



# The Town of Barnstable

## Town Council

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### TOWN COUNCIL AGENDA

October 19, 2006

7:00 PM

#### Councilors:

Henry C. Farnham  
President

Janet S. Joakim  
Vice President

Richard G. Barry  
Janice L. Barton  
Gary R. Brown  
Ann A. Canedy  
Frederick Chirigotis  
James H. Crocker, Jr.  
Leah C. Curtis  
J. Gregory Milne  
James F. Munafo, Jr.  
Tom Rugo  
Harold E. Tobey

Administrator:  
Donald M. Grissom

Town Council  
Secretary:  
Cheryl A. Phillips

- 1. ROLL CALL**
  - 2. PLEDGE OF ALLEGIANCE**
  - 3. MOMENT OF SILENCE**
    - CONSERVATION COMMISSION
    - FIRE DISTRICT STUDY COMMITTEE WORKSHOP
  - 4. PUBLIC COMMENT**
  - 5. COUNCIL AND TOWN MANAGER RESPONSE TO PUBLIC COMMENT**
  - 6. REPORTS FROM TOWN COUNCIL, BOARDS, AND COMMITTEES**
  - 7. ACT ON MINUTES**
  - 8. ORDERS OF THE DAY**
    - A. OLD BUSINESS**
    - B. NEW BUSINESS**
  - 9. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS AND STAFF, CORRESPONDENCE AND ANNOUNCEMENTS**
  - 10. PRESIDENT/VICE PRESIDENT COMMUNICATIONS**
  - 11. TOWN MANAGER COMMUNICATIONS**
  - 12. PUBLIC COMMENT**
  - 13. ADJOURNMENT.**
- NEXT MEETING NOVEMBER 2ND.**

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<b>Minutes</b> of Barnstable Town Council Meeting of October 5, 2006.		

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

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

**BARNSTABLE TOWN COUNCIL**

<p><b>2007-031 COMMUNITY PRESERVATION FUND APPROPRIATION FOR HISTORIC RECORDS PRESERVATION INTRO.: 10/05/06; 10/19/06</b></p>
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**ORDERED:** That, pursuant to the provisions of G. L. c. 44B, the sum of Five thousand and No/100 (\$5,000.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144 for historic resources; and that the Town Clerk is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager in order to deacidify and bind in order to preserve ancient Town records.

**SPONSOR:** Town Manager upon recommendation of the Community Preservation Committee

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

**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-031**  
**INTRO.: 10/05/06; 10/19/06**

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**DATE:** September 25, 2006  
**SUBJECT:** Rationale for the Deacidification and Binding ancient records

**BACKGROUND:** The Community Preservation Committee (CPC) met on May 16, 2006 and has recommended that the town support the modified funding request of \$5,000.00 from the Town Clerk to Deacidify and Bind Ancient records.

**RATIONALE:** The project goal is to deacidify approximately 100 books that include the history, vital records and other important documents of the Town of Barnstable. Preserving these books will help preserve the character and save these resources that are currently threatened by acidity. The said volumes would also be repaired and rebound if necessary. This project is vital to the Town's character. It is the Town's job to preserve that history for all times, for the use of historians and genealogists. If they are not preserved, the history will be jeopardized. The Town Clerk will return to ask for an amount not to exceed \$15,000.00 - \$20,000.00 toward this goal so that the project can be completed over a 4 or 5 year time frame. This project is part one of a two project series.

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

**BARNSTABLE TOWN COUNCIL**

**2007-033 TOWN OF BARNSTABLE GENERAL ORDINANCES TO CORRECT MINOR  
ERROR RE: COMPREHENSIVE OCCUPANCY AND RENTAL REGISTRATION  
ORDINANCE  
INTRO.: 10/05/06; 10/19/06**

**ORDERED:** that

SECTION 1. The definition of bedroom contained in Section 59-2 of the General Ordinances is hereby amended by changing the designation of clause (d) to clause (c) and the designation of clause (e) to clause (d).

