



The Town of Barnstable Town Council

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TOWN COUNCIL AGENDA

July 17, 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**
 - **Presentation of Jane Eshbaugh Community Service Award**
 - 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 (PUBLIC HEARING – MAY BE ACTED UPON)

**BARNSTABLE TOWN COUNCIL
SUBSTITUTE MOTION**

**2003-098 ORDINANCE AMENDMENT INCREASING THE FINE FOR KEEPING OF
UNREGISTERED MOTOR VEHICLES
INTRO.: 06/19/03; 07/17/03**

ORDERED,

SECTION 1

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: “three hundred (\$300.00) dollars.”

SECTION 2

that Section 2 of Article I of Chapter IV of the General Ordinance is hereby amended by striking out the words “Art XX \$50.00 Unregistered Motor Vehicles” and inserting in place thereof the following: “Art XX \$200.00 Unregistered Motor Vehicles.”

SPONSOR: Gary R. Brown, Town Councilor

DATE

ACTION TAKEN

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

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; 07/17/03**

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
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

2003-102 APPROPRIATION ORDER FOR FY 2003 BUDGET
INTRO.: 06/19/03; 07/17/03

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.

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

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

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

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

2003-112 APPOINTMENTS

INTRO.: 06/19/03; 07/17/03

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 (*).

DISABILITY COMMISSION

*Francis Maioli, 111 Lothrop's Lane, West Barnstable, MA 02668 to serve until 06/30/2006

HISTORIC COMMISSION

*Marilyn Fifield, PO Box 532, Barnstable, MA to serve until 06/30/2006

SANDY NECK ADVISORY BOARD

*Kenneth Botello, 61 Maple Street, Hyannis, MA 02601 to serve until 06/30/2006

SPONSOR: Town Councilor Gary R. Brown

DATE

ACTION TAKEN

B. NEW BUSINESS (To Be Referred To Public Hearing August 21st)

BARNSTABLE TOWN COUNCIL

**2004-001 APPROPRIATION ORDER FOR THE MAINTENANCE AND
IMPROVEMENT TO PROPERTY PURCHASED THROUGH THE OPEN
SPACE ACQUISITION PROGRAM
INTRO: 07/17/2003**

ORDERED,

That, the Town Council hereby appropriate \$70,000 for the purpose of funding the costs associated with the maintenance and improvements to property purchased by the Town of Barnstable under the Cape Cod Open Space Acquisition Program, to an account designated by the Town Manager.

DATE ACTION TAKEN

AGENDA ITEM SUMMARY
2004-001

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: June 19, 2003
SUBJECT: Appropriation Order for Maintenance and Improvements to Property Purchased with Funds from the Cape Cod Open Space Acquisition Program

BACKGROUND: the Cape Cod Open Space Acquisition Program, also known as the Land Bank, was established in fiscal year 2000 under Chapter 293 of the Acts of 1998. Expenditures may only be made from the fund upon appropriation by the Town Council. The statute allows the Town to pay for maintenance and improvement to real property purchased with proceeds from the Land Bank, subject to an amount equal to 3% of all monies collected from the land bank surtax in the aggregate. No money can be used for administrative services or supplies associated with this program.

ANALYSIS: the Town of Barnstable has made 26 acquisitions totaling 673.66 acres. To date, \$160,000 has been appropriated for the maintenance or improvements to these acquisitions. The Town has identified the need for signage, cleanup work, design, and mowing and trail creation to some of these properties. To date, the Town has collected approximately \$7.7 million in surtax revenue under this program, making \$231,000 available for maintenance and improvement. The Town Manager's office will have oversight of this appropriation and any request to use these funds will be directed to and approved by the Town Manager or his designee.

FISCAL IMPACT: there is no impact to the general fund operating budget. All amounts appropriated for this purpose only reduce the funds available for land acquisition and related costs under the Land Bank program.

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

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2004-002 HOPKINTON AMENDMENT, CHAPTER 59, SECTION 2D OF GENERAL LAWS, PROVIDES TAXING CERTAIN IMPROVED REAL PROPERTY BASED ON ITS VALUE AT TIME OF OCCUPANCY
INTRO. 07/17/03**

RESOLVE,

The Town Council directs the Town Clerk to place the following question on the ballot for the November, 2003 municipal election:

“Shall the town accept section 2D of chapter 59 of the General Laws, which provides for taxing certain improved real property based on its value at the time an occupancy permit is issued?

Yes _____

No _____”

SPONSOR: John C. Klimm, Town Manager

DATE

ACTION TAKEN

AGENDA ITEM SUMMARY
2004-002

TO: Town Council
FROM: John C. Klimm, Town Manager
SENT: July 017, 2003
SUBJECT: MGL Chapter 59, Section 2D, Supplemental Tax Assessments

BACKGROUND: Massachusetts General Law, Chapter 59, Section 2D, permits the issuance of a Supplemental Real Estate bill when improvements are made to a parcel which results in a greater than 50% increase in the value of the property.

