



The Town of Barnstable

Town Council

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TOWN COUNCIL AGENDA

July 20, 2006

7:00 PM

Councilors:

Henry C. Farnham
President

Janet S. Joakim
Vice President

Richard G. Barry
Janice L. Barton
Gary R. Brown
Ann A. Canedy
Frederick Chirigotis
James H. Crocker, Jr.
Leah C. Curtis
J. Gregory Milne
James F. Munafo, Jr.
Tom Rugo
Harold E. Tobey

Administrator:
Donald M. Grissom

Town Council
Secretary:
Cheryl A. Phillips

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

NEXT MEETING AUGUST 17TH.

PLEASE NOTE: The agenda item relative to creation of affordable housing overlay district (AHOD) is rescheduled for public hearing on September 7th.

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Minutes of Barnstable Town Council Meeting of June 15, 2006.

Please Note: It is possible, if it so votes, the Council may go into executive session.

A. OLD BUSINESS (To Be Referred To Public Hearing August 17th)

BARNSTABLE TOWN COUNCIL

**2006-048 ORDER TAKING OF GALLAGHER LANE EASEMENTS FOR
HIGHWAY PURPOSES
INTRO: 12/01/05; 01/05/06; 07/20/06**

ORDER: that the layout of Gallagher Lane, with areas and dimensions as shown on plans which are on file with the Town Clerk's Office, is hereby accepted and that the Town Manager is authorized to take by eminent domain easements for highway purposes over the parcels of land shown as abutting the said street and to appropriate the sum of \$1.00 therefore.

SPONSOR: Town Manager John C. Klimm

DATE

ACTION TAKEN

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2006-048**

INTRO.: 12/01/05; 01/05/06; 07/20/06

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Ells, Director, Department of Public Works
Ruth Weil, Director, Growth Management Department
DATE: July 14, 2006
SUBJECT: Gallagher Lane Taking

BACKGROUND: In 1999, the Barnstable Housing Authority was awarded a grant under the town's CBDG program to construct a road to access 7 homes, four of which are affordable. One of the requirements of the grant received by the Barnstable Housing Authority was that the dwellings must be accessed via a public way. Gallagher Lane is presently a private way.

ANALYSIS: In order to retain the grant funding received by the Housing Authority, Gallagher Lane must be accepted as a public way by the Town of Barnstable. In 1998, the Town Council accepted the report of the Road Committee, which recommended a Proposed Town Ordinance and Policies Governing repair, layout and acceptance of private ways and betterment assessments.

Gallagher Lane is a newly constructed road and is in excellent condition and will not require the maintenance for many years. It is in the Town's best interest to obtain an easement over these ways to assure that the roads are appropriately maintained and to ensure that the funding to construct these affordable housing units is retained for its intended purpose.

FISCAL IMPACT: There is little or no fiscal impact to the Town.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends that the Town Council approve the action proposed by this order.

BOARD AND COMMISSION ACTION: N/A

STAFF ASSISTANCE: Steven Seymour, P.E. Supervisory Project Engineer

A. OLD BUSINESS (PUBLIC HEARING MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

2006-148 AN ORDER FOR REVIEW OF CHAPTER 115 RELATIVE TO REGULATING HOURS OF OPERATION OF BUSINESS WITHIN THE TOWN
INTRO: 06/15/06; 07/20/06

ORDERED, that Chapter 115 of the general ordinances, as inserted by adoption by the Town Council of agenda item 2006-131 on May 18, 2006, is hereby amended by adding at the end thereof the following new section:

§ 115-4. Reconsideration of Effectiveness of Chapter.

On or before May 1, 2008 there will be a review of Chapter 115 for consideration of changing it or eliminating it.

SPONSOR: Councilor Harold E. Tobey

DATE	ACTION TAKEN
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2006-148
INTRO.: 06/15/06; 07/20/06**

TO: Councilors
FROM: Councilor Harold Tobey
DATE: June 6, 2006
SUBJECT: An Order for Review of Chapter 115 Relative to Regulating Hours
of Operation of Business Within the Town of Barnstable

RATIONALE: This is to institute a review, after a roughly 2 year period, of the recently adopted curfew relative to the regulation of hours of operation of businesses in Barnstable.

