



# The Town of Barnstable

## Town Council

367 Main Street, Village of Hyannis MA 02601

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email: council@town.barnstable.ma.us

### Councilors:

Gary C. Blazis,  
President

Gary R. Brown  
Vice-President

Richard G. Barry  
Richard W. Clark  
Richard D. Elrick  
Janet S. Joakim  
Robert R. Jones  
Audrey M. Loughnane  
J. Gregory Milne  
Royden C. Richardson  
Carl S. Riedell

Administrative  
Assistant:  
Donald M. Grissom  
Town Council  
Secretary  
Cheryl A. Phillips

## TOWN COUNCIL AGENDA

**August 22, 2002**

**7:00 PM**

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

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## NOTES:

- **2003-009** - Zoning Ordinance Revision, Section 2-4, Exempt Uses, Temporary Uses and Prohibited Uses; Trailers (Joint Public Hearing With Planning Board)
- **2003-010** – Open Space (Cluster Provisions) (Scheduled For Public Hearing With Planning Board September 19th) (May Be Acted Upon)

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

**BARNSTABLE TOWN COUNCIL**

**2003-001 PRIVATE ROADS TAKINGS**

**ORDERED:** that the layout of the following streets with areas and dimensions as shown on plans which are on file with the Town Clerk’s Office are hereby accepted:

- |                                     |  |
|-------------------------------------|--|
| Althea Drive – Barnstable           | Wellesley Circle – Hyannis             |
| Brentwood Lane – Barnstable         | Weston Circle - Hyannis                |
| Desert Sands Lane – Barnstable      | Wolley Road – Hyannis                  |
| Dromoland Lane – Barnstable         | Woodland Avenue – Hyannis              |
| Hamstead Lane - Barnstable          | Worcester Lane – Hyannis               |
| Iris Lane – Barnstable              | Dove Lane – Marstons Mills             |
| Medinah Drive – Barnstable          | Eastview Terrace – Marstons Mills      |
| Oakmont Road – Barnstable           | Head Of The Pond Lane – Marstons Mills |
| Spyglass Hill Road – Barnstable     | Berkshire Trail – West Barnstable      |
| Anchor Lane – Cotuit                | Bursley Path – West Barnstable         |
| Mariner Circle - Cotuit             | Capes Trail – West Barnstable          |
| Mooring Drive – Cotuit              | Desire’s Lane – West Barnstable        |
| Whitmar Road – Cotuit               | Hezekiah’s Way – West Barnstable       |
| Aldeas Avenue – Hyannis             | Homestead Lane – West Barnstable       |
| Arbeta Road – Hyannis               | Josiah’s Path – West Barnstable        |
| Checkerberry Road - Hyannis         | Kettle Hole Road – West Barnstable     |
| Fawcett Lane – Hyannis              | Lothrop’s Lane – West Barnstable       |
| Ferndale Road – Hyannis             | North Winds Lane – West Barnstable     |
| LaFrance Avenue Extension – Hyannis | Old Toll Road – West Barnstable        |
| Lexington Drive – Hyannis           | Parrish Way – West Barnstable          |
| Princess Pines Road – Hyannis       | Peter Blossom Lane – West Barnstable   |
| Sudbury Lane – Hyannis              | Sheep Meadow Lane – West Barnstable    |
| Wayland Road - Hyannis              | Wagon Turn Road – West Barnstable      |
|                                     | Wayside Lane – West Barnstable         |

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 streets and to appropriate the sum of \$1.00 therefore.

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

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

**AGENDA ITEM SUMMARY  
2003-001**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Thomas J. Mullen, Director  
**DATE:** August 16, 2002  
**SUBJECT:** Private Roads Takings

**BACKGROUND:** the report of the Road Committee, submitted to the Town Council on December 10, 1998, was accepted by the Town Council. Contained within the Report and accepted by the Council is a Proposed Town Ordinance and Policies Governing Repair, Layout and Acceptance of Private Ways and Betterment Assessments, dated May 5, 1998, which is intended to replace the policy that had been put in place by Town Meeting in 1989. In FY 2001 and again in FY 2002 the Town Council has appropriated funds to begin the takings of private roads as outline in the Report.

**ANALYSIS:** the ways listed are all in relatively good condition and will not require the Town to perform any major maintenance at this time.

These ways represent private roads that have come to provide a significant contribution to the community's transportation infrastructure. It is in the Town's best interest to obtain an easement over these ways to assure that the roads are appropriately maintained to support the vehicular traffic over these roadways.

**FISCAL IMPACT:** In FY 2001 \$775,000 was appropriated through the FY 2001 – 2005 Capital Improvement Program as Capital Trust Fund Appropriation in Transfer Order 2000 – 110 (\$400,000) and Order 2000 – 115 (\$375,000). Additionally, \$500,000 has been appropriated in FY 2002 as Capital Trust Fund Appropriation in Transfer Order 2001 – 086 to fund the takings of private roads.

**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:** Robert A. Burgmann, P.E. Town Engineer

**A. OLD BUSINESS (Second Reading)**

**BARNSTABLE TOWN COUNCIL**

**2003-006 APPOINTMENTS**

That the Barnstable Town Council appoint the following to a multiple member board:

**OPEN SPACE COMMITTEE**

- Charles Baskin, PO Box 171, Barnstable, MA 02630, to serve until 6/30/2005
- Kris Clark, 398 Woodside Road, West Barnstable, MA 02668, to serve until 6/30/2004
- Lindsey Counsell, 1183 Old Stage Road, Centerville, MA 02632, to serve until 6/30/2005
- Henry Farnham, 127 Coachman Lane, West Barnstable, MA 02668, to serve until 6/30/2005
- Deb Fitton, 282 Church Street, West Barnstable, MA 02668, to serve until 6/30/2003
- Susan Rohrbach, 432 Main Street, Centerville, MA 02632, to serve until 6/30/2004
- Mark Wirtanen, 1894 Main Street, West Barnstable, MA 02668, to serve until 6/30/2003
- Scott Schofield, 45 Partridge Way, Centerville, MA 02632, to serve until 6/30/2004
- William Cutcliffe, PO Box 335, Osterville, MA 02655, to serve until 6/30/2003

**REGISTRAR OF VOTERS**

John Sheehan, 100 Marston Lane, Cummaquid, MA 02675, to serve until 6/30/2005

**TRUST FUND ADVISORY COMMITTEE**

- Erin Moore, 10 Captains Way, Centerville, MA 02632, to serve until 6/30/2005
- Frances Parks, 1441 Old Post Road, Marstons Mills, MA 02648, to serve until 6/30/2005
- Jane Scanlon, PO Box 537, Osterville, MA 02632, to serve until 6/30/2005

**WATER QUALITY ADVISORY COMMITTEE**

David Condry, PO Box 326, 47 Old Yarmouth Road, Hyannis, MA 02601, to serve until 6/30/2005

**WATERWAYS COMMITTEE**

Thomas McKenzie, PO Box 748, Barnstable, MA 02630, to serve until 6/30/2005

**SPONSOR:** Gary R. Brown, Chairman Appointments Committee

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

## **A. OLD BUSINESS (Public Hearing) May Be Acted Upon After Public Hearing**

### **BARNSTABLE TOWN COUNCIL**

<b>2003-009 ZONING ORDINANCE REVISION, SECTION 2-4, EXEMPT USES, TEMPORARY USES AND PROHIBITED USES; TRAILERS</b>
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**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE MASSACHUSETTS DO ORDAIN AS FOLLOWS:**

**ORDERED**

#### **SECTION 1**

**That Chapter III, Article III of the Ordinances, the Zoning Ordinance, be amended by striking out 2-4 through 2-6 inclusive and inserting in place thereof the following:**

#### **“2-4 Prohibited Uses**

**2-4.1 Application and Scope:** The following uses are prohibited in all zoning districts:

1. Without detracting from the application of Section 2-3.1 herein, the following uses are prohibited in all Zoning Districts: any use which is injurious, noxious or offensive by reason of the emission of odor, fumes, dust, smoke, vibration, noise, lighting or other cause, at levels which will cause a nuisance at the property line or beyond, to surrounding property owners.
2. A tent maintained or occupied for living or business purposes, except as permitted in Section 2-6.1(5) below.  
*(Changed by Town Council vote on 2/22/96 as item #95-194-by a 9 Yes 2 No roll call vote.)*
3. A recreational vehicle occupied for living or business purposes, except as specifically provided for in Section 2-6.1, Temporary Use Regulations, Paragraphs 1 and 2 below.
4. A trailer parked, stored, or occupied for living or business purposes, except as specifically provided for in Section 2-6.1 paragraphs 3 and 4 below.
5. Hotels and motels in precincts 1, 2, 4, 6, and 7 as existing on November 9, 1983, except in the IND LIMITED and IND Industrial Districts.
6. No recreational vehicle and no trailer shall be used for the storage of hazardous or flammable liquids, materials, products or wastes, or for the storage of cardboard, garbage, rubbish, mattresses, tires, or any other waste material. No trailer shall be stacked upon another trailer, be illuminated or used for advertising purposes.”

