



# The Town of Barnstable

## Town Council

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### TOWN COUNCIL AGENDA

February 15, 2007

7:00 PM

Councilors:

Janet S. Joakim  
President

Gary R. Brown  
Vice President

Richard G. Barry  
Janice L. Barton  
Ann A. Canedy  
Frederick Chirigotis  
James H. Crocker, Jr.  
Leah C. Curtis  
Henry C. Farnham  
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**
  - **GIRLS VOLLEYBALL PROCLAMATION**
  - **SCHOOL BASED HEALTH PROCLAMATION**
  - **SCHOOL COMMITTEE REVENUE OVERVIEW**
4. **PUBLIC COMMENT (May be limited to 2 minutes)**
5. **COUNCIL RESPONSE TO PUBLIC COMMENT**
6. **ACT ON MINUTES**
7. **COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
8. **ORDERS OF THE DAY**
  - A. OLD BUSINESS    B. NEW BUSINESS**
9. **TOWN MANAGER COMMUNICATIONS**
10. **ADJOURNMENT**

**NEXT MEETING MARCH 1ST.**

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Minutes of Barnstable Town Council Meeting of February 1, 2007.

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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 (Public Hearing May Be Acted Upon) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-042 ALLOCATION OF TAX LEVY**

**INTRO.: 11/16/06; 12/07/06; 12/21/06; 01/18/07; 02/15/07**

**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.

**SPONSORS:** Board of Assessors

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

- Read Item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

**A. OLD BUSINESS (Public Hearing May Be Acted Upon) (Roll Call)**

**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; 12/07/06; 12/21/06; 01/18/07; 02/15/07**

**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.

**SPONSORS:** Board of Assessors

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

- Read Item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

**A. OLD BUSINESS (Public Hearing May Be Acted Upon) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-044 ADOPTION OF CHAPTER 59, SECTION 5 (54) PERSONAL PROPERTY  
EXEMPTION**

**INTRO.: 11/16/06; 12/07/06; 12/21/06; 01/18/07; 02/15/07**

**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.

**SPONSORS:** Board of Assessors

**DATE:**

**ACTION TAKEN**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_ Read Item

\_\_\_ Motion to open public hearing

\_\_\_ Rationale

\_\_\_ Public hearing

\_\_\_ Close public hearing

\_\_\_ Council discussion

\_\_\_ Move/vote

**A. OLD BUSINESS (Public Hearing May Be Acted Upon) (Roll Call 2/3)**

**BARNSTABLE TOWN COUNCIL**

**2007-074 APPROPRIATION ORDER FOR FY 2007 AIRPORT CAPITAL AND OPERATING BUDGETS  
INTRO.: 02/01/07; 02/15/07**

**ORDERED**, that the Town Council does hereby appropriate the sum of \$915,000.00 for the airport's capital and operational expense budgets as follows: \$200,000.00 to be added to the original amount of \$250,000.00 approved in FY2004 for development of the Airport Master Plan under council order 2003-086; \$387,000 to be added to the original amount of \$175,000.00 approved in FY2006 to fund runway markings and runway and taxiway crack sealing repairs under council order 2006-078; \$200,000.00 to fund the increase in the FY2007 operating budget for jet fuel acquisition costs; \$40,000.00 to fund the increase in the FY2007 operating budget for utility costs (gas and electric); and \$18,000.00 to fund the increase in the FY2007 operating budget for custodial supplies and associated paper products; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$587,000.00 and that \$328,000.00 be transferred from the airports surplus funds, and furthermore that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept my grants or gifts in relation thereto.

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

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

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-074**  
**INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** John C. Klimm - Town Manager  
**DATE:** January 24, 2007  
**SUBJECT:** FY 2007 Appropriation Order for Airport Capital and Operating Expenses

**BACKGROUND:** This appropriation is necessary for the airport to meet these unexpected increases. All of the requested amounts were unanticipated expenses resulting from mandated federal aviation requirements, ongoing improvements to airport operational infrastructure, and routine day-to-day operations. The increased capital costs resulted primarily from newly mandated federal and state aviation requirements, and consolidation of O&M methodologies to combine and/or expand previously approved capital projects to better coincide with the timeliness of federal and states airport improvement grants. These costs were either unknown project costs or unanticipated due to changing economic trends, and thus were not included in the airports' FY 07 budget.

