



The Town of Barnstable Town Council

367 Main Street, Village of Hyannis MA 02601

508-862-4602 • Fax 508-862-4770

email: council@town.barnstable.ma.us

TOWN COUNCIL AGENDA

June 19, 2003

7:00 PM

Councilors:

Gary C. Blazis

President

Robert R. Jones,

Vice President

Richard G. Barry

Gary R. Brown

Richard W. Clark

Richard D. Elrick

Janet S. Joakim

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

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. ACT ON MINUTES

- **Conservation Commission**
- **School Feasibility Study Presentation**

5. PUBLIC COMMENT

6. COUNCIL RESPONSE TO PUBLIC COMMENT

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

8. PRESIDENT/VICE PRESIDENT COMMUNICATIONS

9. TOWN MANAGER COMMUNICATIONS

10. ORDERS OF THE DAY

A. OLD BUSINESS

B. NEW BUSINESS

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A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

2003-096 APPOINTMENTS

INTRO.: 06/05/03; 06/19/03

RESOLVED,

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

Persons that have a new appointment to a board/committee are identified with an asterisk (*). All others listed are being re-appointed to a board/committee.

AIRPORT COMMISSION:

Gourley, Edwin A., 67 Sea Street, Hyannis, MA 02601 to serve until 6/30/2006

Griffen, Jr., John T., 109 Old Farm Road, Centerville, MA 02632 to serve until 06/30/2006

Lemos, John, 19 Bay Lane, Centerville, MA 02632 to serve until 06/30/2006

APPEALS HYANNIS MAIN STREET WATERFRONT COMMITTEE

Fennucio, Rick, 30 Morgan Way, W. Barnstable, MA 02668 to serve until 06/30/2006

Richardson, Rebecca, PO Box 377, Cummaquid, MA 02637 to serve until 06/30/2006

ASSESSORS BOARD OF

Garreffi, William T., 22 Thornberry Lane, Centerville, MA 02632 to serve until 06/30/2006

BARNSTABLE COUNTY COASTAL RESOURCES

Saad, Dale, 183 White Moss Dr., Marstons Mills, MA 02648 to serve until 06/30/2006

CAPE COD REGIONAL TECHNICAL VOCATIONAL SCHOOL COMMITTEE

Bentinck-Smith, Joan, 426 Old Post Road; P.O.Box 710, Cotuit, MA 02635 to serve until 06/30/2006

CABLE TV ADVISORY BOARD

Cole, David B., 420 South Street, Hyannis, MA 02601 to serve until 06/30/2006

Daniels, Robert, 16 George Street, Hyannis, MA 02601 to serve until 06/30/2006

CAPE COD COMMISSION REPRESENTATIVE

Ansel, David, 25 Kent Road, Barnstable, MA 02632 to serve until 06/30/2006

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE

Ingham, Michael, 28 Holly Hill Road, Centerville, MA 02632 to serve until 06/30/2006

CONSERVATION COMMISSION

Blazis, Scott, 4 Three Ponds Drive, Centerville, MA 02632 to serve until 06/30/2006

COUNCIL ON AGING

Cross, Ph.D., Barbara, 17 Forest Glen Road, Hyannis, MA 02601 to serve until 06/30/2006
Daley, Marston, 5 Sylvan Drive, Hyannis, MA 02601 to serve until 06/30/2006
Fortes, Eugenia, 400 Pitchers Way, Hyannis, MA 02601 to serve until 06/30/2006
Lynch, Elizabeth, 702 Putnam Avenue, Cotuit, MA 02635 to serve until 06/30/2006
Rusher, Ruth M., 111 Ocean Street, Hyannis MA 02601 to serve until 06/30/2006
Sinclair, Carol, Laura Road, Centerville, MA 02632 to serve until 06/30/2006
Sinclair, Lawrence, Laura Road, Centerville, MA 02632 to serve until 06/30/2006

CULTURAL COUNCIL

Evans, Harry D., 49 Snows Creek Drive, Hyannis, MA 02601 to serve until 06/30/2006
Williams, Alice Owens, 153 Old Stage Road, Centerville, MA 02632 to serve until 06/30/2006

DISABILITY COMMISSION

Melcher, Al, P.O. Box 1520, Cotuit, MA 02635 to serve until 06/30/2006
Nevosh, Paul, 30 Frazier Way, Marstons Mills, MA 02648 to serve until 06/30/2006
*Tsouros-Matteson, Robyn L., 147 LaFrance Avenue, Hyannis, MA 02601 to serve until 06/30/2006

ELDERLY & DISABLED TAXATION AID COMMITTEE

Cannon, Jeff, 42 Rooks Run, Plymouth, MA 02360 to serve until 06/30/2006
Garreffo, William, 22 Thornberry Lane, Centerville, MA 02632 to serve until 06/30/2006

ECONOMIC DEVELOPMENT COMMISSION

Farnham, Henry C., 27 Coachman Lane, W. Barnstable, MA, 02668 to serve until 06/30/2006
Princi, Patrick, 29 Wayside Lane, W. Barnstable, MA 02668 to serve until 06/30/2006
Poyant, Lynne M., PO Box 100, Hyannis, MA 02601 to serve until 06/30/2006
Scudder, Philip S., 50 Willow St., W. Barnstable, MA 02668 to serve until 06/30/2006
Shuman, Steve, 27 Eastview Terrace, Marstons Mills, MA 02468 to serve until 06/30/2006

ENOCH COBB TRUST

Cole, David B., 420 South Street, Hyannis, MA 02601 to serve until 06/30/2006

HEALTH BOARD OF

Kaufman, Sumner, 360 Regency Drive, Marstons Mills, MA 02648 to serve until 06/30/2006

HISTORICAL COMMISSION

Lenney, Sandy, 25 Newton Street, Hyannis, MA 02601 to serve until 06/30/2006

HOUSING COMMITTEE

Souza, Becky, 27 Brookshire Road, Hyannis, MA 02601 to serve until 06/30/2006

HYANNIS MAIN STREET WATERFRONT HISTORIC COMMISSION

Flinn, Barbara, 104 Pine Avenue, Hyannis, MA 02601 to serve until 06/30/2006
Scudder, R David, 57 Seabury Lane, Centerville, MA 02632 to serve until 06/30/2006

JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE

Shiflett-Fitton, Deborah, 282 Church Street, W. Barnstable, MA 02668 to serve until 06/30/2006

Flynn, Shirley, 16 Mary Alice Lane, Hyannis, MA 02601 to serve until 06/30/2006

JFK MEMORIAL TRUST FUND

Jones, Robert, 65 Pinewood Road, Hyannis, MA 0260 to serve until 06/30/2006

Poyant, Lynne, PO Box 100, Hyannis, MA 02601 to serve until 06/30/2006

Rusher, Ruth M., 111 Ocean St., Hyannis, MA 02601 to serve until 06/30/2006

LICENSING AUTHORITY

Burman, Eugene, 283 Holly Point Road, Centerville, MA 02632 to serve until 06/30/2006

OLD KINGS HIGHWAY HISTORICAL DISTRICT COMMITTEE

Jessop, George, 863 Bumps River Rd., Centerville, MA 02632 to serve until 06/30/2006

*Stahley, Dorothy, 44 Percival Drive, West Barnstable, MA 02668 to serve until 11/30/2003

OPEN SPACE COMMITTEE

Cutcliffe, William E., PO Box 335, Osterville, MA 02655 to serve until 06/30/2006

Wirtanen, Mark, 1894 Main Street, West Barnstable, MA 02668 to serve until 06/30/2006

PERSONNEL ADVISORY BOARD

O'Brien, Robert, 41 Deacon Court, Barnstable, MA 02630 to serve until 06/30/2006

Kaseta, Vincent, 146 Cobblestone Road, Barnstable, MA 02630 to serve until 06/30/2006

PLANNING BOARD

Weir, Marlene, 80 Pond Street, Osterville, MA 02655 to serve until 06/30/2006

RECREATION COMMISSION

Sylvester, Kathleen, 67 Raspberry Lane, Marstons Mills, MA 02648 to serve until 06/30/2006

REGISTRAR OF VOTERS

Poyant, Lucien, West Hyannis Port Circle, W. Hyannis Port, MA 02674 to serve until 06/30/2006

SANDY NECK ADVISORY BOARD

Bell, Barbara, 316 Flint Street, Marstons Mills, MA 02648 to serve until 06/30/2006

Kittredge, James, 350 Straightway, Hyannis, MA 02601 to serve until 06/30/2006

SCHOLARSHIP COMMITTEE

Marsden, John, 44 Huckins Neck Road, Centerville, MA 02632 to serve until 06/30/2006

WATER QUALITY ADVISORY COMMITTEE

Thomas, Jack, 139 Shell Lane, Cotuit, MA 02635 to serve until 06/30/2006

WATERWAYS COMMITTEE

Sullivan, Dennis S., 204 Pitchers Way, Hyannis, MA 02601 to serve until 06/30/2006

Syrialala, Carl, 951 Oak Street, W. Barnstable, MA 02668 to serve until 06/30/2006

ZONING BOARD OF APPEALS

Gilmore, Jeremy, 83 Dunaskin Road, Centerville, MA 02632 Alternate to serve until 06/30/2006

Childs, Randolph, 34 Shirley Point Road, Centerville, MA 02632 Alternate to serve until 6/30/2006

*Geiler, Sheila, PO Box 771, Hyannis, MA 02601 Alternate to serve until 6/30/2006

Nightingale, Gail, 32 Sunset Lane, Osterville, MA 02655 to serve until 6/30/2006

SPONSOR: Town Councilor Gary R. Brown

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

2003-097 APPROPRIATION LOAN ORDER - COMMUNITY SEPTIC MANAGEMENT PROGRAM
INTRO. 06/05/03; 06/19/03

ORDERED,

That \$200,000 is appropriated for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Town Manager is authorized to borrow \$200,000 and issue bonds or notes therefore under M.G.L. c. 111, & 127B1/2 and/or Chapter 29C of the General Laws, that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town, that the Treasurer with the approval of the Town Manager is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof, that the Town Manager or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection and that the Town Manager is authorized to expend all funds available for the projects and to take any other action necessary to carry out the projects.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

AGENDA ITEM SUMMARY
2003-097

TO: Town Council
FROM: John Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director of Regulatory Services
DATE: May 2, 2003
SUBJECT: Appropriation Loan Order Request/ Community Septic Management Program

BACKGROUND: during December 1998, the Town Council appropriated \$200,000 for the purpose of providing financial assistance to homeowners with failing septic systems. From February 23, 1999 until March 16, 2000, a total of fifty (50) residents of Barnstable were able to replace or repair their failed septic system components due to this program. On August 17, 2000, another \$200,000 was appropriated by the Town Council. Thirty-nine (39) additional septic systems were repaired or replaced with this funding. For a third time, sometime during December 2001, another \$200,000 was appropriated resulting in another 32 septic systems being replaced or repaired. The Town of Barnstable currently holds the record for the most septic systems repaired by this program. A total of 121 septic systems were replaced and repaired; this represents more repairs to septic systems than any other city or town in the Commonwealth.