**2-5 Exempt Uses** The following uses and structures are permitted in all zoning districts:

1. Municipal and water supply uses.
2. Municipal recreation use, including recreational activities conducted on town-owned land under the terms of a lease approved by Town Council. In the case of such a lease, any improvements or changes to such town-owned land shall be subject to the review of a

- committee of five (5) residents appointed by the Town Manager or Town Council, at least two (2) of whom shall be from the precinct in which the land is located.
3. The use of land or structures exempt from the use provisions of the Zoning Ordinance pursuant to MGL Ch 40A, Section 3, and any other statute.
    - A. Where such exempt uses are subject to reasonable regulation of bulk, density and parking regulations by MGL Ch 40A Section 3, reasonable regulation shall be deemed to be: the Bulk Regulations of the Zoning District, except that church steeples may be permitted up to 75 feet in height; Section 4-2, Off-street Parking Regulations; and Section 4-7, Site Plan Review.
    - B. Where the proposed use does not comply with paragraph 3A above, the Zoning Board of Appeals shall by a Modification Permit, modify the Bulk Regulations of the Zoning District and/or the parking requirements of Section 4-2, Off-Street Parking Regulations, where such regulation would substantially diminish or detract from the usefulness of a proposed development, or impair the character of the development so as to affect its intended use, provided that the modification of the Bulk Regulations and/or parking requirements will not create a public safety hazard along the adjacent roadways and will not create a nuisance to other, surrounding properties such that it will impair the use of these properties.
    - C. A Modification Permit shall be subject to the same procedural requirements as a Special Permit, except that approval of the Modification Permit shall require a majority of the members of the Board.
  4. Agriculture, horticulture, viticulture, aquaculture and/or floriculture on a parcel of land five (5) acres or less in size, shall be permitted subject to the following requirements in Residential Districts:
    - A. Seasonal garden stands for the sale of seasonal fruits, flowers and vegetables shall be permitted, only for the sale of produce grown on the premises.
    - B. No person shall be employed on the premises.
    - C. No more than one temporary, on-premise sign may be erected, not to exceed two square feet, to be removed during the off-season.
    - D. Any structure for agricultural, horticulture, viticulture, aquaculture and/or floriculture use, shall conform to the setbacks of the zoning district, or a minimum of 25 feet, whichever is greater, except that the keeping of horses in a Residential District shall be in compliance with the requirements of that Zoning District.

*(This section replaced the pre-existing section 2-4 by a unanimous roll call vote on Oct. 7, 1999 of the Barnstable Town Council in item 99-160A).*

## **2-6 Temporary Uses**

**2-6.1 Temporary Use Regulations:** The following temporary uses are permitted in all zoning districts:

1. Temporary occupancy of a recreational vehicle during construction of a permanent home provided, however, a Special Permit is first obtained from the Zoning Board of Appeals.

2. Temporary occupancy of a recreational vehicle for living purposes by non-paying guests for a period not exceeding twenty (20) days in any calendar year provided, however, that the owner of land upon which the recreational vehicle is to be located first obtains a permit from the Building Commissioner.
3. Temporary, non-residential use of a trailer on the premises of a commercial, office or industrial building renovation and/or major stock re-organization, not to include sales or seasonal storage, for a period not exceeding 30 days, provided a permit is first obtained from the Building Commissioner. The Commissioner may grant a second permit for an additional 30-day period. No such permit shall be issued more than once every two years at a given location.
4. Temporary use of a non-residential trailer or trailers for storage of construction materials, and/or a construction office, incidental to construction on the premises on which the trailer is to be located, providing that construction proceeds continuously to completion, and a permit is first obtained from the Building Commissioner.
5. Tents:
  - A) Maintenance and occupancy of tents in an organized and supervised recreational camp subject to compliance with the rules of the Barnstable Board of Health, provided, however, a Special Permit is first obtained from the Zoning Board of Appeals.
  - B) A tent may be put in place on a lot used for residential purposes, for not more than 10 days, in connection with special family occasions or events, but not to be used for any commercial purposes.
  - C) A tent may be put in place for not more than 10 days, not more than twice in any calendar year, in connection with a fund raising or special event by a public institution or non-profit agency.
  - D) Subject to annual approval by the Building Commissioner, a tent may be erected and used as a temporary accessory structure to an existing permanent business only during the period beginning May 1 until October 31. The tent shall conform to all the parking requirements and Bulk or Dimensional requirements of this Ordinance.  
*(A-D added and changed by Town Council vote on 2/22/96 as item #95-194 - by a 9 Yes 2 No roll call vote.)*

## SECTION 2

That Chapter III, Article III of the Ordinances, the Zoning Ordinance, Section 7 Definitions, is amended by inserting two Definitions, in appropriate alphabetical sequence as follows:

**“Trailer:** A cargo container, with or without wheels, designed and constructed for transportation and/or storage of goods and materials. “Trailer” shall not include a container specifically designed as a receptacle for waste or trash.

**Recreational Vehicle:** A motorized home, mobile home, camper, travel trailer or similar vehicle, designed and/or used for temporary living quarters for recreational camping, and/or travel.”

**SECTION 3**

That Chapter III, Article III of the Ordinances, the Zoning Ordinance, is hereby amended by striking 4-1.3 and inserting in place thereof the following:

**4-1.3 Off-Street Storage of Recreational Vehicles**

A recreational vehicle may be stored in a garage or other accessory building, or on the rear half of a lot owned or occupied by the owner of the recreational vehicle. The location of the recreational vehicle shall comply with the yard requirements of the zoning district in which it is located.

*(Changed by Town Council vote on 2/22/96 as item #95-194-by a 9 Yes 2 No roll call vote.)*

**SPONSOR:** William Belden, Chairman, Barnstable Planning Board

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

**AGENDA ITEM SUMMARY  
2003-009**

**TO:** Town Council  
**FROM:** William Belden, Chairman  
 Barnstable Planning Board  
**DATE:** June 4, 2002  
**SUBJECT:** ZONING ORDINANCE AMENDMENTS  
 EXEMPT USES AND TEMPORARY USES, TRAILERS

**BACKGROUND:**

**Commercial trailers**

Except for specified temporary usage during construction, commercial trailers are not permitted in the Zoning Ordinance, for either long-term storage use or for retail sales. Nationally, there has been increased usage of commercial trailers; they are an inexpensive means of providing additional space, and as temporary facilities, these structures are not subject to property taxes\*. Within a business district however, they are unsightly and because of height, are difficult to effectively screen from the public's view and from surrounding uses, which include residential uses in most of the town's commercial districts. Other problems include difficulty of monitoring and accessing contents, and the potential for hazardous waste storage, and fire. Some trailers have been located close to property lines, infringing on side, front and rear yard setbacks areas, and parking spaces, to the detriment of surrounding properties.

Trailers are a problematic use for the town. While they may provide short-term benefit to some business owners, long term they create an unsightly appearance in commercial areas, and discourage investment in business premise expansion with a concomitant loss of tax revenue.

This minor change expands temporary uses of trailers, to permit usage during interior renovations and stock re-organization. The Planning Board believes however, that usage of trailers for long-term business use should continue to be prohibited.

\*Trailers could possibly be subject to personal property taxes.

## ANALYSIS

Specific changes are summarized as follows:

1. The principal change in this Zoning Amendment is to permit temporary usage of a trailer, as of right for 30 days, to permit storage of materials during renovations and stock changes; the Building Commissioner can grant a permit for an additional 30-day period. Such storage cannot be for seasonal storage, retail sales, or the storage of waste or hazardous materials. This permit would not be renewable except every two (three years), to avoid annual applications for seasonal usage.
2. Section 2-6 Prohibited Uses has been re-ordered to Section 2-4, and related Section headings revised. Since prohibited uses are broadly written and Temporary and Exempt Uses are written as specific exceptions to Prohibited Uses, Prohibited Uses should come first, not last. This is an organizational change only; there is no substantive change.
3. The prohibition on use of tents and trailers to store hazardous materials and flammable liquids, and various waste materials, was requested by the Hyannis Fire Department and the Health Department.
4. The Ordinance presently uses the term “trailer” to mean both a commercial storage container and a mobile home. Definitions have therefore been created to clarify that a “trailer” is a cargo container with or without wheels, for the storage of goods and materials. The term “recreational vehicle” is used to mean a recreational trailer or mobile home.
5. The generalized prohibition on noxious uses has been clarified since the existing language is so broad, it could be interpreted to prohibit uses that are expressly permitted. This change is less restrictive.

## FISCAL IMPACT

There is no impact to the town’s budget. Long term however, the town’s industrial and commercial areas will benefit from continued restrictions on the use of trailers.

