays!