Due to expenditures of the total amount allocated, there is no financial assistance available to the residents of Barnstable at this time.

ANALYSIS: Additional funding remains available through the Open Space Bond Bill designed to assist homeowners with failing septic systems. The Law originally appropriated \$30 million to the Department of Environmental Protection (DEP) to assist homeowners. DEP used the appropriation to fund loans through the Massachusetts Water Pollution Trust. The fund continues to provide a permanent state/local administered revolving funds to assist income-eligible homeowners in financing necessary septic system repairs and replacements.

Funding for the program is in the form of a zero-interest loan from the Massachusetts Water Pollution Trust to the Town of Barnstable which must be repaid over a period of 20 years. To receive a loan from the Massachusetts Water Pollution Trust, the Town of Barnstable must execute a loan agreement with the Trust and issue local government obligations (bonds) to secure the loan.

Loans from the Massachusetts Water Pollution Trust to the Town of Barnstable are to be used to provide loans to homeowners. To be eligible, a homeowner's family income cannot exceed \$150,000 per year, unless otherwise approved by DEP.

Loans from the Town to the homeowner will have an interest rate of 5%. A homeowner's loan will be repaid to the Town through the homeowner's real estate tax bill via a betterment assessment under M.G.L. C. 111 s. 127 B1/2. A "municipal lien" may be obtained on the homeowner's property if repayments are not made on time.

FISCAL IMPACT: during repayment by the homeowner to the Town, additional administrative funds will become available from the interest portion of the repayment. The Town may also elect to

charge the homeowner an application fee for any other incurred costs. The Town is responsible for repaying the Water Pollution Abatement Trust, at zero interest, within twenty years.

TOWN MANAGER RECOMMENDATION: the Town Manager recommends that the Town Council approve this Appropriation Loan Order.

BOARD AND COMMISSION ACTION: the Board of Health supports this request.

STAFF ASSISTANCE: Thomas McKean, RS, CHO

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

BARNSTABLE TOWN COUNCIL

**2003-098 ORDINANCE AMENDMENT INCREASING THE FINE FOR KEEPING OF
UNREGISTERED MOTOR VEHICLES
INTRO.: 06/19/03**

ORDERED,

That article XX of chapter III of the General Ordinances is hereby amended by striking out the words “fifty dollars (\$50.00)” and inserting in place thereof the following:

“two hundred (\$200.00) dollars”.

SPONSOR: Town Councilor Gary R. Brown

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

**2003-099 APPROPRIATION LOAN ORDER FOR THE CONSTRUCTION,
INCLUDING ACQUISITION OF LAND, OF A BARNSTABLE UNIFIED
TRANSPORTATION PARKING SYSTEM TO THE EAST OF THE
BARNSTABLE MUNICIPAL AIRPORT
INTRO.: 06/19/03**

ORDERED,

That the vote taken under Item No. 98-054 (Appropriation and Loan Order for the Construction, Including Acquisition of Land, of a Barnstable Unified Transportation and Parking System to the East of the Barnstable Municipal Airport) be amended by adding the following three parcels to the land to be acquired:

Parcel 1: A parcel of land containing 31,900 square feet, more or less, having an address of 10 Mary Dunn Way, Hyannis MA, being Lot 136 on Assessors’ Map 328, and identified as “Assessors’ Map: 328 Parcel: 136,” on a plan of land entitled “Town of Barnstable Plan Showing Land to be Taken at Mary Dunn Way and State Route 28/Iyanough Road Hyannis (Barnstable) MA as made by the D.P.W. Engineering Division” a copy of which plan is on file with the Town Clerk’s office; and

Parcel 2: A parcel of land containing 29,177 square feet, more or less, having an address of 51 Brooks Road, Hyannis MA, being Lot 125 on Assessors’ Map 328, and identified as “Assessors Map:328 Parcel: 125,” on a plan of land entitled “Town of Barnstable Plan Showing Land to be Taken at Brooks Road Hyannis (Barnstable) MA as made by the D.P.W. Engineering Division” a copy of which plan is on file with the Town Clerk’s office; and

Parcel 3: a parcel of land containing 30,999 square feet, more or less, having an address of 33 Brooks Road, Hyannis MA, being Lot 126 on Assessors’ Map 328, and identified as “Assessors Map: 328 Parcel: 126,” on the plan above referenced for Parcel 2, and also as shown on Land Court Plan 15434-A, which plan is on file with the Barnstable County Registry of Deeds Land Registration Office;

and that the amounts necessary to acquire the parcels specified in the order be borrowed and appropriated within the amount appropriated in Item No. 98-054.

SPONSOR: Assistant Town Manager Joellen Daley

DATE	ACTION TAKEN
_____	_____
_____	_____

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

2003-100 TRANSFER ORDER FOR FY 2003 BUDGET
INTRO.: 06/19/03

ORDERED,

That the Town Council hereby transfers \$359,575 for the purpose of funding the following personnel, operating and capital needs:

Transfer from:

Water Pollution Control personnel	\$15,000
Water Pollution Control operating expenses	\$15,000
Recreation Division personnel	\$11,875
Public Works Department personnel	\$17,000
Police Department personnel	\$97,000
Marine & Environmental Affairs Division personnel	\$9,000
Administrative Services Department personnel	\$119,700
Other Requirements debt service	<u>\$75,000</u>
Total	\$359,575

Transfer to:

Water Pollution Control debt service	\$30,000
Recreation Division capital outlay for skate sharpener and lifeguard stands	\$11,875
Public Works Department capital outlay for repairs to marina docks and tools for the HVAC technician and carpenter	\$17,000
Police Department operating expenses for gasoline	\$15,000
Police Department capital outlay for one new cruiser	\$35,000
Other Requirements for liability insurance premiums	\$47,000
Marine & Environmental Affairs Division capital outlay for one new ATV, cash register, copier and air compressor	\$9,000
Library grants	\$7,000
Veterans assessments and benefit payments	\$11,000
Administrative Services operating expenses for expert witnesses	\$25,000
Administrative Services operating expenses for the installation of a drive up bill payment drop box	\$1,700
Administrative Services capital outlay for new permit tracking software	\$25,000
Other Requirements for worker's comp medical benefits	\$50,000
Other Requirements for unemployment and property insurance	<u>\$75,000</u>
Total	\$359,575

SPONSOR: Town Manager John C. Klimm

DATE **ACTION TAKEN**

**AGENDA ITEM SUMMARY
2003-100**

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: June 19, 2003
SUBJECT: FY 2003 Budget Transfers

BACKGROUND: at the end of every fiscal year, a request is made to transfer funds from one category to another as events arise during the year causing some categories of the operating budget to exceed its original budget. Plans are made throughout the year to make provisions for these expenses by requiring departments to accrue savings in other categories. It is required by state law to receive council authorization to transfer these accrued savings to the categories that require the additional funds.

Additionally, it is projected that several town departments will incur a savings in their FY 2003 appropriations principally as a result from vacancy savings in personnel and associated fringe benefit costs. The Town Manager is recommending that the Council transfer some of these savings to address some important operating needs that were submitted, as part of the FY 2004 budget for which there was no funding available. This situation presents the town with the opportunity to provide for these needs with the anticipated savings in the current FY 2003 budget.

ANALYSIS: the following transfers are being recommended to fund expenditures for FY 2003:

Transfer from:

Water Pollution Control personnel	\$15,000
Water Pollution Control operating expenses	\$15,000
Recreation Division personnel	\$11,875
Public Works Department personnel	\$17,000
Police Department personnel	\$97,000
Marine & Environmental Affairs Division personnel	\$9,000
Administrative Services Department personnel	\$119,700
Other Requirements debt service	<u>\$75,000</u>
Total	\$359,575

Transfer to:

Water Pollution Control debt service	\$30,000
Recreation Division capital outlay for skate sharpener and lifeguard stands	\$11,875
Public Works Department capital outlay for repairs to marina docks and tools for the HVAC technician and carpenter	\$17,000
Police Department operating expenses for gasoline	\$15,000
Police Department capital outlay for one new cruiser	\$35,000
Other Requirements for liability insurance premiums	\$47,000

Marine & Environmental Affairs Division capital outlay for one

new ATV, cash register, copier and air compressor	\$9,000
Library grants	\$7,000
Veterans assessments and benefit payments	\$11,000
Administrative Services operating expenses for expert witnesses	\$25,000
Administrative Services operating expenses for the installation of a drive up bill payment drop box	\$1,700
Administrative Services capital outlay for new permit tracking software	\$25,000
Other Requirements for worker's comp medical benefits	\$50,000
Other Requirements for unemployment and property insurance	<u>\$75,000</u>
Total	\$359,575

FISCAL IMPACT: there is no impact on the overall FY2003 operating budget. This request will reallocate funds between departments and categories.

TOWN MANAGER RECOMMENDATION: the Town Manager recommends approval of the transfer order.

STAFF ASSISTANCE: Mark A. Milne, Finance Director

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

BARNSTABLE TOWN COUNCIL

2003-102 APPROPRIATION ORDER FOR FY 2004 BUDGET
INTRO.: 06/19/03

ORDERED,

That the sum of \$99,307 be raised and appropriated for the purpose of funding the Town's FY 2004 Community Services Department Budget and furthermore, that the sum of \$40,800 be raised and appropriated for the purpose of funding the Town's FY 2004 Other Requirements Budget as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

AGENDA ITEM SUMMARY
2003-102

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: June 19, 2003
SUBJECT: FY 2004 Operating Budget for the Community Services Department

BACKGROUND: the Town of Barnstable acquired the Prince Cove Marina in January 2003. At the time the annual budget document was issued we were in the process of analyzing and developing an operating plan for this marina for FY 2004. Therefore, the FY 2004 budget for the Marine & Environmental Affairs Division, located within the Community Services Department, did not include the funds necessary to cover the anticipated cost of running this marina for FY 2004.

ANALYSIS: the Town Manager is proposing the following budget for the first full year of operations of the Prince Cove Marina:

Personnel and benefit costs totaling \$68,932 for full-time and seasonal labor.

Operating expenses of \$30,375 include funds for items such as utilities, repairs and maintenance, advertising and promotion and general and administrative expenses.