## TOWN MANAGER RECOMMENDATION

**The Town Manager recommends that the proposed Ordinance be adopted after all issues raised at the Public Hearing have been satisfactorily addressed. (to be verified)**

## STAFF ASSISTANCE:

Jacqueline Etsten, Principal Planner  
Douglas Bill, Associate Planner

***A COMPARISON OF THE EXISTING AND PROPOSED CHANGES TO THE TEXT***  
***Drafting note: Deletions are shown as ~~strikethroughs~~ and additions to the text are shown bold and underlined.***

## SECTION 1

### 2-4 Prohibited Uses

**2-4.1 Application and Scope:** The following uses are prohibited in all zoning districts:

1. **Without detracting from the application of Section 2-3.1**, the following uses are prohibited in all Zoning Districts: any use which is injurious, noxious or offensive by reason of the emission of odor, fumes, dust, smoke, vibration, noise, lighting or other **cause at levels which will cause a nuisance to surrounding property owners at the property line or beyond, at levels which will cause a nuisance to surrounding property owners.**
2. A tent maintained or occupied for living or business purposes, except as permitted in Section 2-5.1(4) above.  
(*Changed by Town Council vote on 2/22/96 as item #95-194-by a 9 Yes 2 No roll call vote.*)
3. A recreational vehicle ~~or manufactured home~~ occupied for living or business purposes, except as specifically provided for in Section 2-6.1, Temporary Use Regulations, Paragraphs 1, 2, and 3 below.
4. A trailer parked, stored, or occupied for living or business purposes, except as specifically provided for in Section 2-6 ---- herein.
5. Hotels and motels in precincts 1, 2, 4, 6, and 7 as existing on November 9, 1983, except in the IND LIMITED and IND Industrial Districts.
6. **No recreational vehicle and no trailer shall be used for the storage of hazardous or flammable liquids, materials, products or wastes, or for the storage of cardboard, garbage, rubbish, mattresses, tires, or any other waste material. No trailer shall be stacked upon another trailer, be illuminated or used for advertising purposes."**

**2-5 Exempt Uses** The following uses and structures are permitted in all zoning districts:

1. Municipal and water supply uses.
2. Municipal recreation use, including recreational activities conducted on town-owned land under the terms of a lease approved by Town Council. In the case of such a lease, any improvements or changes to such town-owned land shall be subject to the review of a committee of five (5) residents appointed by the Town Manager or Town Council, at least two (2) of whom shall be from the precinct in which the land is located.
3. The use of land or structures exempt from the use provisions of the Zoning Ordinance pursuant to MGL Ch 40A, Section 3, and any other statute.
  - A) Where such exempt uses are subject to reasonable regulation of bulk, density and parking regulations by MGL Ch 40A Section 3, reasonable regulation shall be deemed to be: the Bulk Regulations of the Zoning District, except that church steeples may be permitted up to 75 feet in height; Section 4-2, Off-street Parking Regulations; and Section 4-7, Site Plan Review.
  - B) Where the proposed use does not comply with paragraph 3A above, the Zoning Board of Appeals shall by a Modification Permit, modify the Bulk Regulations of the Zoning District and/or the parking requirements of Section 4-2, Off-Street Parking Regulations, where such regulation would substantially diminish or detract from the usefulness of a proposed development, or impair the character of the development so as to affect its intended use, provided that the modification of the Bulk Regulations and/or parking requirements will not create a public safety hazard along the adjacent roadways and will

not create a nuisance to other, surrounding properties such that it will impair the use of these properties.

- C) A Modification Permit shall be subject to the same procedural requirements as a Special Permit, except that approval of the Modification Permit shall require a majority of the members of the Board.
4. Agriculture, horticulture, viticulture, aquaculture and/or floriculture on a parcel of land five (5) acres or less in size, shall be permitted subject to the following requirements in Residential Districts:
- A) Seasonal garden stands for the sale of seasonal fruits, flowers and vegetables shall be permitted, only for the sale of produce grown on the premises.
  - B) No person shall be employed on the premises.
  - C) No more than one temporary, on-premise sign may be erected, not to exceed two square feet, to be removed during the off-season.
  - D) Any structure for agricultural, horticulture, viticulture, aquaculture and/or floriculture use, shall conform to the setbacks of the zoning district, or a minimum of 25 feet, whichever is greater, except that the keeping of horses in a Residential District shall be in compliance with the requirements of that Zoning District. (This section replaced the pre-existing section 2-4 by a unanimous roll call vote on Oct. 7, 1999 of the Barnstable Town Council in item 99-160A).

## **2-6 Temporary Uses**

**2-6.1 Temporary Use Regulations:** The following temporary uses are permitted in all zoning districts:

1. Temporary occupancy of a **recreational vehicle trailer** during construction of a permanent home provided, however, a Special Permit is first obtained from the Zoning Board of Appeals.
2. Temporary occupancy of a **trailer recreational vehicle** for living purposes by non-paying guests for a period not exceeding twenty (20) days in any calendar year provided, however, that the owner of land upon which the **trailer recreational vehicle** is to be located first obtains a permit from the Building Commissioner.
3. **Temporary, non-residential use of a trailer on the premises of a commercial, office or industrial building renovation and/or major stock re-organization, not to include sales or seasonal storage, for a period not exceeding 30 days, provided a permit is first obtained from the Building Commissioner. The Commissioner may grant a second permit for an additional 30 day period. No such permit shall be issued more than once every two years at a given location.**
4. Temporary ~~occupancy~~ use of a **non-residential trailer or trailers** for **storage of construction materials, and/or** a construction office, incidental to ~~development or construction~~ on the premises on which the trailer is to be located, providing **that construction proceeds continuously to completion,** and a permit is first obtained from the Building Commissioner.

5. Tents

- A) Maintenance and occupancy of tents in an organized and supervised recreational camp subject to compliance with the rules of the Barnstable Board of Health, provided, however, a Special Permit is first obtained from the Zoning Board of Appeals.
- B) A tent may be put in place on a lot used for residential purposes, for not more than 10 days, in connection with special family occasions or events, but not to be used for any commercial purposes.
- C) A tent may be put in place for not more than 10 days, not more than twice in any calendar year, in connection with a fund raising or special event by a public institution or non-profit agency.
- D) Subject to annual approval by the Building Commissioner, a tent may be erected and used as a temporary accessory structure to an existing permanent business only during the period beginning May 1 until October 31. The tent shall conform to all the parking requirements and Bulk or Dimensional requirements of this Ordinance.

*(A-D added and changed by Town Council vote on 2/22/96 as item #95-194 - by a 9 Yes 2 No roll call vote.)*

**SECTION 2**

**Trailer: A cargo container, with or without wheels, designed and constructed for transportation and/or storage of goods and materials. Trailer shall not include a container specifically designed as a receptacle for waste or trash.**

**Recreational Vehicle: a motorized home, mobile home, camper or travel trailer or similar vehicle, designed and/or used for temporary living quarters for recreational camping, and/or travel.**

**SECTION 3**

That Chapter III, Article III of the Ordinances, the Zoning Ordinance, Section 4-1.3 Off-Street Storage of Recreational Trailers, is amended by the insertion of two new Definitions, "Trailer" and "Recreational Vehicle", in appropriate alphabetical sequence, as follows:

**4-1.3 Off-Street Storage of Recreational Vehicles Trailers**

- A) A **recreational vehicle** ~~mobile home~~ may be stored in a garage or other accessory building, or on the rear half of a lot owned or occupied by the owner of the **recreational vehicle** ~~mobile home~~. The location of the **recreational vehicle** ~~mobile home~~ shall comply with the yard requirements of the zoning district in which it is located.

*(Changed by Town Council vote on 2/22/96 as item #95-194-by a 9 Yes 2 No roll call vote.)*

**SPONSOR:** William Belden, Chairman, Planning Board

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

**BARNSTABLE TOWN COUNCIL**

**2003-012 BEACH NOURISHMENT TAKINGS**

**ORDERED:** that the Town Manager is authorized to take by eminent domain or to acquire by gift for the purpose of beach nourishment easements on and over the 16 parcels of land located in Barnstable, Barnstable County, Massachusetts, as shown on a plan of land entitled “Plan Showing Proposed Taking On Long Beach in Barnstable (Centerville & Osterville) Mass. Date: April 16, 2002, Scale 1” = 60’, “a copy of which is filed with the Barnstable Town Clerk’s Office; and to authorize the Town Manager to take all necessary steps to obtain said easements; and to appropriate the sum of One Dollar (\$1.00) for said acquisition.

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

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

**AGENDA ITEM SUMMARY  
2003-012**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**DATE:** June 7, 2002  
**SUBJECT:** Beach Nourishment Takings

**BACKGROUND:** In 2000 the Council approved funds for the Dredging of the Centerville River. The bulk of the material to be removed in the first phase of dredging can be disposed of by placing it on the beaches on the Sound side of Long Beach. Some of the sand will be placed on Town owned conservation land. There is too much sand being dredged to be accommodated on Town owned land alone. It is proposed to place the remaining sand on adjacent private beaches. Because of certain liability contained in the standard Department of Environmental Management easement documents the adjacent property owners have been unwilling to grant the Town the necessary easements to allow for the disposal of the dredged material.

**ANALYSIS:** In order to dispose of the sand to be removed from the channel of the Centerville River it is necessary for the Town to use it’s eminent domain powers to take the easements necessary for the disposal of that sand.

**FISCAL IMPACT:** the opinion obtained from a land appraisal firm indicates that there will be no value lost to the properties in question and there should be no grounds for damages resulting from this action.

