



# The Town of Barnstable Town Council

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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

## TOWN COUNCIL AGENDA

November 16, 2006

7:00 PM

1. **ROLL CALL**
  2. **PLEDGE OF ALLEGIANCE**
  3. **MOMENT OF SILENCE**
  - **R. E. TAX EXEMPTIONS WORKSHOP**
  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 DECEMBER 7TH.**
-

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**Minutes** of Barnstable Town Council Meeting of November 2, 2006.

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**Please Note:** It is possible, if it so votes, the Council may go into executive session.  
The council may act on items in a different order than they appear on this agenda.

**A. OLD BUSINESS (To Be Referred To Public Hearing December 7th)**

**BARNSTABLE TOWN COUNCIL**

**2007-036 COMMUNITY PRESERVATION FUND APPROPRIATION FOR UNITARIAN  
CHURCH PRESERVATION  
INTRO.: 10/19/06; 11/02/06; 11/16/06**

**ORDERED:** That, pursuant to the provisions of G. L. c. 44B, the sum of Nineteen thousand six hundred twenty and No/100 (\$19,620.00) 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 the amount appropriated with the prior approval of the Town Manager for the historic preservation of portions of the Unitarian Church in Barnstable Village, to be bound by a restriction enforcing the same satisfactory to the Town.

**SPONSOR:** Ann Canedy, Town Councilor and Town Manager upon recommendation of the Community Preservation Committee.

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

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-036**

**INTRO.: 10/19/06; 11/02/06; 11/16/06**

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**DATE:** October 13, 2006  
**SUBJECT:** Rationale for Historic Restoration of portions of the Unitarian Church

**BACKGROUND:** The Community Preservation Committee (CPC) met on July 18, 2006 and has recommended that the town support the funding request of \$19,620.00 from the Unitarian Church located in Barnstable Village.

**RATIONALE:** The Unitarian Church requires preservation work to reverse deterioration that is present in three key areas and to restore the original historical character. The first key area is to restore is the rear windows of the church. There are a total of 10 windows that have extensive rotting of the sills and molding. To ensure the historical character of the building remains intact, it is proposed that the windows are restored using a three party epoxy filler system. The process involves scraping and cleaning away old paint, injecting epoxy into the damaged areas, sanding and finishing the hardened epoxy to the desired shape, and then priming and painting the repaired areas.

The second area to restore is the access door to the side graveyard. The access door consists of an entrance porch, platform step and door. The door and the platform step are in need of the restoration work. There is massive deterioration to the door and the platform step is structurally unsound because of the rotting wood. This process involves removing the door to repair it and the platform step will be restored using new timber. Both of these repairs will bring this portion of the structure up to code with state and local building codes.

The final area to restore in the Unitarian Church is the library room. The restoration work will be on the walls and ceiling. Years ago a hanging ceiling was installed to hide the condition of the original plaster. This ceiling should be removed and the plaster ceiling should be restored to preserve the original character of the room. In addition, the walls are cracking and plaster is loose.

It will be necessary for a historic preservation restriction to be placed on the work that is done at the Unitarian Church in Barnstable Village.

**A. OLD BUSINESS (SECOND READING)**

**BARNSTABLE TOWN COUNCIL**

**2007-038 APPOINTMENTS**

**INTRO.: 11/02/06; 11/16/06**

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

**COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE APPOINTMENT:**

William S. Brower, 890 Santuit-Newtown Road, Marstons Mills, MA 02648, term expires 06/30/2007

**HOUSING COMMITTEE APPOINTMENT:**

Michael F. Schulz, 81 Meadow Lark Lane, Osterville, MA 02655, term expires 06/30/2008

**RECREATION COMMISSION APPOINTMENT:**

Rene M. King, 192 Zeno Crocker Road, Centerville, MA 02632, term expires 06/30/2008

**SPONSORS:** Appointments Committee

**DATE**

**ACTION TAKEN**

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**B. NEW BUSINESS (Public Hearing December 7th May Be Acted Upon)**

**BARNSTABLE TOWN COUNCIL**

**2007-042 ALLOCATION OF TAX LEVY**

**INTRO.: 11/16/06**

**RESOLVED:**

**OPTION # 1**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, not to adopt a Residential Exemption or the Small Commercial Exemption for Fiscal year 2007.