A budget of \$40,800 for other requirements, which includes \$30,800 to pay for interest on the bond anticipation note issued for acquiring the marina. No principal payment will need to be made in FY 2004. This project will be borrowed long-term in FY 2004 resulting in the first principal payment in FY 2005. The remaining \$10,000 includes the cost for adding the marina onto our property and casualty policy.

FISCAL IMPACT: the additional funds needed to operate the Prince Cove Marina in FY 2004 are completely covered by the estimated new fee revenue from operating the marina. The new revenue generated by the Prince Cove Marina operation is estimated to exceed the additional funding request by \$64,643 in FY 2004 creating more than enough capacity to fund these requests.

TOWN MANAGER RECOMMENDATION: the Town Manager recommends approval of the transfer order.

STAFF ASSISTANCE: Dan Horn, Harbormaster and Mark Milne, Finance Director

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2003-103 TOWN COUNCIL SUPPORT OF RE-NAMING THE FORMER HAGBERG LAND TO THE ELLEN A. McBARRON RECREATION FACILITY.
INTRO.: 06/19/03**

WHEREAS, Ellen A. McBarron served on the Barnstable Recreation Commission for 20 years.

WHEREAS, Ellen A. McBarron served 12 years on the following boards: John F. Kennedy Trust Committee, the Hyannis Civic Association, and also as a Town Meeting Representative.

WHEREAS, Ellen A. McBarron volunteered hundreds of hours to ensure recreational activities were made available to all Town of Barnstable Youth.

RESOLVED, The Barnstable Town Council does hereby request the Town Manager to designate the former Hagberg land, lots 27 and 29 on Assessors Map 149, consisting of 10.5 acres, more or less, to be the Ellen A. McBarron Recreation Facility.

SPONSOR: Town Council Vice President Robert R. Jones

DATE	ACTION TAKEN
_____	_____
_____	_____

AGENDA ITEM SUMMARY
2003-103

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: June 3, 2003
SUBJECT: Naming of Land Bank Purchase

BACKGROUND: through the Land Bank Program, the Town of Barnstable purchased the former Hagberg Land located off of Falmouth Road, Centerville, consisting of 10.5 acres, more or less, described in a deed recorded with the Barnstable County Registry of Deeds in Book 1260, Page 181 and also shown as Lots 27 and 29 on Assessors Map 149. The Town Council felt sports fields were needed on this parcel and wanted to show their intent. Therefore, the Council amended the appropriation order of purchase by inserting “more specifically for active recreation”. The Town Manager authorized the Recreation Division and Commission to be responsible for permitting the facility to the users. Furthermore, the Town Council authorized the Pinnacle Tower, Inc. gift to be expended on recreational improvements at the former Hagberg Land on Falmouth Road, Centerville, Ma. 02632.

This parcel of land in Centerville is indeed desirable as it is basically flat and is located in an area of Town that is sorely in need of recreational opportunities. The area will be developed to include: a large green area for active recreation, a parking lot, and an area for young children to play.

Recreation Commission member Ellen McBarron was very active in locating lands so as our youth may participate in out door recreational opportunities.

ANALYSIS: the Barnstable Recreation Division will be overseeing the 10.5 acre parcel off of Old Falmouth Road. The Barnstable Recreation Commission wanted to recognize Ellen A. McBarron’s for her many years of dedicated service to the Town and with the Recreation Commission. Ellen, served on the Commission for 20 years. Also, Ellen was on the Kennedy Trust Committee for 12 years. Ellen A. McBarron was a true advocate for our young people. Ellen would always find a way for a child to participate in any program. Ellen A. McBarron was an active fundraiser for children residing in our Town. Ellen A. McBarron was also a member of the following boards and organizations: Town Meeting Representative for 12 years, Marstons Mills PAC, Hyannis PAC, Knights of Columbus, Hyannis Civic, Barnstable Little League, Kennedy Youth Hockey, Barnstable Babe Ruth, and the Sandy Neck Board. Ellen fought hard with Town officials to keep the Town’s program fees affordable.

With Ellen A. McBarron’s many accomplishments and dedicated efforts, it is truly fitting to honor Ellen by naming the former Hagberg Property, the “Ellen A. McBarron Recreation Facility”. The facility will be used primarily by our Town’s youth. The facility will be attractive and most importantly affordable to all.

Ellen lived her life to ensure recreational activities were made available to all Town of Barnstable youth.

FISCAL IMPACT: the users will be responsible for maintaining the McBarron Facility which will include the appropriate sign greeting the users as they enter the area. There will be no financial impact to the Town.

TOWN MANAGER RECOMMENDATION: the Town Manager recommends approval of this request (naming).

BOARD ACTION: the Barnstable Recreation Commission unanimously supports the resolve.

STAFF ASSISTANCE: David Curley, Recreation Director

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

BARNSTABLE TOWN COUNCIL

**2003-104 APPROPRIATION ORDER FOR REBUILDING THE BEACH
STRUCTURE AT HAMBLINS POND
INTRO.: 06/19/03**

ORDERED,

That the Town Council hereby authorizes the Town Manager to appropriate the amount of \$84,832.96 from the Town's Insurance Recovery Fund, for the purpose of rebuilding the beach structure at Hamblin's Pond.

SPONSOR: John C. Klimm, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

AGENDA ITEM SUMMARY
2003-104

TO: Town Council
FROM: John Klimm, Town Manager
DATE: 6/19/2003
SUBJECT: Appropriation Order – Beach House Replacement

BACKGROUND: on February 11, 2001 in the early morning hours, the structure referred to as the Hamblin's Pond beach house, located on the shore of Hamblin's Pond in the village of Marstons Mills was set afire and due to the extensive fire damage was condemned and torn down.

Due to the nature of the damage, and the age of the building, a number of complicated issues surrounding a finalized insurance claim were encountered. The Town carries replacement value insurance, but due to code upgrades, building set back rules, well and septic issues as well as handicapped accessibility issues, the process of negotiating an agreeable settlement has finally been completed. Working with the Town's insurance carrier the total settlement damage was deemed to be \$99,832.96.

The Town has a \$5,000 deductible and we have received a previous settlement check of \$10,000 to clean up the site, tear down the damaged structure, and rent a portable trailer to provide some sort of building to support the beach operations for the past two summers. The amount of \$84,832.96 is to build a permanent structure on the site this fall.

ANALYSIS: the Town has received a reimbursement from its insurance policy for the building destroyed by fire in the amount of \$99,832.96. The use of a portable trailer while meeting the very basic needs of the public at the beach has always been considered temporary until such time that a more permanent structure could be built. It is recommended that these proceeds be set up in an account for the purpose of rebuilding the beach house.

FISCAL IMPACT: the proceeds from the insurance settlement will cover the cost of constructing a permanent facility at Hamblin's Pond. No additional funding is anticipated.

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

STAFF ASSISTANCE: Mark A. Milne, CPA, Director of Finance
David W. Anthony, Chief Procurement Officer

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2003-105 DELEGATION OF AUTHORITY TO ENTER INTO SPECIFIC LONG TERM AGREEMENTS
INTRO.: 06/19/03**

ORDERED,

That the town council authorizes the chief procurement officer of the Town to award contracts for leases of office equipment for terms not to exceed five years including any renewals, extension or options.

SPONSOR: John C. Klimm, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

AGENDA ITEM SUMMARY
2003-105

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: David W. Anthony, Chief Procurement Officer
DATE: June 19, 2003
SUBJECT: Delegation of Authority to Enter into Specific Long Term Agreements

BACKGROUND: Chapter 30B, the Universal Procurement Act, limits contracts authorized by the procurement officers of any Town or city to contracts up to 36 months in duration. In order to exceed this 36-month threshold, a contract requires a majority vote of the governing body. In the case of the Town of Barnstable, a lease for equipment would need to be approved by a majority vote of the Town Council.

ANALYSIS: under this requested order, the Chief procurement officer would have the specific authority to enter into leases for office equipment, on behalf of the Town, and when it served the Town's best interest, for terms not to exceed 60 months in duration, including any renewals, extensions or options.

IMPACT: the impact of this order would allow the Chief Procurement officer to examine the benefits of longer lease term for office equipment, which benefits the Town fiscally.

The ability to consider four and five years leases for office equipment allows divisions and departments to spread the high lease costs over a longer period of time, directly impacting the annual costs for necessary technology. This also allows for the leasing of higher performance technology at a more reasonable cost.

Procedurally, the requirements to come before the Town Council for each office lease has resulted in Town division and departments to limit themselves to 36 month leases for copiers, postage machines, folding machines and higher end printing equipment. By providing this limited authority to the Chief procurement officer, alternative lease lengths can be considered in an efficient manner for both Town employees and the Town Council.

TOWN MANAGER RECOMMENDATION: the Town Manager recommends favorable action.

STAFF ASSISTANCE: David W. Anthony, Chief Procurement Officer

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2003-106 RESOLVE TO ENDORSE BILL # H1468 TO CLARIFY CHAPTER 164
REGARDING MUNICIPAL UTILITIES
INTRO.: 06/19/03**

RESOLVE,

That the Town of Barnstable wishes to endorse Bill # H1468 which would clarify Chapter 164 in order to make the municipalization process more realistic for communities such as Lexington which is contemplating a move from their own municipal utility in order to attain reduced rates and improved reliability regarding outages. The savings for Lexington is estimated to be between 6 and 8 million dollars.

Therefore, the Town of Barnstable wishes to notify its state senators and representatives that it is our desire that they endorse Bill # H1468.

SPONSOR: Audrey Loughnane, Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____

AGENDA ITEM SUMMARY
2003-106

TO: Town Council
FROM: Audrey Loughnane, Town Councilor
DATE: June 19, 2003
SUBJECT: Resolve to Endorse Bill # H1468 To Clarify Chapter 164 Regarding Municipal Utilities

RATIONALE: Although the Town of Barnstable is not contemplating a move to establish its own municipal utility at this time, we are aware of the current obstacles to that process which are contained in Chapter 164. The bill would explicitly state that the incumbent utility must sell its assets to a municipality once a fair value has been established for the existing infrastructure. The bill also adjusts certain time lines in Chapter 164 to make the municipalization process more realistic.

Forty-one communities in Massachusetts already operate their own municipal light plants.

BACKGROUND: Bill # H1468: clarification of the process municipalities must follow to create a municipal light plant. MGL Chapter 164 (particularly Section 43) describes the process a municipality must follow to create a municipal light plant.

41 municipal light plants exist in Massachusetts, but none has been formed since 1926, perhaps because the process outlined in MGL Chapter 164 requires clarification, most notably to state explicitly the existing utility's obligation to sell its assets to the municipality once a price has been established for those assets.