**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:** Robert A Burgmann, P.E. Town Engineer

**B. NEW BUSINESS To Be Referred To Public Hearing September 5<sup>th</sup>**

**BARNSTABLE TOWN COUNCIL**

**2003-014 GIFT ACCEPTANCE RESOLUTION FOR LAW ENFORCEMENT**

**RESOLVED:** that the Town Council hereby gives approval for the Chief of Police with the approval of the Town Manager to accept and expend gifts of property and money received for the specific purpose of augmenting law enforcement functions

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

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

**AGENDA ITEM SUMMARY-  
2003-014**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** John J. Finnegan, Chief of Police  
**DATE:** July 22, 2002  
**SUBJECT:** Approval for the Chief of Police to accept and expend gifts of property and money received for the specific purpose of augmenting law enforcement functions.

**BACKGROUND:** various citizens and groups in the spirit of public-private cooperation have taken on the task of contributing funds or materials to aid the Police Department in dealing with the current financial crisis within the Town. These donations are designed to augment and provide additional services that the budget will not allow for. Recent donations have been received from the Wequaquet Lake Protective Association for the lake boat patrol and a private citizen for the Adopt-a-School program.

**ANALYSIS:** the development of alternative funding sources is critical to the continuation of programs that the budget just will not cover or to allow the department to accept gifts or contributions for programs that it would like to develop. This resolution will allow the Chief of Police to take advantage of these private funding resources.

**FISCAL IMPACT:** gifts and monies received will decrease the reliance on town funding.

**TOWN MANAGER RECOMMENDATION:** the Town Manager recommends approval of this dedicated account.

**STAFF ASSISTANCE:** John J. Finnegan, Chief of Barnstable Police Department  
**B. NEW BUSINESS To Be Referred To Public Hearing September 5<sup>th</sup>**

**BARNSTABLE TOWN COUNCIL**

**2003-015 ACCEPTANCE OF A BYRNE GRANT AWARD FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY IN THE AMOUNT OF \$250,000**

**ORDERED:** that the Barnstable Town Council does hereby accept a Byrne Grant award from the Commonwealth of Massachusetts Executive Office of Public Safety in the amount of \$250,000.

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

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

**AGENDA ITEM SUMMARY  
2003-015**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** John J. Finnegan, Chief of Police  
**DATE:** July 26, 2002  
**SUBJECT:** Acceptance of a Byrne Grant award from the Commonwealth of Massachusetts Executive Office of Public Safety in the amount of \$250,000

**BACKGROUND:** this grant, awarded to and administered by the Barnstable Police Department, is in support of the Cape Cod Law Enforcement Council. The Cape Cod Law Enforcement Council (CCLEC) is a newly created regional entity designed to develop and promote shared police services. It is comprised of the fifteen Cape Cod Municipal Police Departments from Bourne to Provincetown. There are over five hundred sworn police officers employed within the fifteen member departments. The goal of the CCLEC is to “enhance public safety in every community on Cape Cod through shared police resources.” This initiative will create a cooperative organization that is designed to facilitate the sharing of pertinent police services between member communities. Specifically the CCLEC will enhance local services by drawing upon regional resources, while maintaining local control of an incident. This initiative will increase the efficiency and cost effectiveness of member departments through mutual partnerships. Further, this program is designed to provide training and professional development based upon regional needs. There are no existing consistent policies regarding regional services. The adoption of common policies by participating departments that will be developed will enhance the ability of the departments to respond in an efficient, safe and unified manner to public emergencies requiring a multi jurisdictional response to a critical incident.

This new partnership will be the catalyst for identifying and offering solutions to the varied regional public safety challenges such as domestic terrorism, school violence, workplace violence, and substance abuse on Cape Cod. This initiative will develop a comprehensive public safety strategy that will ensure an effective and efficient regional police services program, which not only maintains local decision making and control by identifying and clarifying roles and chain of command, but also assures the development of broader institutional issues such as agency coordination, resource identification and location, accountability, and better management of resources.

**ANALYSIS:** the Barnstable Police Department will act as the lead agency with administrative oversight in implementing this grant through the Cape Cod Law Enforcement Council. This new partnership that has been created will be the catalyst for identifying and offering solutions to the varied public safety challenges facing us. The need to be better trained; equipped and prepared to respond to threats within the communities ranging from issues around school violence, domestic terror incidents and other threats involving the region as a whole will only grow.

**FISCAL IMPACT:** none. The grant requires an in-kind match that will be satisfied by the training of our personnel under our current training budget.

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

**STAFF ASSISTANCE:** John J. Finnegan, Chief of Barnstable Police Department

**B. NEW BUSINESS (May Be Acted Upon)**

**BARNSTABLE TOWN COUNCIL**

**2003-016 AMENDMENT TO THE RULES OF THE COUNCIL CHANGING THE ORDER OF BUSINESS**

**ORDERED:** that the Rule of the Council are hereby amended by striking out rule 5E and inserting in place thereof the following:

**“RULE 5E ORDER OF BUSINESS**

At every regular meeting of the Town Council, the order of business shall be as follows:

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Act on Minutes
5. Public Comment
6. Council Response to Public Comment
7. Communications, Correspondence, Announcements and Committee Reports from Elected Officials, Boards, Commissions and Staff
8. President/Vice President Communications
9. Town Manager Communications
10. Orders of the Day                    A. Old Business                    B. New Business
11. Public Comment
12. Adjournment”

**SPONSOR:** Gary C. Blazis, President Barnstable Town Council

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

**B. NEW BUSINESS (May Be Acted Upon)**

**BARNSTABLE TOWN COUNCIL**

**2003-017 RESOLVE ACCEPTING CHAPTER 116 OF THE ACTS OF 2002**

**RESOLVED:** that the Town Council hereby accepts the provisions of Section 1 of Chapter 116 of the Acts of 2002 – An Act Providing for Local government Workforce Reduction Through an Early Retirement Incentive Program for Certain Employees.

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

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

**AGENDA ITEM SUMMARY  
2003-017**

**TO:** Town Council  
**FROM:** John Klimm, Town Manager  
**DATE:** August 22, 2002  
**SUBJECT:** Resolve to Accept Chapter 116 of the Acts of 2002 – An Act Providing for Local government Workforce Reduction Through an Early Retirement Incentive Program for Certain Employees

**BACKGROUND:** Chapter 116 of the Acts of 2002 establishes a local option to allow cities, towns, counties, authorities and districts to offer an Early Retirement Incentive Program (ERI) for eligible employees. The bill was signed by Governor Swift on May 15, 2002 and became effective on that date.

**ANALYSIS:** in order to be eligible for early retirement an employee must be eligible for superannuation retirement under Chapter 32, section 5 (age 55 with at least 10 years of creditable service) or under Chapter 32, section 10(1) (under 55 with at least 20 years of creditable service). The eligibility must exist prior to the additional age/service credit voted by the unit. Eligible employees may file an application for retirement under the ERI no later the date the Town Manager determines, but no later than December 2, 2002. The effective date of all such retirements shall be determined by the Town Manager and shall be no later than December 31, 2002.

Action taken by the Town Manager must include the following:

- Determine the number of additional years to be credited for age and service or the combination of age and service to be offered to a maximum of five.

- Determine the total number of employees who can participate in the ERI, if it is to be limited, or the total number of employees within each group classification who can participate in the ERI, if it is to be limited.
- The latest date of application for retirement under the ERI has to be filed, no later than December 2, 2002.
- The effective date of retirement for all such retirements, no later than December 31, 2002.

Realizing that further reductions to the workforce will have to be made if the Town's financial resources continue to stagnate or decline, this program will offer an approach to deal with those reductions in a more sensitive manner for the employees and a more predictable manner for management.

**FISCAL IMPACT:** the financial savings from this program come from not back-filling positions that retire – thus the term “Workforce Reduction” is included in the title of the act. We cannot determine an accurate savings amount at this time since we don't know who will retire as of yet under this program. It is estimated that the average salary of the retiree will be around \$44,500. This is compared to the cost associated with ERI that includes the following:

- An additional annual retirement assessment for each employee included in the ERI. This has averaged out to approximately \$5,500 per year, per retiree. The Barnstable County Retirement System has adopted a 25-year funding schedule for this additional liability.
- One-time lump sum payments for unused sick and vacation time.
- Retiree health insurance.
- Potential overtime cost due to reduced staffing.
- Replacement cost to fill the position (salary and benefits). This may be necessary if the position vacated is one the Town absolutely has to fill.

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

**B. NEW BUSINESS (May Be Acted Upon)**

**BARNSTABLE TOWN COUNCIL**

**2003-018 RESOLVE ALLOCATION OF TAX LEVY**

**RESOLVED:** the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of One for the Fiscal Year 2003, and votes, further, that the Residential Exemption and the Small Commercial Exemption are not adopted for Fiscal year 2003.