ANALYSIS: Under existing law the Board of Assessors values each parcel of property in its condition as of January 1 of each year. In some cases this leads to an unfair allocation of the tax burden as it relates to the utilization of Town resources and services. For instance if a house is demolished by a fire on January 2, 2002 the taxpayer must continue to pay the taxes on the complete house for the rest of that Fiscal Year, through June 30, 2002, and for all of Fiscal Year 2003, which ends June 30, 2003, even if the home is not rebuilt. Thus the property owner would continue to pay taxes based on a demolished home for almost 18 months. In another example, if the land is vacant on January 1, 2002 but a house is constructed and inhabited on March 1, 2002 the property owner will only be taxed for the vacant land for the rest of FY 2002 and all of FY 2003. Thus the taxpayer would be receiving all available Town services for up to 16 months but only be taxed for a vacant parcel of land. Clearly this is not fair. This statute would allow the Board of Assessors to issue a pro-rated tax bill in cases where there was a significant change in the value of the property as a result of construction or to abate an existing tax bill where the value decreased by greater than 50% due to a fire or other "natural disaster"

FISCAL IMPACT: Implementation of the statute would not require any additional staff or incur any additional expense. There would be an increase in revenue which would be reflective of the level of construction activity. It is estimated that had the statute been in effect for FY 2003 this provision would have resulted in an additional income of approximately \$100,000.

TOWN MANAGER RECOMMENDATION: To approve the resolve as presented.

B. NEW BUSINESS (FIRST READING)

BARNSTABLE TOWN COUNCIL

<p>2004-003 APPOINTMENT INTRO.: 07/17/03</p>
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RESOLVE,

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

DISABILITY COMMISSION

Cole, William, 20 Bog Berry Lane, Marstons Mills, MA 02648 to serve until 06/30/2006

WATER QUALITY ADVISORY COMMITTEE

Ventura, Kenneth, Superintendent, Cotuit Water Dept., Falmouth Road, Cotuit, MA 02635 to serve until 06/30/2006

Crocker, Craig, Superintendent, COMM Water Dept., Main Street, Osterville, MA 02655 to serve until 06/30/2006

SPONSOR: Town Councilor Gary R. Brown

DATE

ACTION TAKEN

_____	_____
_____	_____

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2004-005 RESOLVE REGARDING STREETScape PROJECT TO MAKE
ADJUSTMENTS TO ACCOMMODATE PLACEMENT OF OVERHEAD
UTILITIES TO REAR OF MAIN STREET BUILDINGS
INTRO.: 07/17/03**

RESOLVE,

that the Town Manager direct the Streetscape Project to make adjustments to accommodate the placement of overhead utilities to the rear of Main Street buildings.

SPONSOR: Gary Brown, and Greg Milne, Town Councilors

DATE

ACTION TAKEN

_____	_____
_____	_____

AGENDA ITEM SUMMARY
2004-005

TO: Town Council
FROM: Gary Brown and Greg Milne, Town Councilors
DATE: July 7, 2003
SUBJECT: Resolve Streetscape Project to Make Adjustments to Accommodate Placement of Overhead Utilities to Rear of Main Street Buildings

BACKGROUND: this resolve follows-up on a previous resolve (2002-014) relative to the relationship between the PWED Project and underground utilities. The previous resolve (2002-014), which passed the council unanimously, directed the Town Manager to coordinate efforts/funding for subsurface utilities on Main Street.

Following a survey/questionnaire to Main Street landowners and merchants, it was found that 1) there are considerable physical and engineering constraints; 2) significant time constraints; and 3) important financing obstacles, all of which have led to the implementation of underground utilities not being feasible at this time.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

<p>2004-006 TRANSFER ORDER FOR FY 2004 BUDGET INTRO.: 07/17/03</p>
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ORDERED,

that the Town Council hereby transfer \$30,000 from the Regulatory Services operating expense budget to the Regulatory Services personnel expense budget.

SPONSOR: John C. Klimm, Town Councilor

DATE	ACTION TAKEN
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_____	_____
_____	_____

AGENDA ITEM SUMMARY
2004-006

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: July 17, 2003
SUBJECT: FY 2004 Budget Transfers

BACKGROUND: the Town Council has adopted a first of its kind, amnesty program designed to create a process to allow homeowners with illegal apartments an option to removing the unit to obtain compliance. The program allows relief to be granted, through the Board of Appeals. The relief creates a legal unit and restricts the use of the unit to one that qualifies as an affordable unit. The program is a win-win situation for both landlords with a unit in non-compliance and tenants in need of affordable housing.

ANALYSIS: during the implementation of this program it has become clear that many of the property owners eligible to utilize this process needed guidance and assistance to navigate through the regulatory and permitting process. Staff of the Community/Economic Development Division have filled that need. The Board of Appeals has reviewed and approved units that qualify as affordable units and are legal under our zoning ordinance. There are still a significant number of property owners who are currently renting a unit which is not legal under our zoning and who have decided not to participate in the amnesty program or otherwise come into compliance. What is needed is an enforcement person dedicated to this program for approximately one year. One that is familiar with zoning regulations and building code issues and could work with existing staff to take appropriate legal action against those that refuse to comply with the zoning ordinance.