More specifically, the legislation adopted by the Council prohibits a person or business entity conducting any retail business to be open for business to the public between the hours of 1 a.m. and 3 a.m. The term retail business includes food service establishments.

This review is respectfully suggested in place of a previously proposed sunset clause which would have automatically terminated the curfew program after a period of time.

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

2006-149 APPOINTMENTS

INTRO.: 06/15/06; 07/20/06

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

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE REAPPOINTMENT:

John Curtis, 290 Cotuit Bay Drive, Cotuit, MA 02635, term expires 06/30/2009

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION APPOINTMENT:

Dave Colombo, 51 Blantyre Avenue, Centerville, MA 02632, term expires 06/30/2009

SHELLFISH ADVISORY BOARD REAPPOINTMENT:

Les Hemmila, 4019 Main Street, Cummaquid, MA 02637, term expires 06/30/2009

WATERWAYS COMMITTEE APPOINTMENT:

Michael P. Hersey, 62 Homeport Drive, Hyannis, MA 02601, term expires 06/30/2009

SPONSORS: Appointments Committee

DATE

ACTION TAKEN

B. NEW BUSINESS (FIRST READING)

BARNSTABLE TOWN COUNCIL

2007-001 APPOINTMENTS

INTRO.: 07/20/06

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

AIRPORT COMMISSION APPOINTMENT:

Daniel W. Santos, 111 Stoney Point Road, Cummaquid, MA 02637, term expires 06/30/2009

BOARD OF HEALTH APPOINTMENT:

Junichi Sawayanagi, 1085 Main Street, West Barnstable, MA 02668, term expires 06/30/2009

TRUST FUND ADVISORY BOARD APPOINTMENT:

Christopher J. Ward, 19 Cats Paw Way, Centerville, MA 02632, term expires 06/30/2009

SPONSORS: Appointments Committee

DATE

ACTION TAKEN

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-002 PUBLIC HEALTH INTERMUNICIPAL MUTUAL AID AGREEMENT
INTRO.: 07/20/06**

ORDERED: that the Town of Barnstable Town Council authorizes the Barnstable Town Manager, in accordance with G.L. c. 40, Section 4A, to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Public Health Division is authorized to perform, in accordance with an InterMunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto.

SPONSOR: Town Manager John C. Klimm

DATE

ACTION TAKEN

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-002
INTRO.: 07/20/06**

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Thomas A. McKean, Director of Public Health
Thomas Geiler, Director of Regulatory Services
DATE: April 24, 2006
SUBJECT: Public Health InterMunicipal Mutual Aid Agreement

BACKGROUND: As part of emergency planning, cities and towns throughout Massachusetts are entering into intermunicipal mutual aid agreements. These agreements are entered with the goal of providing assistance to health departments of neighboring towns during public health emergencies and to receive assistance when the Town of Barnstable Public Health Division needs assistance.

Examples of public health emergencies include an influenza pandemic, an infectious disease outbreak, bioterrorism, major chemical spill, or other major hazardous material release.

ANALYSIS: Incident response organizations, such as health departments, emergency medical services, public works, fire, law enforcement, private sector entities and non-governmental organizations must work together for the public good.

FISCAL IMPACT: Failure to adopt may impact the ability of the County to apply for and receive federal grants.

TOWN MANGER RECOMMENDATIONS: The Town Manager recommends adoption of this resolution.

BOARD OR COMMISSION ACTIONS: The Board of Health is in support of this resolution.

STAFF ASSISTANCE: Thomas A. McKean, Director of Public Health

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-003 EXEMPTION OF AN INTEREST UNDER THE CONFLICT OF
INTEREST LAW
INTRO.: 07/20/06**

RESOLVED: that the interest of Leonard Gobeil, as a teacher employed by the Barnstable Public Schools, is hereby found to be not likely to interfere with the objective performance of his duties in the best interests of the Town in the position as Events Coordinator Intern for the Harbor Your Arts program a position funded under the John and Abigail Adams Grant.