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

**NOTE:** this Resolution is the subject of a Public Hearing on 08/22/2002, and had been advertised for 7:00 p.m.

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

**AGENDA ITEM SUMMARY  
2003-018**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Paul A. Matheson, III, Director of Assessing  
**DATE:** 8/22/2002  
**SUBJECT:** Allocation of Tax Levy

**BACKGROUND:** According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor; a Residential Exemption; and/or the adoption of a Small Business Exemption. We are furnishing calculations of selected possible residential factors and residential exemptions. Also included are executive recommendations. This analysis pertains to Fiscal Year 2003.

All classes of property have been uniformly assessed by the Assessors. When no shift in the tax burden is adopted, resulting in a Factor of "1", all taxpayers would equally contribute to the tax burden based on their respective assessments. Local officials have the option of shifting the tax burden to the Commercial, Industrial and Personal Property Classes by 1-50%. This increase in the tax burden to these classes would be offset by a decrease in the taxes paid by the Residential Class of property owners. To date the Town's policy has been to select a Factor of "1".

At the option of the Council, an exemption of not more than 20% of the average assessed value of all Class One (Residential) parcels may be applied to residential parcels that are the principal residence of the taxpayer. Principal residence is the taxpayer's domicile, that is, his fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. The Council also has the option of granting up to a 10% exemption to the owner of commercial property that is occupied by qualified small businesses.

**ANALYSIS:** the major factor involved in the adoption of a higher commercial tax rate hinges on the overall class contribution to the tax levy. In Barnstable, the Commercial/Industrial real estate properties along with the personal property account for approximately 13.5% of the total tax base. This is a small percentage of the total Town valuation. In order for the residential sector to receive any substantial decrease, the Commercial/Industrial and Personal Property tax rates would have to be maximized. The resulting disparity between the two rates would be so disproportionate that it would create a severe financial impact on the community.

Adoption of the **Residential Exemption** would affect all non-resident property owners and all residential properties in the higher value ranges. Implementation of this exemption would require the mailing and validation of over 22,000 questionnaires regarding residential status. The Assessing Division would require additional temporary staffing, postage funding and a minimum of four months to validate these questionnaires.

Adoption of the **Small Business Exemption** would affect a small number of owners of commercial properties. Although the program was designed to provide relief for small businesses, the benefit would accrue solely to the property owner.

**FISCAL IMPACT:** the adoption of anything more than a Factor of "1" would impact the business sector and would send a negative message to those groups that are actively attempting to revitalize the business community. It would also have a negative effect on the work that is being done in the Town of Barnstable to encourage commercial and light clean industrial growth. Back on May 13, 1999, the Council unanimously voted to support the efforts of the Business Improvement District (BID). To classify a tax rate other than a Factor of "1" would undermine the direction which the Council intends to follow.

The pitfalls of the **Residential Exemption** are borne out by the low number of Massachusetts communities (11) which are currently using it. Please note that all non-resident taxpayers now pay a Personal Property Tax on furnishings and fixtures. The additional tax generated by the Residential Exemption would put an excessive burden on the non-residential taxpayer.

The weakness of the **Small Business Exemption** is the fact that the benefit does not pass to the small business proprietor it passes to the landlord. Predictably this provision has only been adopted by (3) Massachusetts Communities.

**BOARD AND COMMISSION ACTION:** considering the **analysis** and the **fiscal impact**, the Board of Assessors voted on August 13, 2002, to recommend to the Council a Factor of "1" and to reject the Residential and Small Business Exemption clauses.

**STAFF ASSISTANCE:** the Assessing Staff produced this report.

The Assessing Division prior to the hearing will provide two documents: Levy Shift Analysis and Residential Exemption Analysis.

**13. PUBLIC COMMENT**

**14. ADJOURNMENT**

**NEXT MEETING IS SEPTEMBER 5TH.**

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**BARNSTABLE TOWN COUNCIL MINUTES**  
**July 18, 2002**

A quorum being duly present, Town Council President, Gary Blazis, called the meeting of the Barnstable Town Council to order at 7:00 pm, on July 18, 2002 at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

The President, Gary Blazis led the hall in the pledge of allegiance followed by a moment of silence.

**PRESENT:** Richard Barry, Gary Blazis, Gary Brown, Richard Clark, Richard Elrick, Janet Joakim, Robert Jones, Audrey Loughnane, Gregory Milne, Royden Richardson, and Carl Riedell.

**ACT ON MINUTES** – Upon motion duly made and seconded it was voted to approve the minutes of June 20, 2002 as printed.

**VOTE: 10 Yes** (Milne not present for vote)

Pres. Blazis stated that he attended the 13-week police academy and learned a lot about the community, and a larger appreciation of the men and women in the police department. He suggested that any citizen who would also like to see what the department does should sign up for the academy. He said that you would have a rude awakening. He suggested the councilors go on a ride along. He acknowledged three people who are actively involved with the academy: Arthur Caiado, Mark Delaney and Anthony Purbrick. Blazis read a proclamation acknowledging the academy and its educational environment. (See attached copy – Exhibit A)

Caiado thanked the council for the acknowledgement and honor. He said the academy is a team effort. Chief Finnegan reiterated that without the support of the Town Manager and Council they would not have the academy. Each class requires 50 volunteers and without them it would be impossible for it to happen.

Councilor Jones introduced Richard Sturgis, former harbormaster and volunteer member of the fire department. Dick and wife, Priscilla, are moving to a condominium and they have a huge anchor that was in front of their home that they donated to the town. It has been moved to the future maritime museum site (Anchor Outboard). Jones said we are thanking him for that and his years of service to the town. Pres. Blazis read a proclamation to Mr. Sturgis (See attached copy – Exhibit B). Dick thanked the council.

**PUBLIC COMMENT**

Al Baker from Marstons Mills has concerns about lowering the number of members on committees. He feels you could lose some versatility. We will have 13 precincts, which increases your number, so why are you lowering other committees? There might be some mandates on these committees as far as required membership. The Marstons

Mills River cleaning went well, he reported, and thanked all volunteers who worked on it. There is a web site on the Mills, so people can look at it for updates.

Rick Brigham from the NOAH Shelter said that HAC does support the police in the clean up of the camps. These are not humane sites, they are illegal and they help no one. They are not defensible. They are a health risk. Nearly all these people have substance abuse problems. We will not tolerate the substance abuse problem, but we will work to help these people.

Richard Hallett read his concerns regarding activity at the airport and is waiting for new rules. He is concerned about pollution to the area ponds as well.

Eugenia Fortes was concerned about housing. She felt it was not right to spend many millions of dollars on a hockey rink for the rich and not spend money on housing for the poor.

Paul Drouin from the Hyannis Civic Association thanked the manager, the business community and police for their actions with the homeless. These people are not being properly cared for and that blame can go back to the state (under Dukakis) when they closed the institutions. He does not want to see reductions in membership of the Main Street Waterfront Historic Com. These are volunteers. We need more members to help us make a quorum.

Peter Cross thanked the manager and all involved in the cleanup of the homeless camps. This is not a new problem. Social service agencies are swamped, these are people from other cities and states, and they are not our people. Thanks for starting to give our neighborhoods back to us. I know it is not an easy decision. Uphold the laws and do it with compassion.

Moira Royal stated that she was once homeless and those people in the camps are not the same as the people in the NOAH Shelter. Those at the NOAH Shelter want to get on their feet. The ones in the camps just want to be on drinks and drugs. It is the right thing to do. All villages need to share and build houses for low income. We have a housing crisis.

## **COUNCIL RESPONSE TO PUBLIC COMMENT**

Councilor Milne thanked residents who have commented on and are appreciative of the efforts on the destruction of the homeless camps.

Councilor Elrick spoke to Al Baker on the committee sizes, which he said they would look at tonight. Elrick said regarding the homeless, he had initial concerns and then upon hearing from the human service advocates, it was a necessary action. There is a need to respond to this in a community approach. There are those who are suffering from mental illness and alcoholism and there appears to be a need for a special shelter. This is not going to go away. We need to pitch in on it. It will get harder.

Elrick also addressed Richard Hallett's comments on possible pond pollution near the airport and asked the Manager for input on it. The manager said he would give a comprehensive report at the next meeting.

Councilor Richardson reported on the Human Service Study Committee. They have been trying to pull together information on the homeless. It is a serious situation, which has a negative impact on the community. He does not support the camps – you can't support the conditions there. One of the recommendations of the committee was to shut them down. The committee is divided in groups and one deals with enforcement and policy. We need to work together and we need to make sure the camps don't happen again. We are trying to work with agencies to identify these people. We no longer have institutions for many of these people who have no self control. Sometimes it is not possible to help everyone. Richardson said the committee would bring a report back to the council for their discussion and consideration in the not too distant future.

Vice President Brown said he represents a section of Hyannis. He said the research and the warnings given to the people in the camps were great. He complimented the police and the manager. Brown was in the camps, and saw Rick Brigham from the NOAH Shelter. Brigham had a rake and was trying to help clean up. Brown wants to see these people helped, but also explained that 74 out of 80 were not from the Cape. This is wrong. This is not the Hyannis you want. Support the homeless but lets go forward.

President Blazis said if you have any suggestions or ideas regarding the homeless, contact Councilor Richardson.

## **PRESIDENT/VICE PRESIDENT COMMUNICATIONS**

Next Council Meeting August 22, 2002.