Bill # H1468 amends MGL Chapter 164 as follows:

1. The existing utility must sell its assets to the municipality

The new Section 43 (c) spells out that obligation, after a price has been established for the existing utility's assets.

2. Detremination of a price for the existing utility's assets

The new Section 43 (a) provides guidance to DTE (in the event the existing utility and a municipality cannot agree on a price between themselves) on how to determine a price for the assets to be sold to the municipality. The assets are to be valued by DTE on the basis of original cost minus depreciation, after a public hearing.

3. Municipality by municipality accounts must be kept by utilities

The new Section 34c requires utilities to maintain accounts regarding the value of its assets in each individual municipality. This will allow a municipality to obtain more easily from the existing utility an estimate of the price to be paid for the utility's assets, should the municipality wish to form a municipal light plant.

4. Transfer of franchise

Section 1B is amended so that the franchise held by the existing utility is transferred to the newly formed municipal light plant, when such a municipal light plant is formed.

5. Time line

The time lines in the process a municipality must follow to create a municipal light plant are adjusted to be more realistic, as follows:

- after the 2 required votes by a city council (Section 35) or a town meeting (Section 36), 150 days are provided for the municipality and the existing utility to agree on the assets to be sold and on a price
- if no agreement is reached within 150 days, the municipality may apply to DTE for determination regarding assets and price; no time limit is required of DTE to act
- if an agreement is reached, DTE must approve the severance plan; no time limit is required of DTE to act
- 30 days after DTE's action: the existing utility must tender a deed of conveyance to the municipality
- after deed is tendered, 180 days are provided for the municipality to accept or reject the deed or to appeal it to DTE
- if the municipality accepts the deed, it has another 180 days to pay the existing utility the price for the assets.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2003-107 RESOLVE TO ENDORSE GRANT UNDER THE SMALL COMMUNITY AIR
SERVICE DEVELOPMENT PROGRAM
INTRO.: 06/19/03**

RESOLVE,

That the Barnstable Town Council endorses the grant application to be submitted by Cape Air under the Small Community Air Service Development Program.

SPONSOR: Assistant Town Manager Joellen Daley

DATE	ACTION TAKEN
_____	_____
_____	_____

AGENDA ITEM SUMMARY
2003-107

TO: Town Council
FROM: Joellen Daley, Assistant Town Manager
DATE: 06/11/03
RE: Resolve to Support the Grant Application to be Submitted to the U.S. Department of Transportation Under the Small Community Air Service Development Pilot Program

BACKGROUND: The Towns of Barnstable and Nantucket have been approached by Cape Air Proprietor Mr. Dan Wolf to submit a grant application to the U.S. Department of Transportation – Small Community Air Service Development Pilot Program. The funding sought is \$500,000, which would be matched by an aggregate contribution of \$100,000 from the communities. The funds would be used to implement a pilot project to deploy higher capacity aircraft on the Hyannis – Nantucket route now served by nine-seat aircraft. Specifically the funds would be used to undertake the following actions:

- Provide revenue guarantees to a single designated air transportation provider (qualified airline) to provide year round service between Hyannis and Nantucket using higher capacity aircraft than the Cessna 402's now serving that route; and
- Undertake additional marketing and promotional activities in support of the use of the new equipment.

Market analysis indicates that the use of higher capacity aircraft on the Hyannis – Nantucket route is economically viable for six months in the first operating year. During the remaining six months the higher capacity aircraft will be used on the Hyannis – Nantucket route during times of peak travel demand, and may also be used to establish service to other underserved markets. Cessna 402's will continue to be used to serve the route during the pilot project. It is anticipated that use of the aircraft on the Hyannis-Nantucket route will be sustainable year round within three to five years. At that time additional higher capacity aircraft would need to be acquired by the qualified airline to serve any other routes established as a result of the pilot project.

As described fully herein, the pilot project would set forth specific terms for the nature of service that would qualify for the revenue guarantees. It is proposed that the towns target the revenue guarantees to a single airline with the greatest potential to enhance air service to the region by use of the larger aircraft. Accordingly it is proposed that the towns first seek to establish such service with Cape Air. Cape Air, through its affiliate Nantucket Airlines, has provided continuous year round service between Hyannis and Nantucket for 16 years. The use of higher capacity aircraft has the potential to reduce the number of Cape Air operations on the Hyannis-Nantucket route by as much as 75% during peak times. The reduction in operations will significantly help to address community noise concerns. Cape Air also has operations centers at Logan International Airport, New Bedford Regional Airport and T.F. Green Airport in Providence. Longer term, Cape Air has the potential to use the aircraft in service to those and other destinations, and possibly to establish new routes to major air transportation centers. This is a combination of factors that is not met by any other carrier serving the Cape and Islands.

The Towns of Nantucket and Barnstable are within the first and third fastest growing counties in the Commonwealth, respectively. Reliable air service is an essential element of the region's transportation infrastructure, and is critical to the quality of life and economic sustainability of the region. The pilot project offers the towns an opportunity to significantly enhance the efficiency, convenience and future potential of air service for the region.

The Barnstable Municipal Airport Commission, who is in full support of the grant application, will act as the designated governmental entity to receive and disburse grant funds. It is understood that grant funds are provided to communities on a re-imbursment basis, and that receipt of the full federal grant award is contingent on the communities fulfilling their local contribution.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2003-108 RESOLUTION REQUESTING RESTRUCTURING OF EXCEL TIF AGREEMENT
INTRO.: 06/19/03**

WHEREAS, Excel, Inc. 255 Independence Drive Hyannis, Massachusetts submitted two applications to the Town of Barnstable for the designation as Certified Projects under the Massachusetts Economic Development Incentive Program created by Chapter 23 A of the Massachusetts General Laws; and

WHEREAS, the Barnstable Town Council approved two Certified Project applications, on March 1998 and April 1999, of Excel, Inc. through Resolutions adopted by said Town Council; and

WHEREAS, the Resolutions were forwarded to the Massachusetts Economic Assistance Coordinating Council and were approved by that body in June 1998 and June 1999 respectively; and

WHEREAS, Excel, Inc. had an obligation to create jobs under the terms and conditions outlined in its two Tax Increment Financing Agreements with the Town of Barnstable; and

WHEREAS, Excel, Inc. has failed to meet the job creation requirements of the TIF agreements but has met the capital investment requirement of the agreements, the Barnstable Town Council has voted to recommend that the project be amended; and

WHEREAS, the Massachusetts Economic Assistance Coordinating Council has the capacity to amend a Certified Project upon request of the municipality; and

WHEREAS, the Barnstable Town Council desires Excel, Inc. to economically grow and prosper and remain at its present Hyannis location;

NOW, THEREFORE BE IT RESOLVED, that the Barnstable Town Council request that the Massachusetts Economic Assistance Coordinating Council amend the Excel, Inc. Hyannis, Massachusetts, project status and the agreements related thereto.

ADOPTED this 19th day of June 2003, by the Town Council of the Town of Barnstable.

SPONSOR: Town Council President Gary C. Blazis

DATE	ACTION TAKEN
_____	_____
_____	_____

**AGENDA ITEM SUMMARY
2003-108**

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Barnstable Economic Development Commission
DATE: June 19, 2003
SUBJECT: Amendment of Excel, Inc. Tax Increment Financing Agreements

BACKGROUND: In March of 1998 and again in April of 1999 the Barnstable Town Council passed resolutions authorizing the use of two Tax Increment Financing (TIF) Agreements for Certified Economic Opportunity Area (EOA) Projects for Excel, Inc. Excel, Inc., with the first TIF, constructed a \$3.4 million building to accommodate the expansion of their Company's growth. With the second TIF, in 1999 Excel purchased the building at 45 Perseverance Way in Hyannis and built a new 57,800 square foot connector building between that building and their existing location at a cost of \$5 million. The first TIF was for a period of 10 years, the second for 9 years so that both would expire in 2008. In the first agreement, Excel had a workforce of 250 employees and projected total new jobs to be created over the first 5 years of the agreement of 175. At the time of the application of the second TIF in 1999, Excel had 320 employees and stated that they would create an additional 100 new employees from 2003 through 2006. To date the number of Excel employees, per both TIF agreements, should be 450(250 retained plus 200 created).

In January 2002 the Hyannis property, owned and occupied by Lucent/Excel was purchase by Perseverance LLC with Lucent/Excel executing a five-year lease at 45 Perseverance Way. The Town received the required notice of this sale under the terms of the TIF agreements. On May 30, 2003, Lucent sold Excel, Inc. to a group of private investors from the mid-west. At the time of the sale, there were 155 Excel employees at the Hyannis location. In October of 2002 the Town was notified that Lucent/Excel was laying-off between 125-130 employees at the Hyannis location. The Town requested from Excel, updated employment information which Excel promptly supplied. Staff from the town's Office of Community and Economic Development and a member of the BEDC met with financial and operations staff from Excel during the last week of May 2003, whereupon Excel informed the Town that there were 155 employees remaining in Hyannis. Representatives from Excel explained that the company should be back on track to begin increasing sales and should begin to grow in the next quarter through renewed marketing and sales efforts. Although Excel is technically in default of both TIFs Town staff and the BEDC members believe that Excel is interested in staying in Hyannis and increasing their employment.

ANALYSIS: Both the members of the BEDC and the Town's Community and Economic Development Director would recommend that the Town continue to work with Excel to help retain at a minimum almost 160 excellent paying jobs (\$84,000 average salary) in Barnstable. We believe that retention of the two TIFs are in the best long term interest of the Town. Nonetheless, both Town staff and the BEDC believe an adjustment to the TIFs by eliminating the employment incentive is appropriate due to the loss of jobs that our TIF approval was based on. The remaining terms of the agreements would only include incentives based on the capital that has been invested in the real estate to date. The TIFs were heavily weighted toward job creation, with the first TIF having job creation at 80% of the total incentive, and the second having job creation as 74% of the incentive package. Excel has complied with the capital investment component of the incentive for both TIFs and has invested

\$10 million in real estate improvements to date. Under the terms of Excels triple net lease they are responsible for property expenses, including increases in real estate taxes.

FISCAL IMPACT: By eliminating the employment component of the TIFs, Excel's tax benefit would be reduced by approximately \$355,000 over the remaining term of the agreements to reflect the adjustment of the job incentive. If the Town does not act on this recommendation prior to the end of its fiscal year, Excel will be provided with another year of incentives on their TIFs.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends positive action on this item.

BOARD/COMMISSION ACTION: Both the Town's Economic Development Commission and the Board of Assessors recommend positive action on this item.