SECTION 2. The general ordinances are hereby amended to by deleting from Chapter 76-4 the fee for Chapter 170, Section 8, Rental Registration and inserting the fee in Chapter 76-6.

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

**DATE**

**ACTION TAKEN**

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**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-033**  
**INTRO.: 10/05/06; 10/19/06**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Ruth Weil, Director, Growth Management Dept.  
**DATE:** September 25, 2006  
**SUBJECT:** General Ordinances Amendments - Comprehensive Occupancy and  
Amendments to Fee for Rental Registration Ordinance

**BACKGROUND:** In the original ordinances adopted by the Town Council on June 1, 2006 there were two minor errors that require correction. First, in section 59-2 of the General Ordinances, the Comprehensive Occupancy Ordinance, there was a lettering error in the definition of bedroom. An amendment has been submitted to re-configure the lettering of the clauses. In addition, the fee for the Rental Registration was originally placed in Section 76-4 of the Code with fees that are charged based on the Massachusetts General Laws. An amendment has been submitted to place this fee, more appropriately, in Section 76-6.

**FISCAL IMPACT:** None

**TOWN MANAGER RECOMMENDATIONS:** The Town manager recommends that the proposed amendments be adopted.

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

**BARNSTABLE TOWN COUNCIL**

<p><b>2007-034 GRANT ACCEPTANCE AND TRANSFER ORDER FOR HANDICAP ACCESSIBLE LOOP TRAIL AT SANTUIT RIVER CONSERVATION AREA LOCATED IN COTUIT INTRO: 10/19/06</b></p>
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**RESOLVED AND ORDERED:** that the Town Council hereby accepts a Barnstable County Land Management Grant in the amount of \$6,162 for the construction of a 500' handicap accessible loop trail at Santuit River Conservation Area located in Cotuit.

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

<b>DATE</b>	<b>ACTION TAKEN</b>
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**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-034  
INTRO.: 10/19/06**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Thomas F. Geiler, Director, Regulatory Services Department  
**DATE:** October 4, 2006  
**SUBJECT:** Acceptance and Transfer Order for Barnstable County Land Management Program Grant

**BACKGROUND:** Barnstable County Land Management grant funding has been secured to construct a 500' handicap accessible loop trail at Santuit River Conservation Area in Cotuit.

**ANALYSIS:** Barnstable County Land Management grant funding provides the town with a cost-effective means of improving access to parcels managed by the Conservation Commission. The BCLM grant is intended to provide incentive funds for a broader public and private sector investment in land management. A town match is encouraged and considered during the grant review process.

**FISCAL IMPACT:** The local match for the grant is \$1,338.00, and will be provided through the Conservation Division's Land Management line item and with in-kind services.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends favorable action.

**BOARD AND COMMISSION ACTION:** A Land management plan, approved by the Conservation Commission for the Santuit River Conservation Area, includes public access improvements as a future goal.

**STAFF ASSISTANCE:** Darcy Karle



**B. NEW BUSINESS (To Be Referred To Public Hearing November 2nd)**

**BARNSTABLE TOWN COUNCIL**

<p><b>2007-035 AMENDMENT TO THE GENERAL ORDINANCES -- BASIC AWARENESS ORDINANCE INTRO.: 10/19/06</b></p>
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**AMENDMENT TO THE GENERAL ORDINANCES**

**ORDERED:** That the General Ordinances of the Code of the Town of Barnstable be amended as further set forth herein.

**SECTION 1** The Code of the Town of Barnstable, General Ordinances, is hereby amended by inserting the following in chapter 147, Peace and Good Order, after Article III, section 147-7.

“ARTICLE IV

CHILD SAFETY INFORMATION AND AWARENESS ORDINANCE

§ 147-8 Title

This ordinance shall be known as the “Barnstable Active Safety Information for Child Awareness Ordinance” and may be referred to by the acronym “BASIC.”