## **TOWN MANAGER COMMUNICATIONS**

Manager John Klimm asked for support from the council for appointment of Thomas Perry as the permanent Building Commissioner. He is the acting commissioner at this point and has been with the town since 1996. He has been involved in construction since 1986. As the acting commissioner he has demonstrated his qualities and fostered teamwork, the whole staff was in attendance to show their support. He isn't from somewhere else; doesn't have a load of degrees; no expensive briefcase; but he has served with distinction in this town. This is not an easy job, you don't always win friends. He has brought together his department, is cooperative and Klimm strongly suggests that he receives their vote.

Perry thanked the manager for his fine words and the opportunity to serve. He was happy to be able to step up to the plate, glad he was able to meet the town's expectations and hopes to maintain those expectations.

Upon motion duly made and seconded the council voted to support the appointment of Thomas Perry for building inspector.

**VOTE: Unanimous – 11 Yes**

Klimm said the manager's report would be coming in a few days. As far as underground utilities on Main Street, he presented an executive summary (attached as Exhibit C), which explained that it is possible to relocate the wires underground. It would visually benefit the street (55 poles would be eliminated). The costs were higher than projected. There are some alternatives that are being explored before a final recommendation is made. The cost is \$3 – 4 million. The town is looking for possible grants and other financing mechanisms that might be possible, as well as betterments. We need to finalize a lot of things before coming back.

Klimm also said that the issue of the county space has political intrigue at times. The village of Barnstable has concerns and Klimm has worked with Councilor Clark and others to make sure the village has a voice.

Lastly, they went out to borrow money and undertook a bond sale. Treasurer Jeff Cannon was asked to explain this briefly. Cannon said we sold \$24M worth of bonds, which represented 37 appropriations by the council. We got 4.07% coupon rate. The last time that we had a bond sale it was 5 ½%. No one has matched or bettered our rate. We were linked on the Internet to the bidders, he explained. There are costs associated with this (\$70,000) for bond counsel and others. He announced that Standard & Poors gave the town a AA rating. AA is an excellent credit rating. They are looking for good, forward thinking, municipal management, and they found it here.

## **COUNCIL COMMUNICATIONS, ANNOUNCEMENTS AND COMMITTEE REPORTS**

Councilor Riedell feels Perry will be a marvelous inspector. He also said there has been a report completed on the Darby property. He applauded the efforts to put the wires underground. Anything that we can do to get the wires underground would be good. Riedell said Osterville needs a garbage can at the intersection of Seaview and Wianno Ave.

Councilor Loughnane acknowledged a mailing that residents received on recycling at the landfill. She reminded everyone that you can take your recyclables to the landfill free. She suggested that people begin by recycling one thing at a time, that way you can get in the habit.

Councilor Milne told Ms. Fortes that he has been meeting with a group (Smart Growth and Planning Coalition), which deals with "Mom & Pop" type of businesses. He briefly discussed large corporations that take away from small businesses. He questioned whether the Town Manager had thought about putting the conduit in the ground while they were working on Main Street and then later have the poles removed on a gradual basis. He does not want to let go of the opportunity to get the conduit in while the street

is open. As far as the county move, he suggested moving county employees to the Main Street area.

Manager Klimm said the conduit installation will be considered (see page two of the Ex. Summary attached). Klimm said in Falmouth they did not put all underground but at key locations they put some wires behind the buildings, so there are ways to save. Klimm said they are looking at many options. As far as the county, our position is to explain the concerns of Barnstable village residents and the capacity issue. The Hyannis component is an alternative. We want to make sure the county addresses location of services to customer relationships. This needs to be designed for the future of the Cape.

Councilor Barry said the Route 132 Committee has kept meeting and has looked at all the existing properties. Their next move is to not only look at what they have but what can be done with it in the future.

President Blazis asked the council's indulgence to take a Late Filing out of order and vote on it.

Upon motion duly made and seconded it was voted to refer **2003-112 – BEACH NOURISHMENT TAKINGS** to a public hearing on August 22, 2002.

**VOTE: 11 Yes**

#### **ORDERS OF THE DAY**

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

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of hearing **2002-115 – Appropriation from Land Bank for Purchase of Dugas Property** at: 8:35 p.m.

**VOTE: 11 yes**

Klimm explained that this parcel is just over 30 acres in size in Barnstable Village. It has a small pond, vernal pool and wildlife habitats. There are trails, woodlands etc. It is important to protect and one of the last large parcels in that village. Klimm thanked Mr. Dugas and the Swift family who have been very helpful and wanted this land preserved for the future.

Lindsay Counsell of the Land Bank Committee showed a map of the area and pointed out the parcel's location in Barnstable. He noted that it also has a right of way to the Trayser Museum.

Elrick asked if there will be public access. Counsell said there are existing trails and access will be possible.

Upon motion duly made and seconded it was voted to go out of a public hearing at: 8:40 p.m.

**VOTE: Unanimous**

2002-115 - APPROPRIATION FROM LAND BANK FOR PURCHASE OF DUGAS PROPERTY

Upon motion duly made and seconded it was:

**ORDERED:** that the Town Manager be authorized to acquire by purchase or eminent domain for any of the purposes specified in Chapter 293 of the Acts of 1998, the following parcels for land located off Braggs Lane, Barnstable, Barnstable County, Massachusetts, consisting of 29.96 acres, more or less, and described as Lot 2 on plan of land recorded with Barnstable County Registry of Deeds in Plan Book 544, Page 80, and Lots 3 and 4 on plan of land recorded with said Deeds in Plan Book 350, Page 35, and to meet this appropriation the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$2,002,046.00 for the purchase and related costs and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

**VOTE: Roll Call – 11 yes**

**OLD BUSINESS**

**2002-116 - APPOINTMENTS**

Upon motion duly made and seconded it was voted to appoint:

**BARNSTABLE ECONOMIC DEVELOPMENT COMMITTEE**

**Jeannine Marshall, 195 Willow Street, West Barnstable, MA 02660, to serve until 6/30/2005**

**Lois R. Andre, 228 Five Corners Road, Centerville, MA 02632 to serve until 6/30/2005**

**BOARD OF HEALTH**

Susan Rask, 363 Newtown Road, Marstons Mills, MA 02648, to serve until 6/30/2005

**CAPE COD REGIONAL TECHNICAL HIGH SCHOOL**

Ann Williams, 25 Wedgewood Drive, Centerville, MA 02632 to serve until 6/30/2005

**COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE**

John Ladner, 114 Kettlehole Road, West Barnstable, MA 02668, to serve until 6/30/2005

**HOUSING COMMITTEE**

Robert Murray, 27 Forest Hill Drive, Cotuit, MA 02635, to serve until 6/30/2005

**PERSONNEL ADVISORY BOARD**

Theresa Patterson, 450 Pine Street, Centerville, MA 02632, to serve until 6/30/2005

**SCHOLARSHIP COMMITTEE**

Shirley Flynn, 16 Mary Alice Lane, Hyannis, MA 02610, to serve until 6/30/2005  
Nancy Vecchione, Fernwood Avenue, Hyannis, MA 02601, to serve until 6/30/2005

**SHELLFISH COMMITTEE**

Mike Travato, 287 Ocean Drive, D3, Hyannis, MA 02601, to serve until 6/30/2005

**YOUTH COMMISSION**

Carlos Barbosa, 535 South Street, Hyannis, MA 02601, to serve until 6/30/2005  
Marty Field, 75 Highland Drive, Centerville, MA 02632, to serve until 6/30/2005  
Rona Robinson, 153 Megan Road, Hyannis, MA 02601, to serve until 6/30/2005

**WATERWAYS COMMITTEE**

Andrew J. Castrenze, 22 Marrick Court, Centerville, MA 02632, to serve until 6/30/2005

**ZONING BOARD OF APPEALS**

Richard L. Boy, 50 Sterling Road, Hyannis, MA 02601  
Daniel M. Creedon, 112 Mockingbird Lane, Marstons Mills, MA 02648, to serve until 6/30/2005

**VOTE: 11 yes**

**NEW BUSINESS**

**2003-001 - PRIVATE ROADTAKINGS**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on August 22, 2002.

**VOTE: 11 yes**

**2003-002 - MUTUAL COOPERATION AGREEMENT OF THE BARNSTABLE COUNTY HOME CONSORTIUM UNDER THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT**

Klimm said that collaborations with the home consortium have been very beneficial. This is a recognition that the town will work with the County Commissioners under the home consortium so we can receive funds and have staff support. We work with the other towns and it is a resolution that needs to be passed to state that we will join.

Upon motion duly made and seconded it was moved to approve the following agreement:

**VOTE: 11 Yes**

**MUTUAL COOPERATION AGREEMENT** made this 18<sup>th</sup> day of July 2002, by and between the Board of County Commissioners of Barnstable County, Massachusetts, a political subdivision of the State of Massachusetts (hereinafter "County") and the Towns of Barnstable, Bourne, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Mashpee, Orleans, Provincetown, Sandwich, Truro, Wellfleet, and Yarmouth (hereinafter "Towns").