SPONSOR: Town Manager John C. Klimm

DATE

ACTION TAKEN

B. NEW BUSINESS (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2007-004 ORDER AUTHORIZING SALE OF LAND SHOWN ON ASSESSORS MAP 143
PARCEL 3 FOR AFFORDABLE HOUSING
INTRO.: 07/20/06**

RESOLVED: that the Town Manager is authorized to dispose of by sale on behalf of the Town all right, title and interest in surplus Town land acquired by tax foreclosure having a street address of 30 Oakville Avenue, Osterville shown on Assessors Map 143 as Parcel 3 for a price to be established by competitive proposal or auction, provided it is appropriately restricted for affordable housing, and to execute and deliver any and all documents necessary to complete the sale in accordance with the terms of this Order.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-004
INTRO.: 07/20/06**

TO: Town Council
FROM: Town Manager
THROUGH: Ruth Weil
DATE: July 20, 2006
SUBJECT: Authorization to Sell for Affordable Housing: Map 143 Parcel 003; 30 Oakville Avenue, Osterville

BACKGROUND: The Town is interested in developing a 2.06 acre parcel of land (Map 142, Parcel 060) on Old Mill Road in the village of Osterville for affordable housing. This parcel was obtained through a tax foreclosure.

At present, 6.8 percent of the housing in the Town of Barnstable is considered affordable. The Town's Affordable Housing Plan and the village plans submitted for both the 1997 and the current Local Comprehensive Plans (LCP) have specifically identified municipally-owned land in this area as a preferred site for building affordable housing. In fact, The Osterville Village Plan specifically cites this area as a preferred location for much needed family housing: "this site has remained dormant for well over a decade ... the Town should (must) develop the sites they currently own for affordable housing before developing any other sites".

The Town intends to put at an RFP to sell the land for development of affordable housing

FISCAL IMPACT: None.

STAFF ASSISTANCE: Ruth J. Weil

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-005 RESOLVE RE: SENTIMENT WITH RESPECT TO CONSOLIDATION OF TOWN
FIRE AND WATER DISTRICTS
INTRO.: 07/20/06**

RESOLVE,

The consolidation of the town fire and water districts is a priority for my constituents.

SPONSOR: Town Councilor James H. Crocker, Jr.

DATE	ACTION TAKEN
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-005
INTRO.: 07/20/06**

TO: Town Council
FROM: Councilor James H. Crocker, Jr.
DATE: July 10, 2006
SUBJECT: Consolidation of town fire and water districts

RATIONALE: The purpose is to ascertain the sentiment of the body and respective constituents in the precincts represented by members of the body in regard to the consolidation of town water and fire districts.

This will assist the Fire Study Preparation Committee in preparing an RFP.

B. NEW BUSINESS (To Be Referred To Public Hearing August 17th) (Roll Call 2/3 Vote)

BARNSTABLE TOWN COUNCIL

**2007-006 APPROPRIATION ORDER FOR STUDY OF AESTHETICALLY AND HISTORICALLY APPROPRIATE STREET LIGHTING IN THE HYANNIS GROWTH INCENTIVE ZONE
INTRO.: 07/20/06**

ORDERED: that the Town Council hereby appropriate \$50,000 for the purpose of preparing a lighting study in Hyannis, MA, and to meet such appropriation, that \$50,000 be transferred from the reserves in the Capital Trust Fund.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-006
INTRO.: 07/20/06**

TO: Town Council
FROM: John Klimm, Town Manager
DATE: July 10, 2006
SUBJECT: Appropriation Order for Study of Roadway Lighting in Hyannis

BACKGROUND: The Growth Incentive Zone (GIZ) along with Sea and Ocean Streets lack appropriate street and walk lighting. Such lighting would aid in defining the character of this coastal resort neighborhood in the evening hours while making the area inviting to residents and visitors alike. Well designed illumination would aid in creating an inviting downtown historic district while showcasing the Cape character of the community while providing for the safe use of its walks and streets.

ANALYSIS: A total of \$50,000 is required for a lighting design study by a professional lighting consultant. The study will analyze the existing lighting of the district and develop conceptual ideas for historic village lighting along streets, walks and at important areas of visual interest while creating excitement within the community in the evening while insuring the safety of the public on our walks and roadways.