**ANALYSIS:** The total amount requested for this appropriation will fund budget shortages for the airport's capital program totaling \$587,000 and the airport's operating budget totaling \$328,000. The \$587,000 is being requested to supplement the original amounts appropriated under council order's 2003-086 and 2006-078. The \$328,000 is needed for the following line item accounts in the airport's FY07 operating budget: \$200,000 to fund the increased cost of aviation jet fuel; \$40,000 for the increase cost in credit card processing fees; \$70,000 for utilities and \$18,000 to fund the increase in custodial supplies and associated paper products required for routine maintenance and upkeep of the main terminal building, terminal II, and the operations and maintenance facilities.

**FISCAL IMPACT:** The \$587,000 increase requested for the capital expenditures are reimbursable by federal and state aviation grants. The operating budget items will be funded from the airport's surplus funds with no impact on the town's general fund. The airport's certified surplus funds balance currently is \$5,013,270..

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

**STAFF ASSISTANCE:** Quincy Mosby, Airport Manager

**A. OLD BUSINESS (Public Hearing May Be Acted Upon) (Roll Call 2/3)**

**BARNSTABLE TOWN COUNCIL**

**2007-076 ORDINANCE AMENDMENT PROVIDING FOR A INCREASE IN  
COMPENSATION FOR MEMBERS OF THE TOWN COUNCIL  
INTRO.: 02/01/07; 02/15/07**

**ORDERED,  
SECTION 1.**

That Sections 220-12, 220-13 and 220-14 of the Code of the Town of Barnstable is hereby amended by striking out said sections and substituting in place thereof the following:

**“§ 220-12. Town Councilors.**

The compensation for town councilors shall be \$12,000.00 per year.

**§ 220-13. President.**

The compensation for the president shall be \$16,500.00 per year.

**§ 220-14. Vice President.**

The compensation for the vice president shall be \$14,000.00 per year.”

**§ 220-15. Expense Allowance,**

The Town Council sets the expense allowance at \$ 0.00 (zero dollars).

Upon submitting vouchers and supporting receipts for expenses incurred in carrying out of their duties and specific services previously authorized by the Town Council President, Council members shall be reimbursed from Town Council Budget. Reimbursement and apportionment shall be limited to those allowed by the Town of Barnstable.

Other reimbursable expenses may include the cost of attendance at conferences of municipal associations and other professional meetings or visitations when such attendance and expense payment has had prior Town Council President approval.

**SECTION 2.** That Section 1 shall take effect on January 1, 2008.

**SPONSORS:** James F. Munafo, Jr., Town Councilor and Harold E. Tobey, Town Councilor

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

- \_\_\_ Read item
- \_\_\_ Motion to open public hearing
- \_\_\_ Rationale
- \_\_\_ Public hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote



**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-076  
INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** James F. Munafo, Jr., Town Councilor  
**DATE:** January 23, 2007  
**SUBJECT:** Councilor Compensation

**RATIONALE:** As presented the Councilor compensation amount proposed takes into account and not limited to the following;

The Barnstable Town Council last approved a compensation increase in November of 1997, It has been over 9 years since the Barnstable Town Council last approved a compensation increase.

The CFAC and Personal Advisory Board recommended that the council fulfill it's duties as outlined in the charter

This ordinance will not take effect until January 2008 and the next sitting council.

With Constituent services, appearances, mail, phone calls, committee, subcommittee, committee liaison roles, meetings, workshops, hearings, regular & special council meetings, a town councilor's work load is no less than 1 day a week. The proposed regular council compensation of \$12,000 represents one fifth of a middle managers position.

The expense allowance called for in section 2-12 of the Town Charter was set at \$0.00, it is believed that the current increase in salary and the ability for reimbursement of expenses is sufficient at this time.

**2006 BENCHMARK SURVEY**

Municipality	Members	Salary	Population	Budget 06
BEVERLY	9	\$11,700.00	38,807	\$88,004,000.00
REVERE	11	\$13,300.00	47,283	\$105,210,192.00
WALTHAM	15	\$14,015.00	59,226	\$167,061,621.00
MALDEN	11	\$17,500.00	56,000	\$123,463,054.00
MEDFORD	7	\$17,512.00	55,765	\$119,300,848.00

The policy of this and past Town Councils has been to be as prudent as possible. This compensation increase represents not only recognition of the expanded time commitment and increased costs incurred by Barnstable Town Councilors, but also the personal sacrifices made in the execution of their duties.