§ 147-9-8 Purpose

The purpose of this ordinance is to advance the public safety and welfare of the residents of the Town of Barnstable by making certain environmental information and controls available for the benefit of children and those who care for children.

§ 147-10-9 Definitions

“CHILD,” a person under the age of 16.

“FACILITY,” place(s) for the conduct of the activities of a public or private enterprise.

“RESIDENCE,” the place of abode of a person.

“SERVICES,” an activity involving the exchange of public or private consideration other than goods.

§ 147-11 Information

(A) The Town will make available by publication on its web site and in one of its offices public records that chronicle areas where hazardous materials as defined in section 2 of chapter 21E of the General Laws of Massachusetts have been released and the status of remedial actions updated semi-annually until final response actions have been taken and thereafter maintain the record of such final response for a period of three (3) years.

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM 2007-035 (Continued)  
INTRO.: 10/19/06**

(B) The Town will make available by publication on its web site and in one of its offices public records on motor vehicle collisions on ways within the Town updated semi-annually.

**§ 147-12 Controls**

(A) The Town will post a sign on any of its property listed for publication under section 147-11(A) containing a summary of the published information.

(B) Following each data update completed pursuant to section 147-11(B), the Town will review motor vehicle traffic rules, regulations and improvements for the purpose of considering amendments or additional improvements designed to alleviate the occurrence of future similar incidents.

(C) No person designated as level 2 or 3 under the provisions of G. L. c. 6 § 178K(2) in whole or in part by reason of a sexual offense against a child shall take up residence apart from a person related by blood or marriage within the first degree of kindred within the Town within 1,500 feet of the boundaries of land containing a facility with the principle purpose of providing services to a child.

(D) A person does not commit a violation of subsection (C) if any of the following apply:

(1) the person is required to serve a sentence at a jail, prison, juvenile facility or other correctional institution or facility; or;

(2) the person had already established residence as of the effective date of the prohibitions.

**§ 147-13 Enforcement**

Violations of Section 147-12 shall be punishable by a fine of \$300.00 per day.

**§ 147-14 Severability**

The invalidity of any section or provision of this Article shall not invalidate any other section or provision thereof. “

**SECTION 2**

The provisions enacted in sections 147-8-14 of Article IV of Chapter 147 shall take effect ninety (90) days following their adoption by the Town Council.”

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

**DATE**

**ACTION TAKEN**

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**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-035**  
**INTRO.: 10/13/06**

**TO:** Town Councilors  
**FROM:** Town Councilor James H. Crocker, Jr.  
**SUBJECT:** Amendment to General Ordinance  
**DATE:** October 12, 2006

This legislative item, 2007-035, is a three pronged approach with the principal emphasis being to provide information to parents in easily accessible form on the town web site that (1) chronicles public information about areas where there may have been hazardous materials as defined by Chapter 21E of Massachusetts General Laws on public lands and where children are known to congregate, (2) chronicle public records on motor vehicle collisions and pedestrian safety in areas where children are known to congregate and (3) utilize information from the Barnstable Police Department Sex Offender Registry to identify possible sex offender residency.

In addition the item will cause procedures to be set up to post information about hazardous materials on town land, improve traffic design and oversee persons listed in the sex offender registry.

**B. NEW BUSINESS (To Be Referred To Public Hearing November 2nd)**

**BARNSTABLE TOWN COUNCIL**

<p><b>2007-036 COMMUNITY PRESERVATION FUND APPROPRIATION FOR UNITARIAN CHURCH PRESERVATION INTRO.: 10/19/06</b></p>
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**ORDERED:** That, pursuant to the provisions of G. L. c. 44B, the sum of Nineteen thousand six hundred twenty and No/100 (\$19,620.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144; and that the Growth Management Department is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the historic preservation of portions of the Unitarian Church in Barnstable Village, to be bound by a restriction enforcing the same satisfactory to the Town.

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

**DATE**

**ACTION TAKEN**

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**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-036**  
**INTRO.: 10/19/06**

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

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

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

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

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

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