



# The Town of Barnstable Town Council

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## TOWN COUNCIL AGENDA

December 21, 2006

7:00 PM

Councilors:

Janet S. Joakim  
President

Gary R. Brown  
Vice President

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

Administrator:  
Donald M. Grissom

Town Council  
Secretary:  
Cheryl A. Phillips

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **MOMENT OF SILENCE**
  - **STURGIS CHARTER SCHOOL**
  - **PROCLAMATION**
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 JANUARY 4TH.**

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**A. OLD BUSINESS**

2007-042	- Allocation of Tax Levy <b>(To Be Referred To Public Hearing January 18th) (Roll Call)</b> .....	3
2007-043	- Adoption of Chapter 653, Section 40 of the Acts of 1989 Which Amends MGL Chapter 59, Section 2A (a), Assessment of New Construction <b>(To Be Referred To Public Hearing January 18th) (Roll Call)</b> .....	4
2007-044	- Adoption of Chapter 59, Section 5 (54) Personal Property Exemption <b>(To Be Referred to Public Hearing January 18th) (Roll Call)</b> .....	5
2007-052	- Community Preservation Fund Appropriation for Nickerson Cottage Preservation <b>(Public Hearing May Be Acted Upon) (Roll Call)</b> .....	6 – 7
2007-055	- Town Council Rule Change Re: Agenda Order of Business and Amendment to Public Comment <b>(May Be Acted Upon)</b> .....	8
2007-055	- Town Council Rule Change Re: Agenda Order of Business and Amendment to Public Comment "Substitute Motion-12/21/06" <b>(May Be Acted Upon)</b> .....	9
2007-057	- Order Amending the Administrative Code Relating to Public Comment <b>(May Be Acted Upon)</b> .....	10
2007-058	- Order Amending Section 220-10 of the General Ordinances <b>(Public Hearing May Be Acted Upon)</b> .....	11

**B NEW BUSINESS**

2007-062	- Acceptance of Grant of \$4,000 to the Barnstable Senior Center From the Friends of the Old School House to Support Meals at the Adult Supportive Day Program <b>(May Be Acted Upon)</b> .....	12 - 13
2007-063	- Loan Order for Refunding Bonds <b>(To Be Referred To Public Hearing January 4th) (Roll Call)</b> .....	14 - 15

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**Minutes** of Barnstable Town Council Meeting of December 7, 2006.

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

*Happy holidays!*



**A. OLD BUSINESS (To Be Referred To Public Hearing January 18th) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-042 ALLOCATION OF TAX LEVY**  
**INTRO.: 11/16/06; 12/07/06; 12/21/06**

**RESOLVED:**

**OPTION # 1**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, not to adopt a Residential Exemption or the Small Commercial Exemption for Fiscal year 2007.

**OPTION # 2**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, to adopt a Residential Exemption of \_\_\_\_\_ and to not adopt the Small Commercial Exemption for Fiscal year 2007.

**OPTION # 3**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, to adopt a Small Commercial Exemption of \_\_\_\_\_ and not to adopt a Residential Exemption for Fiscal year 2007.

**OPTION # 4**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, to adopt a Small Commercial Exemption of \_\_\_\_\_ and votes, further, to adopt a Residential Exemption of \_\_\_\_\_ for Fiscal year 2007.

**SPONSOR:** Board of Assessors

**DATE**

**ACTION TAKEN**

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\_\_\_\_\_

**A. OLD BUSINESS (To Be Referred To Public Hearing January 18th) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-043 ADOPTION OF CHAPTER 653, SECTION 40 OF THE ACTS OF 1989  
WHICH AMENDS MGL CHAPTER 59, SECTION 2A (a), ASSESSMENT OF NEW  
CONSTRUCTION  
INTRO.: 11/16/06; 12/07/06; 12/21/06**

**RESOLVED:** The Town Council hereby votes to accept the provisions of Chapter 653, Section 40 of the Acts of 1989 as it pertains to MGL Chapter 59, Section 2A (a): to assess new building structures or other physical improvements added to real property between January first and June thirtieth for the fiscal year beginning on July first. This provision shall take effect for the fiscal year of 2008.

**SPONSOR:** Board of Assessors

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

**A. OLD BUSINESS (To Be Referred To Public Hearing January 18th) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-044 ADOPTION OF CHAPTER 59, SECTION 5 (54) PERSONAL PROPERTY  
EXEMPTION  
INTRO.: 11/16/06; 12/07/06; 12/21/06**

**RESOLVED:** The Town Council hereby accepts the provisions of Chapter 59, Section 5 (54) whereby personal property below the value of \_\_\_\_\_ but not in excess of \$10,000 in value shall be exempt from taxation. This provision shall be in effect for the fiscal year of 2008.