The proposal is to transfer \$30,000.00 from Regulatory Services Department expense budget to the Regulatory Services Salary budget and contract with an individual to meet this need for one year. This person would work with Building Division officials, Community and Economic Development Division staff, Housing Committee, and the property owners.

FISCAL IMPACT: the funds for this service were encumbered within the FY 2003 Regulatory Services operating expense budget. Encumbrances at the end of a fiscal year effectively become an ancillary part of the department's FY 2004 budget. If the services are to be performed by an employee rather than an independent contractor a transfer is needed to move these funds to the Regulatory Services personnel expense budget. This transfer request does not affect the overall department budget. It is only a reclassification between categories.

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

STAFF ASSISTANCE: Tom Geiler, Regulatory Services Director, Kevin Shea, Community Development Director, and Mark Milne, Finance Director

B. NEW BUSINESS (To Be Referred To Public Hearing August 21st)

BARNSTABLE TOWN COUNCIL

**2004-007 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF
\$502,500.00 FOR THE PURPOSE OF ACQUIRING 29.48 ACRES MORE
OR LESS IN CENTERVILLE AND APPROVAL OF GRANT AND
RELEASE OF CONSERVATION RESTRICTION, ASSESSORS MAP
146 LOTS 2 AND 3-001-004
INTRO.: 07/17/03**

ORDERED,

that the Town Council hereby authorizes the Town Manager to purchase, take by eminent domain, or otherwise acquire for the purposes set forth in chapter 293 of the Acts of 1998 as amended by section 211 of chapter 127 of the Acts of 1999 and/or chapter 79 of the General Laws of Massachusetts, land and interests in land in the Town of Barnstable (Centerville) further described in Exhibit "A" hereto annexed and specifically incorporated herein by reference together with the layouts of streets and ways shown on plans of and/or appurtenant to the land in Exhibit "A"; appropriates the sum of FIVE HUNDRED TWO THOUSAND FIVE HUNDRED AND NO/100 (\$502,500.00) Dollars for said acquisition or taking and related costs; authorizes the Town Manager to contract for and expend said appropriation for such purposes and accept any gifts or grants in relation thereto; to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow the sum of FIVE HUNDRED TWO THOUSAND FIVE HUNDRED AND NO/100 (\$502,500.00) Dollars for said acquisition or taking and related costs; approves the release of a conservation restriction recorded in Book 2628, Page 110; approves the grant of a conservation restriction on the land further described in Exhibit "A" hereto annexed; and to authorize the Town Manager to execute and deliver contracts and other instruments for the grant and release of said restrictions.

SPONSOR: John C. Klimm, Town Manager

DATE

ACTION TAKEN

EXHIBIT A

Property Address of Premises: 0, 417, 431, 443, and 459 Lumbert Mill Road, Centerville,

TRACT	SELLER	MAP/ LOT	DESCRIPTION
1	<p>Association for the Preservation of Cape Cod, Inc., a Massachusetts charitable corporation duly organized by law with a principal office at 3010 Main Street, Barnstable, Massachusetts 02630</p> <p>Release of all rights of reverter, title and interest by Massachusetts Audubon Society, Inc., a Massachusetts charitable corporation duly organized by law with a principal office at 280 South Great Road, Lincoln, Massachusetts 01773</p>	146/2	<p>Land containing 13 acres more or less further described in Deeds in Book 2628, Page 110, Book 2537, Page 174, Book 1270, Page 59, and Book 927, Page 219</p>
2	<p>Alan E. Small and Dorothy A. Small, individually and as husband and wife, as tenants by the entirety, both of 749 Main Street, Osterville, Barnstable County, Massachusetts, 02655, and Richard M. Maguire of 8 Thoreau Drive, Centerville, Barnstable County, Massachusetts 02632</p> <p>Release of all rights of reverter, title and interest by Association for the Preservation of Cape Cod, Inc. and Massachusetts Audubon Society, Inc.</p>	146/p2 and 3-001-004	<p>Land containing 15.26 acres more or less shown as Lots 1 through 6, inclusive, on plan in Plan Book 551, Page 70 and fee in all streets, ways and easements shown on said plan, further described in Deeds in Book 13283 Pages 306 and 307, Book 13284 Pages 61 and 62, and Book 13321 Pages 197 and 198.</p>

B. NEW BUSINESS (To Be Referred To Public Hearing August 21st)

BARNSTABLE TOWN COUNCIL

**2004-008 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$302,500.00 FOR THE PURPOSE OF ACQUIRING 56.62 ACRES MORE OR LESS IN WEST BARNSTABLE AND APPROVAL OF GRANT OF CONSERVATION RESTRICTION, ASSESSORS MAP 156 LOTS 39 – AND 48 - 53 AND MAP 180 LOTS 15 – 27
INTRO.: 07/17/03**