STAFF ASSISTANCE: Kevin J. Shea, Director Community & Economic Development

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2003-109 RESOLUTION REQUESTING DECERTIFICATION OF SENCORP SYSTEMS, INC. TIF AGREEMENT
INTRO.: 06/19/03**

WHEREAS, SENCORP SYSTEMS, INC. 400 Kidds Hill Road Hyannis, Massachusetts submitted an application to the Town of Barnstable for the designation as a Certified Project under the Massachusetts Economic Development Incentive Program created by Chapter 23 A of the Massachusetts General Laws; and

WHEREAS, the Barnstable Town Council approved the Certified Project application of Sencorp Systems, Inc. through the Resolution adopted by said Town Council on January 15, 1998; and

WHEREAS, the Resolution was forwarded to the Massachusetts Economic Assistance Coordinating Council and was approved by that body in January, 1998 ; and

WHEREAS, Sencorp Systems, Inc. had an obligation to create and retain jobs under the terms and conditions outlined in its Tax Increment Financing Agreement with the Town of Barnstable; and

WHEREAS, Sencorp Systems, Inc. has failed to meet the terms and conditions outlined in said agreement with the Town; and

WHEREAS, the Barnstable Town Council has voted to recommend that the project be decertified; and

WHEREAS, the Massachusetts Economic Assistance Coordinating Council has the capacity to decertify a Certified Project upon request of the municipality;

NOW, THEREFORE BE IT RESOLVED, that the Barnstable Town Council request that the Massachusetts Economic Assistance Coordinating Council decertify Sencorp Systems, Inc. Hyannis, Massachusetts, revoking its Certified Project status and any agreements related thereto.

ADOPTED this 19th day of June 2003, by the Town Council of the Town of Barnstable.

SPONSOR: Town Council President Gary C. Blazis

DATE	ACTION TAKEN
_____	_____
_____	_____

AGENDA ITEM SUMMARY
2003-109

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Barnstable Economic Development Commission
DATE: June 19, 2003
SUBJECT: Decertification of Sencorp Systems Tax Increment Financing Agreement

BACKGROUND: In January of 1998 the Barnstable Town Council passed a resolution authorizing the use of a Tax Increment Financing Agreement for a Certified Economic Opportunity Area (EOA) Project for Sencorp Systems, Inc. (Sencorp). Sencorp Systems constructed and remodeled approximately 45,000 square feet of space to an existing 98,200 square foot building at 400 Kidds Hill Road in Hyannis. The TIF Agreement began July 1, 1998 for a period of ten years (June 2008). Pursuant to the agreement with the Town Sencorp Systems was to create 58 new jobs in the first five years of the agreement. Sencorp also was to retain its 188 jobs. Sencorp, to date, has not created the 58 new jobs. Sencorp in November of 2000 actually laid off 49 workers. Sencorp has partially fulfilled the terms of its TIF agreement by investing \$3.3 million of capital improvements to its real estate.

In March of 2001, the Town through the BEDC attempted to restructure the TIF with Sencorp to reflect the capital investment while deferring the tax incentive for the jobs until the jobs were brought back to their current level and the 58 new jobs were created. At that time Sencorp responded that the levels of employment would vary based upon economic conditions in the market place but did not accept the Town's specific proposal to restructure the agreement. Sencorp has never filed the required annual reports with the Town which would document the number of jobs in place and created which is a breach of its agreement with the Town. In April of this year a registered letter was sent to Sencorp again requesting the required TIF annual compliance report. This letter also notified the company that if the report was not received by the Town within 10 days the TIF would be in default and that the Town would begin decertification of the TIF agreement. To date no response has been received from Sencorp.

ANALYSIS: Sencorp Systems, Inc. has failed to meet the terms and conditions of the TIF agreement by not retaining or creating the required jobs at its Kidds Hill facility and has never filed the required TIF annual report with the Town. The Massachusetts Economic Assistance Coordinating Council, upon the recommendation of the municipality, is the entity that decertifies the company's certified project status. The next meeting of the Council is on June 26, 2003. The MEACC will not meet after that until September.

FISCAL IMPACT: Beginning with the new fiscal year Sencorp Systems will be responsible for property taxes on the full assessed value of the 400 Kidds Hill Road, Hyannis property. If the town does not act to decertify the TIF prior to June 30, 2003, the TIF will remain in place for another year, costing the town valuable revenue.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends positive action on this item.

BOARD/COMMISSION ACTION: Both the Town's Economic Development Commission and the Board of Assessors recommend positive action on this item.

STAFF ASSISTANCE: Kevin J. Shea, Director Community & Economic Development

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2003-110 RESOLUTION REQUESTING DECERTIFICATION OF WIDAX CORPORATION
INTRO.: 06/19/03**

WHEREAS, WIDAX Corporation, 22 Attucks Lane Hyannis, Massachusetts submitted an application to the Town of Barnstable for the designation as a Certified Project under the Massachusetts Economic Development Incentive Program created by Chapter 23 A of the Massachusetts General Laws; and

WHEREAS, the Barnstable Town Council approved the Certified Project application of WIDAX Corporation through the Resolution adopted by said Town Council on October 18, 2001; and

WHEREAS, the Resolution was forwarded to the Massachusetts Economic Assistance Coordinating Council and was approved by that body in November, 2001; and

WHEREAS, WIDAX Corporation had an obligation to create and retain jobs under the terms and conditions outlined in its Special Tax Assessment Agreement with the Town of Barnstable; and

WHEREAS, WIDAX Corporation has sold its property at 22 Attucks Lane in Hyannis, MA. and has failed to meet the terms and conditions outlined in said agreement with the Town ; and

WHEREAS, the Barnstable Town Council has voted to recommend that the project be decertified; and

WHEREAS, the Massachusetts Economic Assistance Coordinating Council has the capacity to decertify a Certified Project upon the request of the municipality;

NOW, THEREFORE BE IT RESOLVED, that the Barnstable Town Council request that the Massachusetts Economic Assistance Coordinating Council decertify WIDAX Corporation Hyannis, Massachusetts, revoking its Certified Project status and any agreements related thereto.

ADOPTED, this 19th day of June 2003, by the Town Council of the Town of Barnstable.

SPONSOR: Town Council President Gary C. Blazis

DATE	ACTION TAKEN
_____	_____
_____	_____

AGENDA ITEM SUMMARY
2003-110

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Barnstable Economic Development Commission
DATE: June 19, 2003
SUBJECT: Decertification of WIDAX Special Tax Assessment

BACKGROUND: In October of 2001 the Barnstable Town Council passed a resolution authorizing the use of the Special Tax Assessment for a Certified EOA Project for the WIDAX Corporation. WIDAX proposed to purchase and rehabilitate a vacant property at 22 Attucks Lane in Hyannis and to create sixty jobs in the high technology telecommunications field. WIDAX purchased the real estate and began to rehabilitate the building, however with the economic downturn in the telecommunications industry WIDAX had to sell the property. The Special Tax Assessment Agreement between the Town and WIDAX contains a provision that this agreement is non-transferable if WIDAX decides to sell or transfer the property at 22 Attucks Lane in Hyannis. WIDAX sold the property in November of 2002.

ANALYSIS: The effective date of the Special Tax Assessment was to begin on July 1, 2003. The WIDAX property has been sold prior to the effective date, WIDAX has not and will not receive any benefits from the agreement. The Massachusetts Economic Assistance Coordinating Council, upon the recommendation of the local municipality is the entity that decertifies the company's certified project status.

FISCAL IMPACT: It is anticipated that the adoption of this order would have no negative impact.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends positive action on this item.

BOARD/COMMITTEE ACTION: Both the Town's Economic Development Commission and Board of Assessors recommend positive action on this item.

STAFF ASSISTANCE: Kevin J. Shea, Director Community & Economic Development

11. PUBLIC COMMENT

12. ADJOURNMENT

NEXT MEETING IS JULY 17TH.

BARNSTABLE TOWN COUNCIL MINUTES

JUNE 5, 2003

A quorum being duly present, Town Council President, Gary Blazis, called the meeting of the Barnstable Town Council to order at 7:35 pm, on June 5, 2003 at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

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

President Blazis led the Council in the Pledge of Allegiance and a moment of silence

Upon a motion duly made and seconded it was voted to approve the minutes of May 1, 2003 and May 5, 2003 with the following corrections: May 1 minutes: change reference from Smart Committee to Smart Growth Committee in ZBA section; change third sentence of second paragraph under Communications to read: The town stepped up to respond to the residents of that street and has connected them to the town sewer designed in-house; Item number 2003-055 should be 2003-070. May 15 minutes under Item 2003-075 the second sentence should read: She does not feel we can afford to promote tourism this year due to tight budget constraints, personnel costs, etc.

VOTE: Unanimous

Youth Center Presentation (Pat Butler and Chm. Paul Lebel)

Pat Butler updated the council on the youth center. He thanked Sen. Kennedy for his efforts in providing \$1M in federal funds towards the \$4.5M needed to build the center. Thanked Dave Curley for his efforts as well. This money is about 25% of the goal. Paul Lebel was asked to chair the foundation just this week. Butler hopes to complete the fund-raising work by the end of the summer.

Paul Lebel thanked everyone for their faith in him. While he was never an ice skater, he is excited that ice time can pay for a youth community center. The fundraising should kickoff by the end of the month. He is looking for an aggressive campaign to raise the \$3.5M from the private side. He hopes the campaign will be a success by the end of Sept. or early Oct. The RFP will be next and he hopes the design will be ready by the first of the year. He would like to see the facility operational by fall of 2005 or earlier.

Hadaway Agreement (Steve Abbott and Robert Deane)

Pat Butler introduced Robert Deane, Chairman of the Cape Cod Commission and Bourne's representative to it, and Steve Abbott of Cape Cod Healthcare, Inc. Lebel said it has been his dream and wanted a signing ceremony this evening. The town's medical district overlay zoning has allowed this project to go forward. (See Exhibit A). This is the 3rd or 4th Development Agreement by the CCC and the first to allow innovative design review standards and flexible growth involving the town. He thanked the town for its vision on seeing what could be possible. Development agreements describe things like the area where building can occur, the area for plantings, etc. They do not deal with the specifics such as style of building. The theme is to have a village green in the center of the complex. Pre-permitting will take some time and the project will be built over a long period of time. This site will be more accessible from a regional basis and relieve the impact on the Cape Cod Hospital. The council should be proud.

Robert Deane said it was an exciting night for them. It is a wonderful opportunity to bring health care to Cape Cod. He thanked the staff and council for making it possible and expressed his thanks on behalf of the residents of Cape Cod.