**WHEREAS**, the National Affordable Housing Act of 1990 has authorized the Home Investment Partnerships Act (hereinafter "HOME Program") to provide financial assistance through the U.S. Department of Housing and Urban Development (hereinafter "HUD"), to local governments for increasing the supply of affordable housing; and

**WHEREAS**, HUD has promulgated regulations, notices, and requirements as now or hereafter in effect, allowing units of general local government, which do not individually have the populations necessary to qualify for HOME Program funding, to enter into mutual cooperation agreements to form a consortium for the purpose of obtaining

funding as a participating jurisdiction under the HOME Program; and

**WHEREAS**, the signatory units of general local government intend hereby to establish a consortium to cooperate in undertaking or assisting in pursuing housing assistance activities for the HOME Program; and

**WHEREAS**, the signatories to this agreement agree to comply with all requirements of HUD regulations and requirements as now or hereafter in effect for eligibility to participate to the maximum extent possible in the funding benefits of HUD and to create or improve affordable housing for their low and moderate income residents.

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, the parties to this agreement do agree as follows:

### **SECTION 1 – DEFINITIONS**

a. “Member” mean a unit of local government, which is a signatory to this agreement, and therefore a member of the consortium for the purpose of carrying out eligible activities under HUD regulations and requirements as now or hereafter in effect.

b. “Representative Member” means the unit of local government designated hereafter as the one member to act in a representative capacity for all members for the purposes of this agreement, as defined in HUD regulations and requirements as now or hereafter in effect.

c. “CP” means a Consolidated Plan, as defined in 24 CFR, Parts 92 and 91 and required by HUD regulations and requirements as now or hereafter in effect.

d. “CHDO” means a Community Housing Development Organization, as defined in HUD regulations and requirements as now or hereafter in effect.

e. “CFR” means Codes of Federal Regulations.

f. “Barnstable County Home Rule Charter” means the charter established under Massachusetts General Laws, Chapter 163 of the Acts of 1988.

### **SECTION 2 – PURPOSES**

This agreement is entered into for the purpose of meeting the criteria established in 24 CFR, Part 92 for obtaining general local government status as a consortium of otherwise ineligible towns and county in order to obtain funding for the HOME Program. Moreover, this agreement is entered into in order to benefit the residents of both the towns and county by enhancing the quality of life of those residents benefiting from the HOME Program.

### **SECTION 3 – MEMBERS/CREATION OF CONSORTIUM**

The County and Towns are members of the consortium and by execution of this Agreement hereby form a consortium to be known as the “Barnstable County HOME Consortium” (hereinafter “Consortium”).

### **SECTION 4 – STATUS OF CONSORTIUM**

a. The Consortium shall function as a unit of general local government for funding under the HOME Program upon designation by HUD.

b. The Consortium shall seek to obtain HOME funds that become available upon notice by HUD and the state’s Department of Housing and Community Development.

c. This agreement is not intended to limit or otherwise restrict the signatories to this agreement from participating in programs and/or from seeking funding from HUD for purposes not involving the Consortium and the HOME Program.

d. The program year for the Consortium and the HOME Partnerships Program, Community Development Block Grant, Emergency Shelter Grant and Housing Opportunities for People with AIDS programs begins July 1st.

#### **SECTION 5 – SET ASIDE FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS**

The Consortium is responsible for reserving not less than 15 percent of its HOME Program funds for investment only in housing to be developed, sponsored, or owned by CHDO's.

#### **SECTION 6 – CONSOLIDATED PLAN**

Members of the Consortium shall cooperate in the preparation of a Consolidated Plan covering the jurisdictional boundaries of Barnstable County and the member towns as required by federal regulations. The preparation of the CP will take place pursuant to 24 CFR Parts 92 and 91 as required by HUD regulations.

#### **SECTION 7 – MATCH REQUIREMENTS**

a. The Consortium is responsible for obtaining the necessary match or matching requirement credits (see below) for all of its projects as required by HUD regulations and requirements as now or hereafter in effect.

b. HUD will determine the match necessary based on the total match required for all projects of the Consortium as a whole. Therefore a single member may contribute to the Consortium a match that is more or less match than is proportionate for a given project or projects. The Representative Member will assign any surplus match credit to other projects within the Consortium.

c. In any case where an appropriation or transfer for the purpose of providing match credits requires action by the legislative body of a member, said action would be a condition precedent to the dedication of funds or property as a match.

#### **SECTION 8 – REPRESENTATIVE MEMBER**

a. The County shall be the member unit of government authorized to act in a representative capacity to HUD on behalf of the member units of the Consortium. The County shall only be a representative of the Consortium for the purposes established in this Agreement and shall be the lead entity having overall responsibility for ensuring that the Consortium's HOME Program is carried out in compliance with the requirements of both the HOME Program and the CP and with the Barnstable County Home Rule Charter. No party shall have veto power as to implementing the CP and the parties agree to act in cooperation to achieve CP goals.

b. The Representative Member shall establish such administrative procedures, as may be necessary to facilitate the application for and distribution of HOME Program funds.

c. The Representative Member shall be responsible for obtaining the funds for the costs of administering the HOME Program.

d. The Representative Member shall establish and maintain the local HOME Investment Trust Fund required by HUD regulations and requirements as now or

hereafter in effect.

- e. The Representative Member shall be entitled to retain interest as provided in HUD regulations and requirements as now or hereafter in effect for administrative expenses incurred solely in its capacity as Representative Member.

#### **SECTION 9 – MEMBER UNITS OF LOCAL GOVERNMENT**

- a. Each Member agrees to cooperate in undertaking or assisting in pursuing housing assistance activities for the HOME Program.
- b. The Consortium and each of its members agree to carry out eligible activities in accordance with the requirements of HUD regulations and requirements as now or hereafter in effect.
- c. Each Member is responsible for submitting in a timely manner to the Representative Member all information necessary for participation in the Consortium as defined in HUD regulations and requirements as now or hereafter in effect. This includes, but is not limited to, information necessary for the CP, and certifications.
- d. Each Member will have one representative on the Barnstable County HOME Consortium Advisory Council.

#### **SECTION 10 – TERM OF AGREEMENT AND RENEWAL**

- a. This Agreement shall remain in effect during the period necessary to complete all activities funded for Federal Fiscal Years (FFY) 2003, 2004 and 2005 HOME Program formula allocations or until the Consortium's status as a participating jurisdiction in the HOME Program is revoked by HUD. The Consortium and each of its members hereby agree to comply with all of HUD's regulations and requirements regarding the HOME Program as now or hereafter in effect, notwithstanding the provisions of the Barnstable County Home Rule Charter
- b. The parties agree to remain in the Consortium and be bound by the provisions in this Agreement for the entire term as described herein.
- c. The agreement may be extended for additional periods authorized by HUD, subject to written approval by the Towns and County.

#### **SECTION 11 – FAIR HOUSING**

Each member of the Consortium agrees to affirmatively further fair housing in accordance with 24 CFR Part 92.

#### **SECTION 12 – AUTHORIZING RESOLUTIONS/ATTORNEY CERTIFICATIONS**

The attached authorizing resolutions are hereby incorporated herein by this reference thereto. The certifications of legal counsel set forth below shall be deemed an integral part of this Agreement.

#### **SECTION 13 – APPLICABLE LAW**

This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts and all applicable HUD regulations. HOME Program regulations and requirements as now or hereafter in effect are incorporated by reference for determining any issues that may arise concerning the Consortium.

#### **SECTION 14 – SEVERABILITY**

The provisions of this Agreement are severable. In the event that any provision herein

is declared void or unenforceable, all other provisions shall remain in full force and effect.

**SECTION 15 – COUNTERPARTS**

This Agreement may be executed in counterparts and each executed agreement shall be treated as the original.

**SECTION 16 – TERMINATION**

This Agreement may be terminated by HUD as established in 24 CFR Part 92.

**SECTION 17 – AMENDMENT**

No amendment to this agreement shall be effective unless executed in writing and approved by the parties.

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement this 18th day of July 2002.

**2003-003 - ADMINISTRATIVE CODE AMENDMENT CHANGING MEMBERSHIP OF THE JFK MEMORIAL TRUST COMMITTEE**

Vice President Brown said this was brought forward by the appointments committee. There were 7 on this committee initially, but it has been hard to fill the slots lately. Therefore the reduction would make it more workable. That is the reasoning.

Jones said that with smaller committees you might have a worse time reaching a quorum. It would be better to keep them at the larger number. He realizes candidates are hard to find. He would rather seem them left as they are.

Elrick generally agreed with Jones. Regarding quorums he asked Attorney Robert Smith if some committees can vote to reduce their quorum (less than the majority plus one). Is that possible to reduce the quorum requirements, he asked? Smith said the necessary quorum for statutory boards is either set by law or limited by law, i.e. planning, ZBA, licensing etc. could not reduce their quorum. Possibly this trust committee could, but no town board has tried to do that. He would recommend the appointing authority be consulted prior to that action. It might be possible but only in the non-regulatory, strictly advisory boards.

Upon motion duly made and seconded it was

**ORDERED:** that Section 19.01 of Part II of Administrative Code is hereby amended by striking out the word “seven” and inserting in place thereof the word “five”.