ORDERED,

that the Town Council hereby authorizes the Town Manager to purchase, take by eminent domain, or otherwise acquire for the purposes set forth in chapter 293 of the Acts of 1998 as amended by section 211 of chapter 127 of the Acts of 1999 and/or chapter 79 of the General Laws of Massachusetts, land and interests in land in the Town of Barnstable (West Barnstable) further described in Deed recorded in Book 1319, Page 557 except those lots described in Deed recorded in Book 1363, Page 761, together with the layouts of streets and ways shown on plan recorded in Plan Book 202, Page 121 and/or appurtenant to the land described in said Deeds; appropriates the sum of THREE HUNDRED TWO THOUSAND FIVE HUNDRED AND NO/100 (\$302,500.00) Dollars for said acquisition or taking and related costs; authorizes the Town Manager to contract for and expend said appropriation for such purposes and accept any gifts or grants in relation thereto; to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow the sum of THREE HUNDRED TWO THOUSAND FIVE HUNDRED AND NO/100 (\$302,500.00) Dollars for said acquisition or taking and related costs; approves the grant of a conservation restriction on the land further described in said Deeds and plan; and to authorize the Town Manager to execute and deliver contracts and other instruments for the grant of said restriction.

SPONSOR: John C. Klimm, Town Manager

DATE

ACTION TAKEN

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2004-009 ADMINISTRATIVE CODE AMENDMENT TO THE GOLF COURSE
COMMITTEE TERM OF OFFICE
INTRO.: 07/17/03**

ORDERED,

that Part II, Multiple Member Appointive Organizations of the Town of Barnstable Administrative Code be amended by striking in its entirety Section 14.01. Golf Course Committee Term of Office, and substituting therefore the following: "14.01 Composition and Term of Office There shall be a Golf Course Committee consisting of five (5) at-large members.

SPONSOR: Gary R. Brown, Town Councilor

DATE

ACTION TAKEN

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2004-010 ADMINISTRATIVE CODE AMENDMENT TO THE OPEN SPACE
COMMITTEE TERM OF OFFICE
INTRO.: 07/17/03**

ORDERED,

that Part II, Multiple Member Appointive Organizations of the Town of Barnstable Administrative Code, Section 41.01, Open Space Committee Term of Office, be amended by striking the first paragraph and substituting therefore the following: "Section 41.01 Composition and Term of Office In accordance with Chapter 293 of the Acts of 1998 as amended by section 211 of chapter 127 of the Acts of 1999 – the so-called Land Bank, there shall be an Open Space Committee consisting of 7 members whose term of office shall be so arranged that an equal number of terms as nearly as is possible shall expire each year."

SPONSOR: Gary R. Brown, Town Councilor

DATE

ACTION TAKEN

B. NEW BUSINESS (To Be Referred To Public Hearing August 21st)

BARNSTABLE TOWN COUNCIL

**2004-011 APPROPRIATION AND LOAN ORDER FOR THE ADDITION TO THE
BARNSTABLE POLICE FACILITY
INTRO.: 07/17/03**

ORDERED,

that the sum of \$400,000 be appropriated for the purposes of funding new building construction associated with the addition at the Barnstable Police Station and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$400,000 and that the Town Manager is authorized to contract for and expend the Appropriation made available for this purpose and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: John C. Klimm, Town Manager

DATE

ACTION TAKEN

**AGENDA ITEM SUMMARY
2004-011**

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Ells, Director
DATE: July 14, 2003
SUBJECT: Appropriation and Loan Order

BACKGROUND: the Department of Public Works, Engineering Division received bids on June 26, 2003 for the Addition to the Barnstable Police Facility exceeding the appropriated amount of \$1,300,000 available in Appropriation and Loan Order 2002-080.

ANALYSIS: this project involves the addition of two floors and associated improvements to the sewage disposal system at the Barnstable Police Facility. It will provide additional locker room areas, office space and storage areas. In 1981, when the current facility was opened, the Department consisted of 69 sworn officers (2 of whom were female) and 9 civilian personnel (7 of whom were female). Today, the Department consists of 111 sworn officers, (11 of whom are female) and 27 civilian personnel. This represents more than a 60% increase in total staff and well over 100% increase in female staff. There is a wide disparity in the space allocated for female facilities when compared to male facilities. The proposed addition would enlarge the woman's and men's locker rooms and bathrooms on the first floor of the new addition. The new locker rooms have been designed to accommodate the existing police force with some expansion possible for added personnel in the future. The need has arisen for an area that can be used for decontamination of personnel without going into the locker rooms. This additional area will be adjacent to the new locker room area.

Over the years, various areas have been converted into office space. There is a pressing need for additional office space and meeting areas. The second floor will be used for office space and will be accessible from the existing Detective Division area. On-site parking, septic and wastewater systems will be reviewed and upgraded as necessary.