FISCAL IMPACT: The current balance in the Capital Trust Funds reserves is \$7,203,951. Approval of this item will not impact the current operating budgets.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

B. NEW BUSINESS (To Be Referred To Public Hearing August 17th) (Roll Call)

BARNSTABLE TOWN COUNCIL

**2007-008 COMMUNITY PRESERVATION FUND APPROPRIATION FOR AFFORDABLE HOUSING PRESERVATION
INTRO.: 07/20/06**

ORDERED: that, pursuant to the provisions of G. L. c. 44B, the sum of Seventy-five thousand and No/100 (\$75,000.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144; and that the Growth Management Department is authorized to contract for and expend from year to year the amount appropriated with the prior approval of the Town Manager for acquisition of interests in land or buildings and other costs and expenses limited to the necessity for retention, preservation and support of existing or hereafter created community housing until fully expended.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-008
INTRO.: 07/20/06

TO: Town Council
FROM: Town Manager
DATE: July 11, 2006
SUBJECT: Affordable Housing Preservation Request

RATIONALE: The Community Preservation Committee (CPC) met on June 20, 2006 and has recommended that the town support the funding request of \$75,000.00 from the Growth Management Department for Affordable Housing Preservation.

The Growth Management Department is seeking funds to preserve the affordability of existing affordable housing stock. In the early 1990s, the Commonwealth of Massachusetts created several affordable housing homeownership programs. Unfortunately, the formula to ensure the long-term affordability of the units contained in the deed restrictions does not take into account large upward swings in the real estate markets. As a result, under certain circumstances, the maximum resale price exceeds what an affordable buyer can afford to pay. Under the terms of the older deed restriction, when an affordable buyer can not be located after a specified period of time, the unit may be sold to a market rate purchaser. There are forty-two affordable homes in Barnstable with the older deed restriction. Through the use of the funds requested, the affordable unit can be preserved by reducing the purchase price for the affordable buyer.

ANALYSIS: The use of CPA funds to preserve existing affordable units meets the following criteria: contributes to the goal of 10% affordability, promote a socioeconomic environment that encourages a diversity of income, ethnicity, religion and age, provide housing that is harmonious in design and scale with the surrounding community, ensure affordability in perpetuity, and promotes the use of existing buildings or construction on previously developed or Town owned sites.

The preservation of the existing affordable housing stock has been cited as a priority in the Town's Local Comprehensive Plan and the Housing Plan that has been approved by the State's Department of Housing and Community Development. The Barnstable Housing Committee fully supports this project.

FISCAL IMPACT: Funds available under the Community Preservation Act.

TOWN MANAGER'S RECOMMENDATION: The Town Manager upon recommendation of the Community Preservation Committee recommends recognition of the order.

BOARD OR COMMISSION ACTIONS: The Community Preservation Committee Recommends adoption.

B. NEW BUSINESS (To Be Referred To Public Hearing August 17th) (Roll Call)

BARNSTABLE TOWN COUNCIL

**2007-009 APPROPRIATION AND LOAN ORDER FOR THE HYANNIS YOUTH AND
COMMUNITY CENTER
INTRO.: 07/20/06**

ORDERED: that the sum of \$1,000,000 be appropriated, in addition to the \$1,000,000 appropriated under council order 2002-080 and the \$8,000,000 appropriated under council order 2002-101, for a total of \$10,000,000 all for the purpose of funding the construction of the Hyannis Youth & Community Center, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,000,000 in addition to the \$1,000,000 borrowing authorized under council order 2002-080 and the \$8,000,000 borrowing authorized under council order 2002-101 for a total borrowing authorization of \$10,000,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, and furthermore, that the town rescind \$1,000,000 of borrowing authorization under council order 1998-054 for the purpose of the Barnstable Unified Transportation And Parking System (BUTAPS).

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
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_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-009
INTRO.: 07/20/06**

TO: Town Council
FROM: Town Manager John C. Klimm
DATE: July 10, 2006
SUBJECT: Appropriation and Loan Order for the Construction of the Hyannis Youth and Community Center

BACKGROUND: The revised construction cost estimate for the HYCC is \$17 million requiring \$1 million more in additional borrowing authorization.