Steve Abbott also thanked the council and Town of Barnstable staff for their assistance. The project involved due diligence by all parties. It is now at the detail planning level for financing and fundraising. This complex will make a significant impact on the quality of health care on Cape as well as the traffic at the hospital. He is delighted to mark this event here.

Abbott and Deane signed the Development Agreement.

Bridge Creek Restoration Project

James Lane of the Barnstable Conservation Commission thanked all for their support on this salt marsh restoration which has been completed. He presented Gary Blazis with an authentic spike removed from the rail bed when the railroad culvert was removed. Blazis thanked him and said it was amazing what the people of Barnstable do.

Nantucket Electric Presentation (David Fredericks)

David Fredericks from Nantucket Electric said he was very impressed with the amount of things the Town of Barnstable has going on. He spoke about the proposal to tap into the electricity grid on the mainland via an underwater cable. (See Exhibit B) (Joakim arrived 8 PM) He showed a cross-section of the cable they are installing and passed it around. The proposed paths try to avoid environmental concerns while enhancing some of the projects the town may want to accomplish. They will continue to have public meetings. It should take 18 months to permit and 18 months to construct.

Councilor Milne said the two proposed routes are in his neighborhood and he is very familiar with every bump on the sidewalk. Could he (Fredericks) outline the extent of their mitigation in Harwich? Milne heard there were quite a few things done, including some that were not related to the particular road, but projects that the town wished to accomplish. Milne would also like them to work with several other groups in town who might, for example, like to see underground utilities on Sea Street, etc. Bringing some neighbors into the fold would make it something extraordinary.

Fredericks said they agreed to a long term tax arrangement with Harwich and agreed to repave roads along the way for about two miles. Some other things done were small improvements. Utilities must defend what they do to the Attorney General, showing that it was pertinent to the project. He doesn't think they can relocate utilities underground because they don't own them. The local utility has to work with the town to put them underground. Once the package is done the town will find it is fair to the town and to the people in Nantucket who will pay for it.

Councilor Barry asked if there is there an agreement for an easement to Nantucket Electric to go over town land. What other consideration will there be over and above taxes? The DTE will give the utility a charter to open the streets after there has been agreement with the town on the route.

Councilor Loughnane asked what has been done for energy conservation on Nantucket since the increases in growth. Is there a plan to avoid the need for extra energy perhaps through the use of energy efficient appliances or the like? Fredericks said the load is being driven by the number of new homes; that drives up the energy need. They are restricted in that they cannot force people to buy energy efficient appliances, they can only educate. How about municipal buildings and schools? They have spent several hundred thousand dollars to outfit some of the large users with energy efficient items.

Councilor Jones wanted to be sure the cable would be buried deep enough to allow for other shoreline activities. Will the council have a chance to scrutinize the final plan? Fredericks said that near landfall they will try to put the cable deep enough but they would need to do some geological testing.

Councilor Richardson asked about maintenance requirements. There are none. Every two to three years they resurvey the cable to see if it is intact. All that is involved is a 24ft boat with electronics moving across the sound.

PUBLIC COMMENT

Gail Nightingale, member of the ZBA, spoke regarding the effort to reappoint her to that board. She felt she had served well, enjoyed the experience and was pleased she would be reappointed.

Sebastian Pina came in support of Gail Nightingale and thanked them for reconsidering putting her on the appointment list. He didn't think it was right to take her off the board without her first declining a reappointment. He suggested the council please consider what they are doing before they do it.

Eugenia Fortes wishes Esther Murray was here with her. She has followed the council for 12 years and does agree that, as Blazis said earlier, it is amazing. Nightingale has worked for the town for years and to do it to her the way it was planned, under the table, was not fair. "It is good to take care of our friends but you have to be fair." She feels there is so much politics on the board and unfairness is not smartness. She knows who the people are who did this. She feels some councilors are slick operators. "We all know what you are doing and please stop it."

Henry Farnham spoke on Item 2003-091, changes to the fines, saying that he feels the fees under the Conservation Commission land use regulations are inadequate. He would like to see these fines increase dramatically. Abuse of conservation land is a travesty to the community and maybe this will help the perpetrators.

Jay Larmon spoke on two issues. He said he supports Gail Nightingale's appointment. He also spoke on the Darby land. Back in 1997 when the town adopted the Comprehensive Plan it was generally accepted that the acquisition of the Darby property was for public open space. Affordable housing is not the issue, but any housing there goes against the Comprehensive Plan. If the council had not violated it, all the brouhaha would not have happened. Just a few years after its adoption, the town was planning to turn it to a private developer to build on it. It may not be illegal but it is morally wrong, however, it is not too late to reclaim public trust and go straight.

Noreen Halford said the council has attempted to disenfranchise voters through legislative action. At the May 20th COMM meeting, town thugs disrupted it so it had to be rescheduled. She spoke about the antics at the recent Prudential Comm. meeting as well. She feels Riedell has a conflict between being a town councilor and a water district official. She feels he must step down.

John Donis from the Friends of the Skunknet Basin spoke on the Darby property from the perspective of a preservationist. Preservationists have an easier job matching environmental issues to affordable housing. He explained that moving the project to avoid a zone of contribution could put it in conflict with a Division of Fisheries & Wildlife sanctuary to the west and moving the project to the north runs into Micah's Pond. Rather than the impact of such a project on the Darby property, there are five or six other parcels which should be used that would satisfy the affordable housing goal in Osterville.

Jim Crocker of the COMM Prudential Comm. feels there is cautious hope and some movement afoot. New ideas from cooperative efforts and exchanges are needed. All 13 council seats will be up for grabs at the next election and there will be change. There will be a different way of planning the 40B game. He also spoke in favor of Gail Nightingale's ZBA appointment. She will never be viewed as an easy touch but she gives an honest and fair hearing.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Milne agrees with Farnham regarding the fees. He has been disturbed by the low amount of the fees for so many years. Just to raise it to \$100 is not adequate. On the Darby property, he said he has been an ardent supporter of affordable housing however he feels the Darby plan does not have enough of its units as affordable. If there are any more compromises we should substantially increase the amount of affordable housing units which will be built. Without paying for the land cost, a builder should be able to build more than 25% affordable units and still make a profit. If it is our property we should be able to determine that more affordable units be built. The town should not be building market rate housing.

Councilor Loughnane also commented on the Darby property. She feels the LCP advocates use of existing buildings whenever possible. Osterville Bay Elementary School, which is closing, will be an extra building soon. She suggested that perhaps it should be put into the mix for housing.

Councilor Riedell would like the list of the five alternative sites in Osterville. Actually, 43 of the units for the Darby land will be affordable, done through negotiations. He applauded Audrey Loughnane for the suggestion of the Osterville Bay Elementary School. He is constantly asked when there will be smaller accommodations for elderly couples.

Councilor Elrick agrees with Milne regarding enhancing the number of affordable units. Many areas have not done anything to address affordable housing. The COMM meeting was disrupted because the district was not able to hold a meeting with a large number of people. It should never be a councilor's job to make an appointment determination based on animus. Appointing another person should be based on a behavior with respect to a series of votes which go against the council's overview. It is imperative that the process be open and at properly noticed open meetings. He is glad to see she will be reappointed.

Councilor Richardson appreciated the tone and level of Dr. Donis's conversation regarding the Darby property. The need for affordable housing is enormous and many people are on a waiting list for years. Civil, meaningful and thoughtful conversations are needed. Richardson felt he was reported as someone who did not want to see Gail Nightingale reappointed. He was not at that meeting and was ready to put her name into nomination at this evening's meeting.

Councilor Barry was an alternate member on ZBA. He feels the behind the scene politicking has been going on too much by this council. "The last time around it was Ron Janssen's head that was on the chopping block." He pointed out that Klimm has asked each village to come up with a plan for affordable housing and in Cotuit there is a purchase and sale to put 100 units, all affordable, by the Knights of Columbus building. Osterville needs to come up with a plan which does not have to be at the Darby land. "Get your act together and come up with a viable plan. I'm all ears."

Councilor Joakim pointed out that the 'thugs' were people who wanted to have a vote. The majority of these people were not being heard or having their votes counted.

Councilor Elrick would not be in favor of a reduction in the number of units and is looking forward to hearing Klimm's report on discussions with Mr. Silva.

Councilor Loughnane is sure that Gail Nightingale feels irritated and less appreciated. She assured her that the majority of the council does appreciate her.

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

Councilor Joakim said Friends of Barnstable Council on Aging are holding a Charity Golf Tournament on June 30th. For information, contact the senior center. Anyone who gets a hole-in-one will win a new Mercedes.

Councilor Elrick spoke about the repeal of the Clean Elections law. He is disturbed by Sen. O'Leary's comment that money does not influence votes. Study after study has not shown that. Eighty-one percent of incumbents face no opposition and incumbents usually win. He feels money and politics corrupt the process. O'Leary is the second local official who was 100% behind Clean Elections until he was elected. He said it smacked of arrogance and a disregard of the voting public. The law voted in twice with a better than a two-to-one margin. An increase in the voluntary check off on the tax form was suggested to raise the funds. It is not too late to save it by contacting Gov. Romney, who is the only one who can veto it at this point.

Councilor Brown said many people have called interested in an appointment on the Airport Commission but volunteers for the Planning Board are what is needed.

Councilor Milne agrees that change is in the air. He was shocked at the packed parking lot and large turnout for the candidates' night. It seems there are several people running for each precinct. Regular everyday people who have no business interests were there to run for town council. He feels the appointments sub-committee meetings should be televised. He also felt the council, when led by Richardson, was inclusive with the appointments. The current leadership has not been so. He thanked the DPW and others for their efforts on the Stuarts Creek project. It was a tremendous meeting and the Army Corps of Engineers is paying the lion's share of the project. He would like the status of the town manager's letter on a liaison with the school committee.

Councilor Riedell pointed out that people have been very patient with the potholes. One of the oldest trees in the village went down during the last windstorm.

Councilor Barry heard about the elementary school building needs study and the school committee liaison in the newspapers. No councilor has been presented with the study. When will it be available to the council? He would also like to know about the school committee liaison. Cotuit feels it is getting shortchanged. He would like to be privy to such items before they are released to the media.

Councilor Richardson said that town resources are diminishing as needs are increasing. There is urgency for some services and projects but the entire town is in it together and all will have to take responsibility.

PRESIDENT/VICE PRESIDENT COMMUNICATIONS

President Blazis read a letter from the chairman of the school committee, Kevin Harrington, regarding a non-voting council liaison and the Memorandum of Agreement. (See exhibit C). He suggested Richardson serve as the liaison and Joakim as the alternate.