FISCAL IMPACT: the appropriation of additional funds shall be sufficient to complete the necessary facility addition. The payback of bonds issued to cover the entire cost of \$1,700,000 for this project will be provided from the Capital Trust Fund. Under current circumstances, the Capital Trust Fund has the capacity to absorb the additional \$400,000 being requested.

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

BOARD AND COMMISSION ACTION n/a

STAFF ASSISTANCE: Mark S. Ells, Director
Robert A. Burgmann, P.E., Town Engineer

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2004-012 RESOLVE ACCEPTING GENEROUS GIFT OF PLAYGROUND EQUIPMENT INCLUDING: 4 SCHOOL AGE SWINGS, 2 INFANT SWINGS, AND 1 CLIMBER, TO REPLACE THE EXISTING SWINGS AT VETERANS PARK BEACH IN HYANNIS, FROM AL AND MAUREEN MAKKAY.
INTRO.: 07/17/03**

RESOLVED: that the Town Council hereby accepts a gift of playground equipment, from Al and Maureen Makkay, which includes: 4 school age swings, 2 infant swings, a climber, and the appropriate ground material, for the purpose of replacing the existing swings at Veterans Park Beach in Hyannis.

SPONSOR: Councilor Gary Brown, John C. Klimm, Town Manager

DATE:

ACTION TAKEN

AGENDA ITEM SUMMARY
2004-012

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: David Curley, Director of Recreation Division
DATE: July 8, 2003
SUBJECT: Request to Accept Playground Equipment Gift

BACKGROUND: the Town of Barnstable Veterans Park Beach is one of the more popular areas for our residents and visitors. The facility offers the following attractive components: the Kennedy Memorial, the Korean War Memorial, a nice sandy beach area, a beautiful ocean view, a playground area, and a park area including grills and picnic tables. Veterans Park is considered to be a family beach area. The Town of Barnstable continues to spend dollars on the playground equipment due to the age of said items. Also, the Town of Barnstable is most concerned with the existing playground equipment for safety reasons.

ANALYSIS: the Town of Barnstable continues to spend dollars to maintain the existing playground equipment at Veterans Park beach. The equipment is tired, not adequate, and not up to safety standards for park equipment. Mr. Al and Maureen Makkay of Centerville, who frequents the Veteran's site, recognized the equipment to be in need of some repair. Mr. Makkay contacted Councilor Brown who in turn called David Curley. Al and Maureen Makkay would like to donate playground equipment to the Veterans Beach site that would replace the existing equipment. The equipment would meet today's safety standards. A meeting involving Mr. Makkay, Councilor Gary Brown, and David Curley took place. The Barnstable Recreation Division has received numerous complaints regarding the existing playground equipment. The Barnstable Recreation Division fully endorses this gift of equipment. Al and Maureen Makkay would like to make a difference in the Town and are taking positive action. The gift will include: purchase of equipment items, purchase of safety ground material, and installation of said playground equipment at the site. Installation of new playground equipment will enhance the program at Veterans along with lessening the Town's liability concern. The Barnstable Recreation appreciates Mr. and Mrs. Makkay's generous efforts.

FISCAL IMPACT: the Town of Barnstable Recreation Division and DPW will assist with this project in dismantling the existing swings and preparing the site for new playground equipment through current operating funds.

TOWN MANAGER RECOMMENDATION: the Town Manager recommends gift acceptance.

BOARD/COMMITTEE ACTION: No action, did not hear this proposal.

STAFF ASSISTANCE: David Curley, Recreation Director

11. PUBLIC COMMENT

12. ADJOURNMENT

NEXT MEETING IS AUGUST 21ST.



BARNSTABLE TOWN COUNCIL MINUTES
JUNE 19, 2003

A quorum being duly present, Town Council President, Gary Blazis, called the meeting of the Barnstable Town Council to order at 7:00 pm, on June 19, 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, 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 June 5, 2003 with the following corrections: Dr. Doriss name misspelled in 3 places (page 42, 43, 45); and the appointments 2003-096 was referred to a second reading on page 50.

VOTE: Unanimous

Conservation Commission

Members: T. Walter Wannie, Peter Sampou, John Abodeely (Chair), James Lane, Robert Lancaster (Vice Chair), Scott Blazis and Robb Gatewood Conservation Director were present. Albert Barbour was not able to attend.

Pres. Blazis stated that the council had requested all boards to come before them. Because of their schedule it has been difficult to gather them together. John Abodeely, the Chairman, introduced the members and told briefly what they do and face.

They have 3 areas of responsibility. They render decisions regarding the applications and violations of the wetlands protection ordinance. They enforce laws that fall under their jurisdiction and manage land that fall under that jurisdiction. They manage over 6,000 acres of Barnstable land, and over 33 miles of hiking and biking trails.