This agenda item proposes to redirect \$1 million of borrowing authorization under the BUTAPS project to the HYCC project. Originally, \$6,850,000 of borrowing authorization for BUTAPS was approved. To date, the town has issued \$2,500,000 million against this authorization leaving an unissued balance of \$4,350,000. This would leave a balance of \$3,350,000 in borrowing authorization for the BUTAPS project.

ANALYSIS: The revised cost estimates and source of funding for this project are as follows:

Cost of construction	\$17,000,000
<u>Sources of Funds:</u>	
Current Bond Authorizations	\$9,000,000
State grant	3,500,000
Federal Grant	993,000
Paul Larruso Charitable Trust	1,000,000
Foundation fund raising	445,000
Unexpended BUTAPS bond proceeds	1,106,034 (separate agenda item)
Redirect remaining bond authorization for BUTAPS	<u>1,000,000</u> (this agenda item)
Total sources	\$17,044,034

FISCAL IMPACT: Approval of this transfer will reduce the borrowing authorization for BUTAPS by \$1 million. There would be no overall impact on the town's operating budget as provisions have been made within the Capital Trust Fund to provide for the repayment of the remaining \$4,350,000 of additional borrowing authorization in future years when issued.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

B. NEW BUSINESS (To Be Referred To Public Hearing August 17th) (Roll Call)

BARNSTABLE TOWN COUNCIL

**2007-010 TRANSFER OF UNEXPENDED BOND PROCEEDS FROM BUTAPS FOR
CONSTRUCTING HYANNIS YOUTH AND COMMUNITY CENTER
INTRO.: 07/20/06**

RESOLVED: that the Town Council hereby transfers \$1,106,034 of unexpended bond proceeds from the BUTAPS project for the purpose of constructing the Hyannis Youth and Community Center.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-010
INTRO.: 07/20/06**

TO: Town Council
FROM: John Klimm, Town Manager
DATE: July 10, 2006
SUBJECT: Transfer of Unexpended Bond Proceeds for the Construction of the Hyannis Youth and Community Center

BACKGROUND: The town borrowed \$2,500,000 under the BUTAPS project in June of 2002. From this amount a total of \$1,393,966 was expended on the project leaving \$1,106,034 in the town's treasury. This item requests that the town transfer these unexpended bond proceeds to construct the HYCC to fill the gap needed between available funds and revised project costs.

When the town issues bonds for capital projects certain requirements to spend the bond proceeds must be met to avoid a potential arbitrage liability. The strict definition of arbitrage is borrowing in one market and investing in another. Municipalities have the ability to borrow in the tax exempt market and invest the bond proceeds in the taxable market. When this occurs and the taxable investment yield on the proceeds exceeds the yield of the tax exempt bond issue, a rebate or repayment of arbitrage profits is due to the United States through the Internal Revenue Service. There are some exceptions to rebate and they are generally connected with spending bond proceeds quickly. When this occurs, the rules allow the issuer to retain all arbitrage profits. Generally, if the bond proceeds are spent within 24 months of the issue date, arbitrage can be avoided. Potential arbitrage liabilities come into play after this 24 month period if investment income exceeds interest expense on the bond issue. Investment rates on the town's investments have increased significantly over the past year to the point where they are beginning to exceed the average coupon rate on the bonds issued potentially creating an arbitrage liability. This requested transfer would avoid creating any such liability as it would provide for the expenditure of the remaining bond proceeds in the town's treasury.

ANALYSIS: The revised cost estimates and source of funding for this project are as follows:
Cost of construction \$17,000,000

Detail Sources of Funds:

Current Bond Authorizations	\$9,000,000
State grant	3,500,000
Federal Grant	993,000
Paul Larruso Charitable Trust	1,000,000
Foundation fund raising	445,000
Unexpended BUTAPS bond proceeds	1,106,034 (this agenda item)
Redirect remaining bond authorization for BUTAPS	<u>1,000,000</u> (separate agenda item)
Total sources	\$17,044,034

FISCAL IMPACT: If the unexpended bond proceeds are not transferred to this project they will remain available for the original purpose until such time that the council redirects them with future council action or they are expended for their original purpose. Further delay in the expenditure of these funds will increase the town's exposure for arbitrage. Approval of this item will not impact the current operating budgets.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