VOTE of Confidence: Unanimous

President Blazis signed the Memorandum of Agreement on behalf of the council.

TOWN MANAGER COMMUNICATIONS

Town Manager John Klimm updated the council on the Darby property since the May 20th COMM meeting. He called Nestor Silva the next morning and both agreed that the meeting had not been productive. They agreed to begin a series of discussions dealing with a variety of topics. Some issues are not on the table such as the number of units, etc. The eminent domain taking is only related to water needs and they would discuss just environmental issues. A spirit of cooperation seems to be there. He will keep the council updated. The town will not go forward with an RFP during this process. He is also looking forward to a meeting with Dr. Donis on his issues.

Klimm introduced Town Treasurer Jeff Cannon regarding the town's debt. There is good news. He and Mark Milne, Finance Director, had an excellent interview with Standard & Poors regarding the town's financial stability. S & P has upgraded the town's bond rating from an AA to an AA+. Only 13 towns are rated AA+ and the highest rating above AA+ is AAA. It came as a surprise because, given economic conditions, they did not expect it. But the town has the wherewithal to weather these conditions. The recent bond sale came in at 3.3% which is even lower than last year. All general issue bonds will sell at AA+. Barnstable is among all well managed communities. Few municipalities nationwide are looking at bond rating upgrades. (See Exhibit D)

Councilor Richardson is impressed with the McIntyre comments on Barnstable and thanked all. Klimm added that the school committee's long range planning also factored into the mix in a large way.

Klimm update the council on various other projects on his summer workplan:

- a. Completion of the RKG Study for downtown revitalization. The staff is working on the 14 zoning districts in Hyannis and the implementation of the study's suggestions.
- b. Resolution of the Darby affordable housing
- c. Negotiations with the airport owners
- d. Expansion of the YMCA
- e. Implementation of the Covenant
- f. Establishment a grant program for the Kirkman Fund to operate more like the Cobb

Trust

- g. Completion of the review of the building and fire codes
- h. Pursuit of the acquisition of the Barnstable Water Co.
- i. Oversight of the BUTAPS project
- j. Resolution of the Steamship/Baxter property situation
- k. Completion of town hall renovations
- l. Continuation of efforts to locate a post Pilot House facility
- m. Issuance of various RFPs - Anchor Outboard, DPW Audit, Old Town Hall, etc.
- n. Finalization of Legacy/Town Giving program
- o. Preparation of fall Citizen Leadership Academy
- p. Implementation of new community outreach television programming
- q. Preparation for Proposition 2 ½ override

Councilor Loughnane would like a letter sent to the state to fix Route 6A. Klimm will talk to Mark Ells, DPW Director, about preparing it.

ORDERS OF THE DAY

A: OLD BUSINESS

2003-091 AMENDMENT TO TOWN OF BARNSTABLE ORDINANCE, CHAPTER IV, ARTICLE I, SECTION 2, SCHEDULE OF FINES (As Amended)

Upon a motion duly made and seconded it was

ORDERED: that the Town of Barnstable Ordinances, Chapter IV, Article I, Section 2, Schedule of Fines be amended by replacing the current language with:

Section 2: the following shall be the schedule of fines for the method of enforcement authorized by Section 1.

Chapter II:	Art VIII, Sect 2	\$100.00	Town Manager Regulations
Chapter III:	Art II	\$100.00	Advertising Devices and Billboards
	Art III	\$100.00	Zoning
	Art IV	\$100.00	Building Procedures
	Art V	\$ 50.00	Numbering of Buildings
	Art X	\$ 50.00	Protection of Privacy
	Art XI	\$ 20.00	Swimming Pools
	Art XII	\$ 50.00	Snow, Ice and Vehicle Removal
	Art XIII	\$ 50.00	Removal of Soil – Sand Pits
	Art XIV	\$ 50.00	Motorboats – Waterways
	Art XV	\$200.00	Alcoholic Beverages – Minors
	Art XVI	\$200.00	Alcoholic Beverages
	Art XVII	\$ 50.00	Use of Land – Main Street
	Art XIX	\$ 50.00	Distribution of Advertising
	Art XX	\$ 50.00	Unregistered Motor Vehicles
	Art XXI	\$150.00	Anti-Noise Regulation
	Art XXIII	\$100.00	Camping on Public/Private Property
	Art XXV	\$ 50.00	Saunter or Loitering
	Art XXVI	\$100.00	Vehicles at Sandy Neck
	Art XXVIII	\$ 50.00	Mechanical Protection Devices
	Art XXIX	\$ 25.00	Garage Sales
	Art XXXII	\$100.00	Operations of Vehicles on Beach
	Art XXXIII	\$100.00	Obstruction of Public Access
	Art XXXIV	\$ 10.00	Leash Law, 1 st Offense
		\$ 20.00	Leash Law, 2 nd Offense
		\$ 30.00	Leash Law, 3 rd Offense
		\$ 50.00	Leash Law, 4 th and Subsequent Offense
	Art XXXV	\$ 50.00	Roller Skating and Skate Boarding
	Art XXXVI	\$100.00	Sewer Use
	Art XXXVII	\$100.00	Signs
	Art XXXVIII	\$100.00	Houseboats
	Art XXXIX	\$200.00	Toxic and Hazardous Materials
	Art XL	\$100.00	Raffles and Bazaars
	Art XLI	\$ 50.00	Scenic Roads
	Art XLII	\$ 25.00	Burglar Alarm (Section 2)
	Art XLII	\$ 50.00	Burglar Alarm (Section 3)
	Art XLIII	\$100.00	Handicapped Parking
	Art XLIV	\$100.00	Commercial Handbills
	Art XLV	\$ 10.00	Barking Dogs

Art XLVI	\$ 15.00	License and Tags for Dogs
Art XLVII	\$250.00	Wastewater Discharge
Art XLIX	\$100.00	Fire Lanes
Art LV	\$100.00	Town Trees
Art LIV	\$100.00	Sale of Cigarettes From a Machine
Art LXI	\$100.00	Hawker or Peddler
Art LXII	\$100.00	Body Piercing
Art LXIV	\$200.00	Gambling

Board of Health Regulations: BHR \$100.00 Board of Health Regulations

Town Manager's Herring Regulations:

Mgr Reg. \$50.00 Herring and Alewives. Taking Herring or Alewives on a closed day.

Mgr Reg. \$50.00 Herring and Alewives. Failure to remove fish caught.

Mgr Reg. \$100.00 Herring and Alewives. Obstructing passage of herring or alewives.

Town Manager's Shellfishing Rules and Regulations:

\$50.00 Shellfishing without a valid permit.

\$50.00 Taking of shellfish during a CLOSED season.

\$75.00 Taking of shellfish on a CLOSED day.

\$75.00 Removing shell from shellfish before coming ashore.

\$75.00 Taking shellfish in excess of family weekly limit or the amount allowed on a family **special permit**.

\$75.00 Taking scallops in excess of family weekly limit.

\$75.00 Taking scallops in other than designated area.

\$15.00 Taking sea worms on Saturday.

\$15.00 Taking sea worms in excess of 100 per family per week.

\$75.00 Selling shellfish, sea worms or eels with a family permit.

\$15.00 Failure to visibly display permit while shellfishing.

\$15.00 Transfer of family permit.

\$15.00 Shellfishing under 12 years old without licensed adult.

\$100.00 Shellfishing in closed area and/or damaging public and/or private culturing gear in a closed area.

\$300.00 Taking shellfish in excess of commercial daily limit.

\$75.00 More than two commercial permits per boat.

\$300.00 Possession of more than 5% seed per batch of shellfish.

\$25.00 Taking scallops without a well defined annual growth ring.

\$75.00 Using other than tools permitted for shellfishing.

\$75.00 Use of scallop dredge in excess of 32" width.

\$15.00 Dredging scallops in air temperature below 28F.

\$75.00 Diving for shellfish without displaying proper flag.

\$100.00 Taking of shellfish from any shellfish grant.

\$300.00 Shellfishing during nighttime hours as defined.

Conservation Commission and Wetlands Violations

Chapter III – Article XXVII:

\$200.00 Violations within Wetlands Resource area.

\$200.00 Violations within 100 feet of a Wetlands Resource area.

\$300.00 Failure to comply with an enforcement order issued by the Barnstable Conservation Commission or its agents.

\$300.00 Any unauthorized activity beyond the scope of an Order of Conditions, Determination of Applicability or Certificate of Compliance issued by the Conservation Commission.

Conservation Commission Land Use Regulations

\$300.00 Littering.

\$300.00 Illicit dumping.

\$100.00 First Unauthorized Vehicle use (cars, trucks, ATV, motorcycles, dirtbikes).

\$200.00 Second Unauthorized Vehicle use (cars, trucks, ATV, motorcycles, Dirtbikes).

\$200.00 Cutting or removal of vegetation, soil, or stone.

\$100.00 Consumption of alcoholic beverages.

\$200.00 Camping.

\$200.00 Defacing or destruction of any structure, sign or gate.

President Blazis pointed out that there were already suggestions to raise the fines more. Klimm asked Tom Geiler, Director of Community Services, to explain the rationale for the fines. Geiler said they had not been raised for some time. Some might be mandated. Klimm then suggested that the council might want to enter a Committee of the Whole.

Attorney Robert Smith reminded all that this item was scheduled for a public hearing.

A motion was made and seconded to open a public hearing on Item 2003-091 at 9:46 PM.

VOTE: Unanimous consensus

There were no comments from the public.

A motion was made and seconded to close the public hearing at 9:47 PM.

VOTE: Unanimous

President Blazis suggested going through the fines that people wished to change one at a time.

Councilor Milne made a motion which was seconded to increase the fine under Conservation Commission Land Use Regulations for Littering from \$100 to \$300.

Town Attorney Robert Smith said the maximum can be \$300.00. Upon questioning, Geiler explained that since this was a non-criminal fine, the staff could not vary the fine based on severity.

Councilor Jones asked about the definition of littering. Would throwing a wrapper out of a car qualify? Geiler said this fine is for littering on conservation land only and it is unlikely that it would be a gum wrapper. It would be more like leaving a refrigerator but not for a gum wrapper. Jones said he couldn't go there on a gum wrapper.

The question was moved and seconded.

VOTE: Approved by consensus

On the amended fine.

VOTE: 7 Yes, 3 No.

Councilor Milne made a motion which was seconded to increase the fine under Conservation Commission Land Use Regulations for Illicit Dumping from \$100 to \$300.

VOTE: Unanimous

Councilor Joakim made a motion which was seconded to increase the fine under Conservation Commission and Wetlands Violations for Failure to comply with an enforcement order issues by the Barnstable Conservation Commission or its agents from \$200 to \$300.