This year they will present to the council dock and pier regulations; they will deal with the enforcement of environmental law (need to explore stronger options for violations; they will work on land management; and restoration projects (such as Bridge Creek restoration, Long Pond hydrilla project etc.). They thanked the council for past support and look for it in the future.

Councilor Elrick (re docks and piers) is concerned about applications and wanted to know what happened to the regulations that came before the council a couple of years ago. Blazis said that the 3 bays area was categorized, and ranked. They have been using a lot of the information in their deliberations. The draft regulations include some information that came from work completed with the prior draft. Elrick wants to know why the old regulations were put aside. Attorney Smith reminded all the impetus on the earlier effort was driven by Cotuit and the council adopted a zoning amendment that prohibited piers in that part of town.

Councilor Jones thanked conservation for their hard work. It seems like a lot of the things that you handle the staff could handle and approve automatically (some smaller issues). Continuances because people do not show up are upsetting – and the importance of quorums and attendance should be noted. Jones is glad they are working on dock regulations and hopes that it will be targeted to conservation issues only - we lost 21 out of 22 cases on docks.

Councilor Brown thanked Robb Gatewood on the marina support and help on getting the jetty fixed. What about herring runs, which currently fall under Tom Geiler, do you feel you should have more say? Abodeely said we have limited jurisdiction and need natural resources to manage them. We need to educate the citizens on why ponds rise and fall.

Councilor Loughnane acknowledged Peter Sampou's attendance at the Sandy Neck meetings and said it is nice to have a good rapport between you two boards. She asked them to consider meeting with the Sandy Neck Board to allow some open discussion.

Councilor Milne also thanked the commission. What can we do to implement more fines on violations, and how do morning meetings with the teachers work, he asked. By law you need 4 commissioners to pass a vote. Tuesday morning meetings in the summer as far as the teachers are not a problem. We put in hours and hours and hours said Abodeely. It is a problem to get the commission together.

Scott Blazis said that there are unintentional and intentional violators. We have sympathy for unintentional violators. New property owners many times are not aware of their obligations. Real estate closings should have information regarding wetlands protection. Intentional violations need to be dealt with more effectively.

President Blazis would like for the commission members to send whatever their needs are to the council and the council will try to address them.

School Feasibility Study Presentation

David Anthony, division supervisor for property management division, said, in the fall of 2000 we began looking at the schools and the space issues. A year later they felt an architectural firm should come in, look at the schools and decide what to do. Then a committee was formed that asked the council to hire a consultant, which they did. Architects Keenan and Kenney and Tams worked together. Ultimately they were to provide us with detailed information on the schools and what needs to be fixed and what can wait. They studied space needs (that met Federal and State standards). And, they provided a plan for support of children in K-4, (regarding possibly closing schools and renovating others).

The final report is due soon. Jonathan McCreedy from Tams took over the presentation. He introduced the other individuals as well. They were looking for a

successful educational master plan that would provide appropriate facilities for learning that are flexible, efficient, and diverse as well as realistic and achievable.

See Exhibit A for a written overview.

Councilor Brown spoke about the Hyannis East closing. Brown said that school has the most walkers – now it will cost more for busing. McCreedy said you need 2 schools in Hyannis. Hyannis East has a site problem, so from a cost effective point of view, and looking at site issues they felt the Hyannis West site was a better place to have 2 schools.

Councilor Loughnane wanted to know if they calculated the children that might come in with the increased affordable housing – yes they have. Richardson said housing opportunities are being offered for those who are already here.

Councilor Barry asked if they had have looked at our financial picture. We are looking for an override this year. He wants to know what is negative about the Cotuit School. He said Cotuit is in good condition, but closing is because of demographics. The population is on the east and there are not enough kids in the west to fill it to a capacity of about 400. They would recommend that monies from the sale of the schools would go to pay for the project. Barry said the timing is terrible.

Councilor Milne would like to see the Grade 5 School used in the system. It would be helpful to know what “value” you have put on the schools, how much of an offset that will be to the total cost, and what uses are there for the schools not being used. McCreedy said they did look at re-use, have about 15 possibilities and have no assigned values. Land values was not used for school closings. Richardson said the Horace Mann School is being closed and it will be a cost saving measure now.

PUBLIC COMMENT

Began at 8:25 p.m.

Rick Sheehy from the Osterville Voice, thanked for cooler heads on the Darby property. He had a list of items that he asked Councilor Riedell to follow up on. They looked forward to the study committee and hopes the committee does well.

Lynn Poyant updated everyone on July 5th fireworks with a rain date of July 6th. They will begin at 9 p.m. and be shot from a barge in the harbor. WCIB will have a musical simulcast with the fireworks. Thursday in Hyannis will begin on July 3. On the 4th Barnstable village parade will begin at 9 a.m. Mercy Otis Williams award will be presented at 10:30 a.m. The Centerville parade begins at 10 a.m.; Cotuit’s parade will begin at 11 a.m., as will the Hyannisport parade at 11 a.m., and Wianno will have theirs at 11:10 a.m. Hyannis will have the boat parade at 1 p.m. and the Cape Cod Celebrates America parade will begin at 4 p.m. in Hyannis and will have lots of bands.