**VOTE: 8 yes, 2 no, 1 abstain**

**2003-004 - ADMINISTRATIVE CODE AMENDMENT CHANGING THE MEMBERSHIP OF THE HYANNIS MAIN STREET WATERFRONT HISTORICAL DISTRICT COMMITTEE**

Richardson asked about this committee and whether we have to follow state law. Smith reminded the council about the Airport Commission. It would be consistent with the MGL and it could be changed.

Brown said that the reduction will hopefully make it easier. Brown however, wanted to amend this to add two alternates, this was seconded. It is hard to find people; he would rather have a strong committee of five.

Clark said when alternates are used usually there has to be some structure and guidance to decide when the alternates can vote. Smith said he would like to re-write this item.

After brief discussion, Pres. Blazis announced that this will be postponed until the next meeting.

Point of order – Jones questioned postponement of item 004, and it was concluded by Attorney Smith and Pres. Blazis, that it (the item) was indeed postponed.

### **2003-005 - ADMINISTRATIVE CODE AMENDMENT MAKING CERTAIN CHANGES TO THE OPEN SPACE COMMITTEE**

Elrick recommended that this be done.

Upon motion duly made and seconded it was

**ORDERED:** that Section 41.01 of Part II of the Administrative Code is hereby amended by striking out the Arabic number “15”, and inserting the word “nine”, and by striking out the words in parentheses “(one person shall be recommended by each councilor and shall require a 2/3 negative vote by the full council not to appoint)”.

**VOTE: 11 yes**

### **2003-006 - APPOINTMENTS**

Upon motion duly made and seconded it was voted to refer these appointments to a second reading.

#### **OPEN SPACE COMMITTEE**

Charles Baskin, PO Box 171, Barnstable, MA 02630, to serve until 6/30/2005

Kris Clark, 398 Woodside Road, West Barnstable, MA 02668, to serve until 6/30/2004

Lindsey Counsell, 1183 Old Stage Road, Centerville, MA 02632, to serve until 6/30/2005

Henry Farnham, 127 Coachman Lane, West Barnstable, MA 02668, to serve until 6/30/2005

Deb Fitton, 282 Church Street, West Barnstable, MA 02668, to serve until 6/30/2003

Susan Rohrbach, 432 Main Street, Centerville, MA 02632, to serve until 6/30/2004

Mark Wirtanen, 1894 Main Street, West Barnstable, MA 02668, to serve until 6/30/2003

Scott Schofield, 45 Partridge Way, Centerville, MA 02632, to serve until 6/30/2004

William Cutcliffe, PO Box 335, Osterville, MA 02655, to serve until 6/30/2003

#### **REGISTRAR OF VOTERS**

John Sheehan, 100 Marstons Lane, Cummaquid, MA 02675, to serve until 6/30/2005

#### **TRUST FUND ADVISORY COMMITTEE**

Erin Moore, 10 Captains Way, Centerville, MA 02632, to serve until 6/30/2005

Frances Parks, 1441 Old Post Road, Marstons Mills, MA 02648, to serve until 6/30/2005

Jane Scanlon, PO Box 537, Osterville, MA 02632, to serve until 6/30/2005

**WATER QUALITY ADVISORY COMMITTEE**

David Condry, PO Box 326, 47 Old Yarmouth Road, Hyannis, MA 02601, to serve until 6/30/2005

**WATERWAYS COMMITTEE**

Thomas McKenzie, PO Box 748, Barnstable, MA 02630, to serve until 6/30/2005

**VOTE: to refer to a second reading – 11 yes**

**2003-007 - ARTICLE XLVII REGULATION OF WASTEWATER DISCHARGE, GENERAL ORDINANCE**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on August 22, 2002.

**VOTE: 11 yes**

**2003-008 - DOWNTOWN ZONING DISTRICTS, ZONING AMENDMENT**

Upon motion duly made and seconded it was voted to refer this item to a public hearing to a date to be announced.

**VOTE: 11 yes**

**2003-009 - ZONING ORDINANCE REVISION, SECTION 2-4, EXEMPT USES, TEMPORARY USES AND PROHIBITED USES; TRAILERS**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on August 22, 2002.

**VOTE: 11 yes**

Blazis said he talked with Roy Fogelgren, Chairman of the Planning Board, and he said because of the new zoning issues, Fogelgren will set up a time to review the zoning changes with councilors. He will let councilors know when that meeting will be held.

**2003-010 - OPEN SPACE (CLUSTER PROVISIONS)**

Clark said this should be postponed to a date to be announced because he is not comfortable with the 22<sup>nd</sup>. He said we have a full agenda and this is going to need some review. Jones said we do have a full agenda let us do it when we can really get into it. Milne respects the point but says that the committee has been meeting regularly for over a year and they would like to see this voted. Milne said he would meet with councilors if they want.

Richardson said it is not unreasonable to ask for additional time.

Upon motion duly made and seconded it was voted to refer this item to a public hearing on the second meeting in September..

**VOTE: 10 yes 1 no**

**2003-011 - RESOLVE REAUTHORIZING SPECIFIC APPROPRIATIONS**

Mark Milne, Director of Accounting said that this is housekeeping. They are all works in process.

Loughnane asked the Manager about an unrelated item and he is aware of it and there is money for it.

Upon motion duly made and seconded it was

**RESOLVED:**

That the Town Council hereby reauthorizes specific appropriations in accordance with

Council Order Number	Project Name	Unencumbered Balance @ 6/30/02			Explanation for use of Funds
		Authorized & Issued	Authorized & Unissued	Cash	
<b>TOWN MANAGER</b>					
1996-080	High School Construction	31,081.56			SBAB audit in progress
1998-031	Land Acquisition - Baxter			4,404.34	Legal cost assoc. w/ lawsuit
1998-054	Unified Trans. & Park. Facility	1,705,232.22	4,350,000.00		On - going
1998-079	Land Acquisition - Walkway to Sea			16,077.24	Combine with FY 2002 Approp.
1998-098	Open Space Land Acquisition		747,615.17		Land acquisitions
	<b>Total Town Manager</b>	<b>1,736,313.78</b>	<b>5,097,615.17</b>	<b>20,481.58</b>	
<b>SCHOOL DEPARTMENT</b>					
1998-091	Fuel Tank & Asbestos Removal	26,915.59			Work in Progress
1998-095	Exterior Trim Painting	122,758.20			Work in Progress
1998-096	Window Replacement	3,757.16			Work in Progress
1998-099	Light Fixtures			6,243.69	Work in Progress
	<b>Total School</b>	<b>153,430.95</b>	<b>-</b>	<b>6,243.69</b>	
<b>REGULATORY SERVICES DEPARTMENT</b>					
1999-117	Bearses Pond Remediation			382.85	Work in Progress
1996-190	Water Quality Monitoring			1,052.00	Work in Progress
	<b>Total Regulatory Services</b>	<b>-</b>	<b>-</b>	<b>1,434.85</b>	
<b>PUBLIC WORKS</b>					
1998-092	Prince Cove Dock	86,523.84			Paving of ramp & parking lot
1998-094	West Bay Bridge Maintenance	8,552.36			Additional work on bridge
1998-099	Cotuit Tennis Courts			18,517.61	Centerville tennis courts
1995-153	New Town Hall Renovations	5,798.25			Work in Progress
1995-155	Road Intersection Realignment	131,180.49			Work in Progress
1996-061	S&G Building Repairs			18,344.33	Work in Progress
1997-141	Pavement Management	7,977.35			Work in Progress
1998-097	Town Dredging	386,353.97			Work in Progress
1998-099	Highway Bldg Fire & Fuel			71,055.00	Work in Progress
1998-099	Community Center Repairs			19,940.00	Osterville Comm. Center.
1998-099	Highway Office Renovation			72,644.00	Work in Progress
1998-099	Beach Replenishment			29,095.16	Work in Progress
1998-099	Nitrogen Management			4,063.55	Work in Progress
1999-014	Bulkhead Improvements	81,250.89			Osterville & Barnstable Harbor
2000-020	Handicap Fishing Pier Dowses			44,119.09	Work in Progress
2000-039	Kennedy Rink Roof Repairs			13,475.62	Work in Progress
2000-117	Osterville Community Center			39,011.17	Combine with 1998-099
2000-117	Town Bldg Repairs Guyer & S&G			42,202.04	Work in Progress
	<b>Total Public Works</b>	<b>707,637.15</b>	<b>-</b>	<b>372,467.57</b>	
	<b>Grand Total</b>	<b>\$ 2,597,381.88</b>	<b>\$ 5,097,615.17</b>	<b>\$ 400,627.69</b>	

Article XIV – Section 3 of the Town’s General Ordinances as listed:

**VOTE: 11 yes**

Upon motion duly made and seconded it was voted to go into executive session for the purpose of discussing land acquisitions and not to come in to open session again but to adjourn from executive session.

AT: 9:22 P.M.

**VOTE: ROLL CALL – 11 YES**

Respectfully submitted,

Linda E. Hutchenrider, CMC/CMMC/AAE  
Town Clerk