B. NEW BUSINESS (To Be Referred To Public Hearing August 17th) (Roll Call 2/3 VOTE)

BARNSTABLE TOWN COUNCIL

**2007-011 APPROPRIATION ORDER FOR HYANNIS YOUTH AND COMMUNITY CENTER
INTRO.: 07/20/06**

ORDERED: that the Town Council hereby appropriate \$442,328 for the purpose of constructing the Hyannis Youth and Community Center, and to meet such appropriation, that \$442,328 be transferred from the reserves in the Capital Trust Fund.

SPONSOR: Town Manager John C. Klimm

DATE

ACTION TAKEN

_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-011
INTRO.: 07/20/06**

TO: Town Council
FROM: John Klimm, Town Manager
DATE: July 10, 2006
SUBJECT: Appropriation Order For Hyannis Youth And Community Center

BACKGROUND: The Barnstable Recreation Division was the recipient of a grant for \$993,000 from the U.S. Department of Education for the development of youth educational programs and the procurement of educational equipment. This request has no relationship to the additional funding request being made for the increase in construction costs of the HYCC. Action on this item is necessary for either the \$15 million option or the \$17 million option.

ANALYSIS: A total of \$442,328 of this grant covered personnel costs within the Barnstable Recreation Division over the past two years for the development of youth educational programs. The payment of this personnel cost by the grant created General Fund surplus that was transferred into the Capital Trust Fund. This request is to appropriate these funds within the CTF surplus for the construction of the HYCC. The balance of the grant, \$550,672, will be used to purchase educational equipment for the new youth center and requires no further council action.

FISCAL IMPACT: The current balance in the Capital Trust Funds reserves is \$7,203,951. Approval of this item will not impact the current operating budgets.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

B. NEW BUSINESS (To Be Referred To Public Hearing August 17th)

BARNSTABLE TOWN COUNCIL

**2007-012 ORDER AMENDING THE CODE, GENERAL ORDINANCES, PROHIBITING
USE OF PERSONAL WATERCRAFT AT THE SHOOTFLYING HILL ROAD
TOWN BEACH AND RAMP
INTRO.: 07/20/2006**

ORDERED: That Chapter 32, Beaches and Waterways, of the Code of the Town of Barnstable, General Ordinances, be amended by designating the first paragraph of section 32-1 as 32-1(A) and by adding the following subsection “B.”

“B. No person shall fuel, launch, retrieve or otherwise operate any personal watercraft (vessel) propelled by a water jet pump from the Town property at 460 Shootflying Hill Road.”

SPONSOR: Town Councilor Thomas R. Rugo

DATE

ACTION TAKEN

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-012
INTRO.: 07/20/06**

TO: Barnstable Town Council
FROM: Town Councilor Tom Rugo
DATE: July 11, 2006
RE: Order Amending the Code, General Ordinances, Prohibiting Use of Personal Watercraft at the Shootflying Hill Road Town Beach and Ramp

BACKGROUND AND ANALYSIS: The access point is immediately adjacent to the public beach. Fueling of personal watercraft -- which the sponsor has personally witnessed -- represents a significant hazard. In addition, personal watercraft activity near swimmers represents a safety concern.

FISCAL IMPACT: This is a general ordinance and has no adverse impact on the general fund.

DATE	ACTION TAKEN
_____	_____
_____	_____

B. NEW BUSINESS (To Be Referred To Public Hearing September 7th) (Roll Call)

BARNSTABLE TOWN COUNCIL

**2007-013 APPROPRIATION ORDER FOR COMMUNITY PRESERVATION FUND
DEBT SERVICE
INTRO.: 07/20/06**

ORDERED: that the Town Council hereby appropriate \$3,162,771 for the purpose of paying the FY07 Community Preservation fund debt service requirements, and to meet such appropriation, that \$2,403,999 be provided from current year revenues of the Community Preservation Fund and the \$758,772 be provided from surplus funds in the Community Preservation Fund.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-013
INTRO.: 07/20/06**

TO: Town Council
FROM: John Klimm, Town Manager
DATE: July 11, 2006
SUBJECT: Appropriation Order for Community Preservation Fund Debt Service

BACKGROUND: Part of the annual budget process includes an appropriation from the Community Preservation Fund to pay for the annual debt service associated with bonds issued under the program including those that were issued under the former Landbank Program.