Tom Canty asked for support of the unregistered motor vehicle amendment. He created a list of 90 unregistered vehicles in various yards within 1 mile of his home. The issue is not just Hyannis and it is turning our village into a junk yard.

James Crocker thanked the council for allowing a committee to study the Darby property. He was glad that it is being tested for water. I hope we all have taken something away during our discussions.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Riedell applauded action of the fire district and thinks we are going in the right direction. He asked Mr. Sheehy for the list of requests. There are a lot of apartments in Osterville and they are not being identified as legal apartments. He hopes that owners come forward so that additional units will be identified. We need more units to reach the 140 units.

Councilor Joakim was at the meeting when they agreed to test the land. Is it possible to have wells and develop part of the land for affordable housing – is it possible to have both? Pres. Blazis said maybe we can look at both.

Councilor Richardson said the need in town is for family housing. We need to remember where our priorities are.

Councilor Loughnane said we know that there are areas that are more conducive to elderly and some that are more for families. The Osterville Bay School, if used for housing is central in Osterville and would be nice for the elderly but other areas lend themselves to families.

Councilor Richardson again emphasized the need is for family housing.

Councilor Milne said regarding Darby, we also need housing for working people. The working single people also need housing. Hopefully, we can hold our line for affordable units.

PRESIDENT/VICE PRESIDENT COMMUNICATIONS

Pres. Blazis announced that the Town Council offices are now open again in the Town Hall on the second floor. He congratulated Councilor Richardson for being the new school committee liaison, and Councilor Joakim who is the alternate. Richardson said it is a step forward to have a liaison position on the school committee and it provides a very nice link. He said he was well received and it was interesting.

Blazis asked Manager John Klimm about the public's perception of possibly giving the Darby property away for \$1.00. Klimm said it was answered best by Laura Shufelt who said it has been the intention to put the parcel out for competitive bid. To suggest that we are going to accept a \$1.00 is not true. How much revenue we will take in is an issue but it has not gone out for bid and as yet it cannot be determined.

Blazis read a letter into the record from Isaac Rosen, Executive Director of the Alliance to protect Nantucket Sound, regarding wind turbines at the water treatment plant. They congratulated Barnstable for that thought, and said the town should be applauded.

TOWN MANAGER COMMUNICATIONS

Manager Klimm said as far as the Darby talks, he is not authorized by nor is he negotiating with the fire district. We are discussing issues and are not negotiating.

Klimm also said there is concern that they are discussing affordable housing – that has not been discussed and they have no intention of discussing it. It is water quality and environmental concerns that Nestor Silva and he have been discussing.

He also said there are technical issues that surround Darby. We have individuals that have expertise in some of those areas and we will look at whether housing and wells could go on the land.

Klimm acknowledged Mr. Canty's hard work as far as unregistered vehicles. Hopefully the measure this evening will help those concerns.

Manager Klimm then addressed the Covenant between the town and the school and explained that it is the same final draft that was approved by the school committee. (See Exhibit B). He thanked all involved on this. Richardson said the school committee adopted this unanimously. Loughnane asked about changing "could" to "would" on tax levy section. Joellen Daley said they were concerned about absolute words. If something unforeseen might happen we might not be able to do it. On page 2 the last sentence of first paragraph, they changed could to would to make it stronger. The second paragraph on that page is new. The override for November is an operational override and not a debt exemption. We might consider a debt exemption but not an override.

Blazis asked for a vote to accept. It was moved and seconded to accept the Covenant as written.

VOTE: 11 yes

ORDERS OF THE DAY

2003-103 - TOWN COUNCIL SUPPORT OF RE-NAMING THE FORMER HAGBERG LAND TO THE ELLEN A. McBARRON RECREATION FACILITY

Kathy Pina from the Recreation Commission spoke about her friend. She said Ellen was short and sweet and she worked so hard to make sure the kids had everything they needed. If you ever wanted anyone to get something done for you, she was the one. She was always available. She was there to give her support. I miss her.

Councilor Loughnane said it is most appropriate naming this facility after Ellen, who also had a strong desire to open opportunities for girls as well as boys.

Upon motion duly made and seconded it was voted that:

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.

VOTE: 10 yes 1 abstain

John McBarron, Ellen's husband, was invited to the podium where Gary Blazis presented him with a proclamation that fully stated that the property would be known as the Ellen A. McBarron Recreation Facility. McBarron thanked the council and manager and David Curley for thinking of Ellen. "She was wonderful, he said. He also thanked Kathy Pina and Nikki Bourne-Hudick, who were so good to his wife.