She felt this was in keeping with the prior two increases.

VOTE: Unanimous

Councilor Milne made a motion which was seconded to increase the fine under Conservation Commission and Wetlands Violations for Any unauthorized activity beyond the scope of an Order of Conditions, Determination of Applicability or Certificate of Compliance issued by the Conservation Commission from \$200 to \$300.

VOTE: Unanimous

A motion which was seconded to increase the fine under Conservation Commission and Wetlands Violations for Violations within 100 feet of a Wetlands Resource area from \$100 to \$200.

VOTE: 6 Yes, 4 Abstentions

It was felt there was a need to deal more effectively with barking dogs. This fine of \$10 is mandated by a different regulation which would need separate revision. The council would like the town manager to reflect a change of the fine to \$50.

On Item 2003-091 as amended and printed above.

VOTE: Unanimous (Roll call)

B. NEW BUSINESS

The following item was not referred to a second reading but voted at this meeting. Several minor corrections were made by Councilor Brown as he read the item onto the floor.

2003-096 APPOINTMENTS (as amended)

Upon a motion duly made and seconded it was voted

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

AIRPORT COMMISSION:

Gourley, Edwin A., 67 Sea Street, Hyannis, MA 02601 to serve until 6/30/2006

Griffen, Jr., John T., 109 Old Farm Road, Centerville, MA 02632 to serve until 06/30/2006

Lemos, John, 19 Bay Lane, Centerville, MA 02632 to serve until 06/30/2006

APPEALS HYANNIS MAIN STREET WATERFRONT COMMITTEE

Fennucio, Rick, 30 Morgan Way, W. Barnstable, MA 02668 to serve until 06/30/2006

Richardson, Rebecca, PO Box 377, Cummaquid, MA 02637 to serve until 06/30/2006

ASSESSORS BOARD OF

Garreffi, William T., 22 Thornberry Lane, Centerville, MA 02632 to serve until 06/30/2006

BARNS. CTY. COASTAL RESOURCES

Saad, Dale, 183 White Moss Dr., Marstons Mills, MA 02648 to serve until 06/30/06

C.C. REGIONAL TECHNICAL VOCATIONAL SCHOOL COMMITTEE

Bentinck-Smith, Joan, 426 Old Post Road; P.O.Box 710, Cotuit, MA 02635 to serve until 06/30/2006

CABLE TV ADVISORY BOARD

Cole, David B., 420 South Street, Hyannis, MA 02601 to serve 06/30/2006

Daniels, Robert, 16 George Street, Hyannis, MA 02601 to serve until 06/30/2006

CAPE COD COMMISSION REPRESENTATIVE

Ansel, David, 25 Kent Road, Barnstable, MA 02632 to serve until 04/24/2006

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE

Ingham, Michael, 28 Holly Hill Road, Centerville, MA 02632 to serve until 06/30/2006

CONSERVATION COMMISSION

Blazis, Scott, 4 Three Ponds Drive, Centerville, MA 02632 to serve until 06/30/2006

COUNCIL ON AGING

Cross, Ph.D., Barbara, 17 Forest Glen Road, Hyannis, MA 02601 to serve until 06/30/2006

Daley, Marston, 5 Sylvan Drive, Hyannis, MA 02601 to serve until 06/30/2006

Fortes, Eugenia, 400 Pictures Way, Hyannis, MA 02601 to serve until 06/30/2006

Lynch, Elizabeth, 702 Putnam Avenue, Cotuit, MA 02635 to serve until 06/30/2006

Rusher, Ruth M., 111 Ocean Street, Hyannis MA 02601 to serve until 06/30/2006

Sinclair, Carol, Laura Road, Centerville, MA 02632 to serve until 06/30/2006

Sinclair, Lawrence, Laura Road, Centerville, MA 02632 to serve until 06/30/2006

CULTURAL COUNCIL

Evans, Harry D., 49 Snows Creek Drive, Hyannis, MA 02601 to serve until 06/30/2006

Williams, Alice Owens, 153 Old Stage Road, Centerville, MA 02632 to serve until 06/30/2006

DISABILITY COMMISSION

Melcher, Al, P.O. Box 1520, Cotuit, MA 02635 to serve until 06/30/2006

Nevosh, Paul, 30 Frazier Way, Marstons Mills, MA 02648 to serve until 06/30/2006

Tsouros-Matteson, Robyn L., 147 LaFrance Avenue, Hyannis, MA 02601 to serve until 06/30/2006

ELDERLY & DISABLED TAXATION AID COMMITTEE

Cannon, Jeff, 42 Rooks Run, Plymouth, MA 02360 to serve until 06/30/2006

Garreffi, William, 22 Thornberry Lane, Centerville, MA 02632 to serve until 06/30/2006

ECONOMIC DEVELOPMENT COMMISSION

Farnham, Henry C., 27 Coachman Lane, W. Barnstable, MA, 02668 to serve until 06/30/2006

Princi, Patrick, 29 Wayside Lane, W. Barnstable, MA 02668 to serve until 06/30/2006

Poyant, Lynne M., PO Box 100, Hyannis, MA 02601 to serve until 06/30/2006

Scudder, Philip S., 50 Willow St., W. Barnstable, MA 02668 to serve until 06/01/2006

Shuman, Steve, 27 Eastview Terrace, Marstons Mills, MA 02468 to serve until 06/30/2006

ENOCH COBB TRUST

Cole, David B., 420 South Street, Hyannis, MA 02601 to serve until 06/30/2006

HEALTH BOARD OF

Kaufman, Sumner, 360 Regency Drive, Marstons Mills, MA 02648 to serve until 06/30/2006

HISTORICAL COMMISSION

Lenney, Sandy, 25 Newton Street, Hyannis, MA 02601 to serve until 06/30/2006

HOUSING COMMITTEE

Souza, Becky, 27 Brookshire Road, Hyannis, MA 02601 to serve until 06/30/2006

HYANNIS MAIN STREET WATERFRONT HISTORIC COMMISSION

Flinn, Barbara, 104 Pine Avenue, Hyannis, MA 02601 to serve until 06/30/2006

Scudder, David, 57 Seabury Lane, Centerville, MA 02632 to serve until 06/30/2006

JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE

Shiflett-Fitton, Deborah, 282 Church Street, W. Barnstable, MA 02668 to serve until 06/30/2006

Flynn, Shirley, 16 Mary Alice Lane, Hyannis, MA 02601 to serve until 06/30/2006

JFK MEMORIAL TRUST FUND

Jones, Robert, 65 Pinewood Road, Hyannis, MA 0260 to serve until 06/30/2006

Poyant, Lynne, PO Box 100, Hyannis, MA 02601 to serve until 06/30/2006

Rusher, Ruth M., 111 Ocean St., Hyannis, MA 02601 to serve until 06/30/2006

LICENSING AUTHORITY

Burman, Eugene, 283 Holly Point Road, Centerville, MA 02632 to serve until 06/30/2006

OLD KINGS HIGHWAY HISTORICAL DISTRICT COMMITTEE

Jessop, George, 863 Bumps River Rd., Centerville, MA 02632 to serve until 12/31/2006

Dorothy Stahley, 44 Percival Drive, West Barnstable, MA 02668 to serve until November 2003, to fill the unexpired term of Julia Karcsinski.

OPEN SPACE COMMITTEE

Cutcliffe, William E., PO Box 335, Osterville, MA 02655 to serve until 06/30/2006

Wirtanen, Mark, 1894 Main Street, West Barnstable, MA 02668 to serve until 06/30/2006

PERSONNEL ADVISORY BOARD

O'Brien, Robert, 41 Deacon Court, Barnstable, MA 02630 to serve until 06/30/2006

Kaseta, Vincent, 146 Cobblestone Road, Barnstable, MA 02630 to serve until 06/30/2006

PLANNING BOARD

Weir, Marlene, 80 Pond Street, Osterville, MA 02655 to serve until 06/30/2006

RECREATION COMMISSION

Sylvester, Kathleen, 67 Raspberry Lane, Marstons Mills, MA 02648 to serve until 06/30/2006

REGISTRAR OF VOTERS

Poyant, Lucien, West Hyannisport Circle, W. Hyannisport, MA 02674 to serve until 06/30/2006

SANDY NECK ADVISORY BOARD

Bell, Barbara, 316 Flint Street, Marstons Mills, MA 02648 to serve until 06/30/2006

Kittredge, James, 350 Straightway, Hyannis, MA 02601 to serve until 06/30/2006

SCHOLARSHIP COMMITTEE

Marsden, John , 44 Huckins Neck Road, Centerville, MA 02632 to serve until 06/30/2006

WATER QUALITY ADVISORY COMMITTEE

Thomas, Jack, 139 Shell Lane, Cotuit, MA 02635 to serve until 06/30/2006

WATERWAYS COMMITTEE

Sullivan, Dennis S., 204 Pitchers Way, Hyannis, MA 02601 to serve until 06/30/2006

Syrialala, Carl, 951 Oak Street, W. Barnstable, MA 02668 to serve until 06/30/2006

ZONING BOARD OF APPEALS

Gilmore, Jeremy, 83 Dunaskin Road, Centerville, MA 02632 (Alternate) to serve until 06/30/2006

Childs, Randolph, 34 Shirley Point Road, Centerville, MA 02655 (Alternate) to serve until 06/30/2006

Geiler, Sheila, PO Box 771, Hyannis, MA 02601 (Alternate) to serve until 06/30/2006

Nightingale, Gail, 32 Sunset Lane, Osterville, MA 02655 to serve until 06/30/2006

VOTE: Unanimous

2003-097 APPROPRIATION LOAN ORDER – COMMUNITY SEPTIC MANAGEMENT PROGRAM

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on June 19, 2003.

VOTE: Unanimous

PUBLIC COMMENT

Laura Shufelt wanted to correct some of the things said on the Darby property. Forty-nine percent of the housing negotiated at that location will be affordable. No one knows that it will be a \$1 lease. The project will go out to bid and a lease amount will be included in the bid. In addition, it may not be a 'for profit' developer. There are lots of nonprofit developers out there who may bid. There will not be substantial changes to Chapter 40B. The legislature will be giving active towns more control with the ability to deny bad Cha. 40B proposals.

Henry Farnham announced the Ninth Annual Fathers' Day Car Show on Sunday June 15th. Main St. will be closed at 7AM Sunday morning. There was a crowd of over 35,000 last year. The event runs from 9AM to 2PM.

On a motion duly made and seconded it was voted to adjourn the meeting at 10:10 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco
Assistant Town Clerk