ANALYSIS: The debt service requirements for FY07 for the Community Preservation Fund (CPF) are \$3,162,771. The estimated surtax revenue for the CPF in FY07 to be collected is \$2,403,999. The difference of \$758,772 will be covered by the fund balance brought forward from the Landbank Program as recommended by the Community Preservation Committee.

FISCAL IMPACT: There is no impact to the General Fund budget as a result of this appropriation. This appropriation will be provided from current year estimated revenues from the CPF and a portion of the fund balance generated under the Landbank Program.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

B. NEW BUSINESS (To Be Referred To Public Hearing August 17th) (Roll Call 2/3 Vote)

BARNSTABLE TOWN COUNCIL

**2007-014 APPROPRIATION ORDER FOR CONCEPTUAL DESIGN WORK ON SOUTH STREET IN HYANNIS
INTRO.: 07/20/06**

ORDERED: that the Town Council hereby appropriate \$39,000 for the purpose of preparing a conceptual design of the South Street in Hyannis, and to meet such appropriation, that \$39,000 be transferred from the reserves in the Capital Trust Fund.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-014
INTRO.: 07/20/06**

TO: Town Council
FROM: John Klimm, Town Manager
DATE: July 11, 2006
SUBJECT: Appropriation Order for conceptual design work on South Street in Hyannis

BACKGROUND: The project is to prepare a conceptual design of South Street from the intersection with Main Street at the west end to the intersection with Lewis Bay Road on the east end. Improvements are recommended to coincide with the recent rejuvenation of downtown Hyannis, increased pedestrian circulation, and general water front access through intersections at Sea Street and South Street, and Old Colony, Barnstable Road and South Street.

ANALYSIS: A total of \$39,000 is estimated for this conceptual design. This conceptual design would include improvements at all major intersections, road resurfacing, sidewalk and drainage improvements, and investigation of relocating utilities subsurface.

FISCAL IMPACT: The current balance in the Capital Trust Funds reserves is \$7,203,951. Approval of this item will not impact the current operating budgets.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

B. NEW BUSINESS (To Be Referred To Public Hearing August 17th) (Roll Call)

BARNSTABLE TOWN COUNCIL

**2007-015 COMMUNITY PRESERVATION FUND APPROPRIATION
FOR HAMLIN MARKER WEST BARNSTABLE
INTRO.: 07/20/06**

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of Two thousand one hundred thirty-eight and No/100 (\$2,138.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144 for historic resources; and that the Growth Management Department is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the creation of a historical marker citing the birthplace of Major Micah Hamlin in West Barnstable.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-015
INTRO.: 07/20/06**

TO: Town Council
FROM: Town Manager John C. Klimm
DATE: July 12, 2007
SUBJECT: The Replacement of Major Micah Hamlin Historical Marker

RATIONALE: The Community Preservation Committee (CPC) met on June 20, 2006 and has recommended that the town support the funding request of \$2,137.25 from the West Barnstable Historical Society for the replacement of a historical marker of citing the birthplace of Major Micah Hamlin. The current marker has an incorrect death date. It would be best to replace the stone entirely as the repairs will not last nor will they look good. This project preserves the integrity of the Town's recorded history. The incorrect marker was made by a Town entity, the Barnstable Tercentenary Committee of 1939. The Barnstable Historical Commission fully supports the correction of the marker.

ANALYSIS: The total cost of \$2137.25, which includes a 30% discount, includes a new granite tablet, lettering which is all hand drawn and hand cut, removal of the old foundation and tablet, new poured cement foundation, installation of the new tablet, tax and shipping. There have been funds raised for a total of \$500.00 to go towards the new marker.

TOWN MANGER RECOMMENDATIONS: The Town Manager upon recommendation of the Community Preservation Committee recommends adoption of this resolution.

BOARD OR COMMISSION ACTIONS: Community Preservation Committee recommends adoption of this resolution.