**OPTION # 2**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, to adopt a Residential Exemption of \_\_\_\_\_ and to not adopt the Small Commercial Exemption for Fiscal year 2007.

**OPTION # 3**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, to adopt a Small Commercial Exemption of \_\_\_\_\_ and not to adopt a Residential Exemption for Fiscal year 2007.

**OPTION # 4**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, to adopt a Small Commercial Exemption of \_\_\_\_\_ and votes, further, to adopt a Residential Exemption of \_\_\_\_\_ for Fiscal year 2007.

**SPONSOR:** Board of Assessors

**DATE**

**ACTION TAKEN**

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**B. NEW BUSINESS (Public Hearing December 7th May Be Acted Upon)**

**BARNSTABLE TOWN COUNCIL**

**2007-043 ADOPTION OF CHAPTER 653, SECTION 40 OF THE ACTS OF 1989  
WHICH AMENDS MGL CHAPTER 59, SECTION 2A (a), ASSESSMENT OF NEW  
CONSTRUCTION  
INTRO.: 11/16/06**

**RESOLVED:** The Town Council hereby votes to accept the provisions of Chapter 653, Section 40 of the Acts of 1989 as it pertains to MGL Chapter 59, Section 2A (a): to assess new building structures or other physical improvements added to real property between January first and June thirtieth for the fiscal year beginning on July first. This provision shall take effect for the fiscal year of 2008.

**SPONSOR:** Board of Assessors

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

**B. NEW BUSINESS (Public Hearing December 7th May Be Acted Upon)**

**BARNSTABLE TOWN COUNCIL**

**2007-044 ADOPTION OF CHAPTER 59, SECTION 5 (54) PERSONAL PROPERTY  
EXEMPTION  
INTRO.: 11/16/06**

**RESOLVED:** The Town Council hereby accepts the provisions of Chapter 59, Section 5 (54) whereby personal property below the value of \_\_\_\_\_ but not in excess of \$10,000 in value shall be exempt from taxation. This provision shall be in effect for the fiscal year of 2008.

**SPONSOR:** Board of Assessors

**DATE:**

**ACTION TAKEN**

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

**BARNSTABLE TOWN COUNCIL**

**2007-047 ORDER AUTHORIZING SALE OF A BUILDING SHOWN ON ASSESSORS  
MAP 183, PARCEL 005, LOT 001, 0 SANDY NECK, BARNSTABLE  
INTRO.: 11/16/06**

**RESOLVED:** that the Town Manager is authorized to dispose of by sale on behalf of the Town all right, title and interest in a surplus Town building having a street address of 0 Sandy Neck, Barnstable, shown on Assessors Map 183 as Parcel 005 Lot 001 for a price to be determined by competitive bid, 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**

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

**BARNSTABLE TOWN COUNCIL**

**2007-048 ACCEPTANCE OF GRANT FROM BJ'S WHOLESALE CLUB TO BARNSTABLE SENIOR SERVICES FOR A SUBSTITUTE PROGRAM COORDINATOR FOR THE ADULT SUPPORTIVE DAY PROGRAM ONE DAY PER WEEK  
INTRO.: 11/16/06**

**RESOLVED:** That the Town of Barnstable hereby accept a grant from BJ's Wholesale Club in the amount of \$6,400 to support the ongoing provision of adult supportive day programming at the Town's Adult Supportive Day program.

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

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

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-048**

**TO:** Town Council  
**FROM:** Elyse Degroot Director Senior Services  
**DATE:** November 6, 2006  
**RE:** Acceptance of Grant to Barnstable Senior Services for a Substitute Program  
Coordinator for the Adult Supportive Day Program One Day Per Week

**RATIONALE:** In order to successfully market, and therefore grow, the Town's Supportive Day program, the Program Coordinator needs to be active in the community. Since she currently is working full-time in the Supportive Day Program, a one day a week substitute position will be created and paid for by this grant, freeing up the Coordinator's time. It is anticipated that the marketing and public relations campaign will generate numerous referrals to the Supportive Day program which will help to sustain the program.