**A. OLD BUSINESS (Public Hearing May Be Acted Upon) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-079 ACCEPTANCE OF A 2006 VIOLENCE AGAINST WOMEN STOP GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY IN THE AMOUNT OF \$13,000 AND THE SUPPLEMENTAL APPROPRIATION OF \$4,336 AS MATCHING FUNDS  
INTRO.: 02/01/07; 02/15/07**

**ORDERED,** That the Barnstable Town Council does hereby accept a FY 2006 Violence Against Women STOP Grant in the amount of \$13,000, and further, that the amount of \$4,336 is hereby transferred from available funds to an account to be determined by the Town Manager for the purpose of funding the towns share of the matching funds of the grant.

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

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

\_\_\_ Read item

\_\_\_ Discussion

\_\_\_ Move/vote

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-079  
INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Paul B. MacDonald, Chief of Police  
**DATE:** January 4, 2007  
**SUBJECT:** Acceptance of a 2006 Violence Against Women STOP Grant  
in the amount of \$13,000 from the Executive Office of Public Safety

**BACKGROUND:** The Department applied for and received a grant from the Executive Office of Public Safety in the amount of \$13,000 under the Violence Against Women STOP program. The Department is seeking to train six Police Officers in becoming fluent in the Portuguese Language and to further familiarize themselves with the Brazilian culture.

**ANALYSIS:** Acceptance of this grant will contribute to our Violence Against Women Initiatives.

**GRANT DETAIL:** The \$13,000 grant allocation will be directed toward overtime, course cost and books to send 4 officers for Portuguese Language Training at Cape Cod Community College.

**FISCAL IMPACT:** This grant requires that the town provide \$4,336.00 in matching funds.

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

**STAFF ASSISTANCE:** Barnstable Police Chief Paul B. Mac Donald

**B. NEW BUSINESS (To Be Referred To Joint Public Hearing with Planning Board March 1st)**

**BARNSTABLE TOWN COUNCIL**

**2007-083 TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE ZONING ORDINANCE TO EXTEND THE BOUNDARY OF THE HYANNIS GATEWAY ZONING DISTRICT  
INTRO.: 02/15/07**

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE MASSACHUSETTS DO ORDAIN AS FOLLOWS:**

**ORDERED:** That Chapter 240, Article II of the Zoning Ordinance, Section 240-6 the Zoning Map, is amended by extending the boundary of the Hyannis Gateway (HG) zoning district within the Hyannis Village Zoning Districts as shown on maps on file with the Town Clerk entitled “Zoning Map of the Town of Barnstable, Massachusetts, Index Map”, and “Sheet 3 of 7, Hyannis”, both maps notated “Proposed Amendment to Modify the HG and RB Zones in Hyannis File Copy Date February 5, 2007” and as shown on “Downtown Hyannis Rezoning Illustration Map Proposed Amendment to Modify the HG and RB Zones in Hyannis” dated 2/6/2007.

**SPONSOR:** Town Council Vice President Gary R. Brown

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

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-083  
INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** Town Councilor Gary Brown  
**DATE:** February 6, 2007  
**SUBJECT:** To see if the town council will vote to amend the zoning ordinance to extend the boundary of the Hyannis Gateway Zoning District

**RATIONALE:** The following amendments have been identified for adoption within the Hyannis Village Zoning Districts.

The first involves a zoning map amendment to include two small existing lots in the Hyannis Gateway (HG) District. The lots proposed for inclusion in the HG District are in total 7,405 square feet and in common ownership with abutting parcels that are currently included in the HG District.

The current line as it exists in relationship to the properties assumes the development of the road called Washington Avenue Extension, designated on Town maps in 1957. Although developed as a road on the other side of Charles Street this tiny end of it was never actually created into a road, and the land parceled as lots with addresses on Washington Ave. Ext. and other proposed lots, 36 Pine Court, and 65 Washington Ave. Ext. by the current arbitrary zoning are rendered completely useless.

The required building specs for developing new residences have changed, making it impossible to ever develop these lots into houses, since there is no room for septic installations. Remaining zoned as residential, but in fact surrounded by and essentially extensions of commercial property, the owner's hands are tied.

The third lot in question, 37 Pine Court, has been assimilated into the back yard of 72 Grove Street. It is surrounded by commercial use, and would be more valuable if it were possible to make it available for that use.

**B. NEW BUSINESS (FIRST READING)**

**BARNSTABLE TOWN COUNCIL**

**2007-084 APPOINTMENTS**

**INTRO.: 02/15/07**

**BOARD OF HEALTH APPOINTMENT:**

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

**CONSERVATION COMMISSION APPOINTMENT:**

Louise Riemenschneider Foster, 204 Clamshell Cove Rd., MA 02635, term expires 06/30/2007

**SPONSORS:** Appointments Committee

**DATE**

**ACTION TAKEN**

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