2003-096 - APPOINTMENTS

INTRO.: 06/05/03

Upon motion duly made and seconded it was

Resolved:

That the Barnstable Town Council appoints 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

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
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 06/30/2006

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, 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
Syriala, 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

VOTE: 11 yes

2003-112 – APPOINTMENTS

Upon motion duly made and seconded it was voted to move appointments to the following boards and commissions to a second reading – Disability Commission, Historic Commission and Sandy Neck Advisory Board members.

VOTE: 11

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

Upon motion duly made and seconded it was voted to go in to a public hearing and seeing no persons interested in discussion, the board again moved and it was seconded to go out of a public hearing at 9:17 p.m.

VOTES: Unanimous in favor

Upon motion duly made and seconded it was

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.

VOTE: 10 yes roll call

**2003-098 - ORDINANCE AMENDMENT INCREASING THE FINE FOR KEEPING OF
UNREGISTERED MOTOR VEHICLES**

**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**

2003-102 - APPROPRIATION ORDER FOR FY 2004 BUDGET

**2003-104 - APPROPRIATION ORDER FOR REBUILDING THE BEACH
STRUCTURE AT HAMBLINS POND**

Upon motion duly made and seconded, the above items, 2003-098, 099, 102 and 104 were referred to a public hearing to be held on July 17, 2003.

VOTE: 11 yes

2003-100 - TRANSFER ORDER FOR FY 2003 BUDGET

Upon motion duly made and seconded it was

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

VOTE: 11 YES

2003-105 - DELEGATION OF AUTHORITY TO ENTER INTO SPECIFIC LONG TERM AGREEMENTS

Upon motion duly made and seconded it was

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.

VOTE: 11 yes

2003-106 – RESOLVE TO ENDORSE BILL #H1468 TO CLARIFY CHAPTER 164 REGARDING MUNICIPAL UTILITIES

Manager Klimm acknowledged Councilor Loughnane's past work on the Cape Light Compact and all her continued efforts.

Upon motion duly made and seconded it was

RESOLVED:

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.

VOTE: 11 yes

2003-107 - RESOLVE TO ENDORSE GRANT UNDER THE SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM

Councilor Clark asked what criteria were used to figure what company you would support on this grant. Mosby, Director of the Airport, said the criteria were very specific, commercial air carrier/the only one was Cape Air. We looked at the number of flights that go to the Nantucket market. Our emphasis was to try to figure out how to reduce those flights and yet provide service to other markets. Dan Wolf, of Cape Air, said we discussed this and we need to transition the Hyannis/Nantucket market into

larger planes and fewer trips. Clark wanted to make sure we were not slamming the door on anyone else. The smaller planes are more economical but this is a better plan.

Councilor Milne was pleased when he heard of this but looked at increased numbers for the future. Mosby said projections and demographics show a lot of the doubling of emplanements is due to migrations and demographics and there is a probability that it will increase. It will go backwards according to Wolf, who does not believe the report. He said they are already less than 20% on their estimates for this year.

Councilor Brown said there is no economic impact statement. Is this coming out of the airport funds or the town funds? Costs are coming out of the airport budget. The requirement of the grant is for matching money, more money may come from Nantucket.

Councilor Loughnane said it is in the interest of the greater public good to have less noise and less trips and it will help ease the situation.

Councilor Joakim asked when will we know what the amounts will be. Mosby said we submit an application and it is up to the DOT to decide what the needs are and what matching funds will be reimbursed. It is a reimbursable grant.

Councilor Richardson applauded their efforts. Jones asked for clarification of the monies to be spent, and was told \$500,000 from Cape Air and \$100,000 from the communities.

Upon motion duly made and seconded it was

RESOLVED:

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

VOTE: 11 yes

2003-108 - RESOLUTION REQUESTING RESTRUCTURING OF EXCEL TIF AGREEMENT

Kevin Shea gave an overview of this resolution. He said the Economic Development Com. has been monitoring these for about a year and supported restructuring.

Upon motion duly made and seconded it was voted that:

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.

VOTE: 11 yes

2003-109 - RESOLUTION REQUESTING DECERTIFICATION OF SENCORP SYSTEMS, INC. TIF AGREEMENT

Shea said this is in default and the town has not received the required reports. We have tried to contact Sencorp and get no response. They were to guarantee new jobs and instead layed off 49. The commission requested permission to decertify this agreement. Councilor Elrick said this sends a good message, that when they make an obligation they need to follow through

Upon motion duly made and seconded it was voted that:

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.
VOTE: 11 yes

2003-110 - RESOLUTION REQUESTING DECERTIFICATION OF WIDAX CORPORATION

Widax moved and sold the business and because they sold it, it was voted to decertify it. (It has not even taken effect yet.)

Councilor Richardson said it was good that these are being tracked.

Upon motion duly made and seconded it was voted that:

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.
VOTE: 11 yes

Upon motion duly made and seconded it was voted to go into an executive session for the purpose of discussing strategy for the purchase of real property and not to come back into open session at 9:58 p.m.

VOTE: - by roll call – 11 yes.

Respectfully submitted,

Linda E. Hutchenrider, MMC/CMMC
Town Clerk