Acceptance of this gift will allow Senior Services to continue to improve this important community service which is available to local elders and their caregivers.

In recognition of their grant, BJ's Wholesale Club will be appropriately mentioned in all publicity materials.

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

**BARNSTABLE TOWN COUNCIL**

**2007-049 LOAN ORDER RESCISSIONS  
INTRO.: 11/16/06**

**ORDERED,**

That the amount of \$14,516,767 of unissued loan authorizations be rescinded as follows:

<b>Council Order Number</b>	<b>Amount Authorized</b>	<b>Rescinded Amount</b>	<b>Reason</b>
1990-052 WWTP Improvements	200,000.00	200,000.00	Surplus used
1991-038 WWTP Improvements	1,900,000.00	1,900,000.00	Surplus used
1993-120 WWTP Improvements	2,953,000.00	1,191,309.00	Surplus used
1997-163 Landfill Closure	7,891,793.00	751,862.00	Project under budget
1999-118 Reconstruction of taxiway Delta to north ramp; T-Hangar development; radio transmission recording device; and interim terminal building improvements	392,375.00	392,375.00	Project under budget and surplus used
1999-151 Landbank appraisal services	100,000.00	100,000.00	Surplus used
1999-170 Land acquisition of herring run at Indian Lakes Development Trust	703,500.00	703,500.00	Purchase not made
2000-011 Land acquisition of 7.33 acres in West Barnstable	72,500.00	72,500.00	Surplus used
2000-015 Locust Street sewer extension	22,675.00	22,675.00	Betterments assessed
2000-111 Permit and Design Costs for New Terminal \$500,000; Rehabilitate Portion of Main Ramp \$205,000; T-Hangar Construction \$150,000; New Fuel Storage Tanks \$250,000; Land Purchases \$125,000	1,230,000.00	1,080,000.00	FAA & MAC funded
2000-148 Airport Safety Area Study	125,000.00	125,000.00	FAA & MAC funded
2001-015 Red Lily Pond subsidence dredging	410,000.00	410,000.00	Federal grant received
2001-035 Landbank title and hazardous material release report services	35,000.00	35,000.00	Surplus used

<b>Council Order Number</b>	<b>Amount Authorized</b>	<b>Rescinded Amount</b>	<b>Reason</b>
2001-055 Authorization for purchase or taking by eminent domain of 7.62 acres more or less of land in Marstons Mills	245,000.00	245,000.00	Purchase not made
2001-087 Main St. Hyannis Streetscape	3,830,000.00	2,000,000.00	PWED Grant received
2001-088 Airport Runway 33 Safety Area Construction	980,000.00	980,000.00	FAA & MAC funded
2001-116 Land acquisition of .52 acres more or less in Hyannis	30,000.00	30,000.00	Surplus used
2002-008 Airport terminal permit and design cost	125,000.00	125,000.00	Project revised
2002-009 Construction of a new T-Hanger at the Barnstable Municipal Airport	75,000.00	75,000.00	Project revised
2002-010 High School renovation and construction	162,500.00	500.00	Project under budget
2002-115 Land purchase located off Braggs Lane, Barnstable Village	2,002,046.00	2,046.00	Project under budget
2002-082 Airport Runway 6 and 24 Safety Area	3,250,000.00	3,250,000.00	FAA & MAC funded
2003-029 Airport land acquisition	325,000.00	325,000.00	FAA & MAC funded
2004-109 13.43 Acres More or Less in Marstons Mills	250,000.00	250,000.00	Project revised
2004-110 10.2 Acres More or Less in Marstons Mills	250,000.00	250,000.00	Project revised
<b>Total</b>	<b>27,560,389.00</b>	<b>14,516,767.00</b>	

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

**DATE**

**ACTION TAKEN**

\_\_\_\_\_

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**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-049  
INTRO.: 11/16/06**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Mark A. Milne, Finance Director  
Assisted by Debra M. Blanchette, Treasurer  
**DATE:** November 9, 2006  
**SUBJECT:** Rescission of Appropriation Loan Orders

**BACKGROUND:** The Town has previously authorized various projects to be accomplished by issuing bonds to cover the costs. Some of these projects have been completed and as a result did not need any of or a portion of the amounts authorized for borrowing for various reasons.

**ANALYSIS:** Periodically, the Treasurer reviews all authorized and unissued debt and will conduct the house-cleaning task of rescinding unissued authorizations determined unnecessary. This procedure keeps the Town's status of outstanding unissued debt current. A total of \$14,516,767 has been identified that the town will not need to borrow.

**FISCAL IMPACT:** The rescinding of these debt authorizations lowers the Town's authorized debt total, therefore, enhancing the June 30, 2007 balance sheet which will have a favorable impact on our borrowing capacity.

**RECOMMENDATION:** The Town Manager recommends that the Town Council approve these rescissions.

**B. NEW BUSINESS (To Be Referred To Planning Board)**

**BARNSTABLE TOWN COUNCIL**

**2007-050 ZONING ORDINANCE DEFINITIONS AND ENFORCEMENT**

**INTRO.: 11/16/06**

**ORDERED**, that the Zoning Ordinance is hereby amended by inserting into Section 240-128, the following definitions of the following terms, inserted in the appropriate alphabetical order:

**SECTION 1:**

**APARTMENT:** Any room or suite of rooms forming an independent habitable self-contained living unit, with its own food preparation area and cooking equipment and its own bathing and toilet facilities and its own living, sleeping and eating areas wholly within such room or suite of rooms.

**COOKING EQUIPMENT:** Any device used for the heated preparation of food.

**KITCHEN:** A food preparation area.

**ORDERED**, that Section 240-123 of said Zoning Ordinance is hereby amended by inserting a new paragraph "E" as follows:

**SECTION 2:**

**REMOVAL OF ANY UNPERMITTED CONSTRUCTION:**

The use of any unpermitted construction shall be terminated immediately upon written notification by the Building Commissioner or his designee. Status of such shall be determined by the Building Commissioner. When unpermitted construction is required to be removed, a building permit must be obtained. Removal of unpermitted construction shall include the removal of all cabinets, countertops, kitchen sinks and appliances. The water and gas service utilities must be capped and placed behind a finished wall. All work shall be in compliance with the approved permit issued for such work.

And by re-designating paragraph "E" as paragraph "F".

**SPONSOR:** Town Councilor James H. Crocker, Jr.

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

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-050**

**TO:** Town Council  
**FROM:** Town Councilor James H. Crocker, Jr.  
**DATE:** November 6, 2007  
**SUBJECT:** Zoning Ordinance Definitions and Enforcement

**BACKGROUND/RATIONALE:** Item 2007-050 which is to be referred to the Planning Board, clearly defines basic definition(s) in the definitions section of the Town's zoning ordinance. The absence of the definition of apartment, cooking equipment and kitchen represents a deficiency with respect to clarity. Clearly stating definitions will benefit the effort(s) to ensure across the board fairness and equality with respect to compliance in the regulatory review process.

The second principal component of this legislative item relates to the Building Commissioner's authority to terminate unpermitted construction. This new paragraph in the enforcement section of the ordinance ensures the Building Commissioner has sufficient enforcement authority to ensure all work would be in compliance with a building permit.

**FISCAL IMPACT:** There is no fiscal impact



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

**BARNSTABLE TOWN COUNCIL**

**2007-051 ACCEPTANCE OF GIFT OF \$166,000 FROM THE FRIENDS OF THE  
BARNSTABLE COUNCIL ON AGING FOR THE COMPLETION OF  
THE GARDEN LEVEL AT THE BARNSTABLE SENIOR CENTER  
INTRO.: 11/16/06**

**RESOLVED:** That the Town of Barnstable hereby accept a gift of \$166,000 from the Friends of the Barnstable Council on Aging. Funds will be used to assist in the construction of the Garden Level and for furnishing and equipment of new addition when the building is complete.

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

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