**SPONSOR:** Board of Assessors

**DATE:**

**ACTION TAKEN**

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

**BARNSTABLE TOWN COUNCIL**

**2007-052 COMMUNITY PRESERVATION FUND APPROPRIATION FOR NICKERSON  
COTTAGE PRESERVATION  
INTRO.: 12/07/06; 12/21/06**

**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 for Historic resources in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144; and that the Sandy Neck Board is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the preservation of the Historic Nickerson Cottage including without limitation through relocation and accepting gifts or grants in relation thereto.

**SPONSORS:** Ann Canedy, Town Councilor and Town Manager John Klimm  
(upon recommendation of the Community Preservation Committee).

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

**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-052**  
**INTRO.: 12/07/06**

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**DATE:** November 28, 2006  
**SUBJECT:** Rationale for Nickerson Cottage Relocation

**BACKGROUND:** The Community Preservation Committee (CPC) would like to recommend that the town support the funding request of \$5,000.00 from the Barnstable Historical Commission and the Barnstable Old King's Highway Historic District Committee regarding the Nickerson Cottage Relocation on Sandy Neck. The project will be managed by the Sandy Neck Board.

**RATIONALE:** The land where the Nickerson Cottage is located is held for Open Space under a Conservation Restriction. The goal of this project is to move the cottage to a less ecologically sensitive site within the designated Sandy Neck Cultural Resources Area. The entire length of Sandy Neck and the buildings thereon are listed in the National Register as the "Sandy Neck Cultural Resources District." The project must to move forward during the winter of 2007.

**FISCAL IMPACT:** The total project is estimated to cost approximately \$15,000.00 to relocate the Nickerson Cottage and restore the abandoned site area. The \$5,000.00 request from the CPC funds will match a pledge of \$5,000.00 from The Nature Conservancy.

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

**BARNSTABLE TOWN COUNCIL**

**2007-055 TOWN COUNCIL RULE CHANGE RE: AGENDA ORDER OF BUSINESS AND AMENDMENT TO PUBLIC COMMENT  
INTRO.: 12/07/06; 12/21/06**

**RESOLVED.**

**SECTION 1.**

That the Rules are hereby amended by striking out Rule 5E and inserting in place thereof the following:

**“RULE 5E - ORDER OF BUSINESS.**

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

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

**SECTION 2.**

Said Rules are hereby further amended by striking out Rule 5F, and inserting in place thereof the following:

**“RULE 5F - PUBLIC COMMENT.**

The President shall provide that, in connection with each regular meeting of the Council, there shall be a period for public comment.

The president may fulfill the obligation to provide for public comment in connection with each regular meeting by calling a special meeting immediately prior thereto, to commence at 6:15 p.m. and terminate at 6:55 p.m., for the purpose of receiving public comment. All members may attend, but it shall suffice that the president or the vice-president be present to call the meeting to order and preside.

At the time established for public comment, any member of the public desiring to address the public comment session may be recognized by the chair, and shall state his/her name and address for the record. Time allowed for public comment will be at the discretion of the chair. For the most part, public comment shall be limited to three minutes for each individual speaking.”

**SPONSOR:** Town Councilor Henry C. Farnham

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



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

**BARNSTABLE TOWN COUNCIL**

**2007-055 TOWN COUNCIL RULE CHANGE RE: AGENDA ORDER OF BUSINESS AND AMENDMENT TO PUBLIC COMMENT  
INTRO.: 12/07/06; 12/21/06**

**“SUBSTITUTE MOTION – 12/21/06”**

**RESOLVED.**

**SECTION 1.**

That the Rules are hereby amended by striking out Rule 5E and inserting in place thereof the following:  
**“RULE 5E - ORDER OF BUSINESS.**

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

- 7. Roll Call
- 8. Pledge of Allegiance
- 9. Moment of Silence
- 10. Public Comment
- 11. Reports from Town Council, Boards and Committees
- 12. Act on Minutes
- 13. Order of the Day
  - A. Old Business
  - B. New Business
- 8. Communication from Elected Officials.
- 9. President/Vice President Communications
- 10. Town Manager Communications
- 11. Adjournment”

**SECTION 2.**

Said Rules are hereby further amended by striking out Rule 5F, and inserting in place thereof the following:

**“RULE 5F - PUBLIC COMMENT.**

The President shall provide that, in connection with each regular meeting of the Council, there shall be a period for public comment.

The president may fulfill the obligation to provide for public comment in connection with each regular meeting by calling a special meeting immediately prior thereto, to commence at 6:15 p.m. and terminate at 6:55 p.m., for the purpose of receiving public comment. If the president shall hold a special meeting as provided for in the previous sentence, item number four, Public Comment, on the agenda as specified in Rule 5E shall be dispensed with. All members may attend, but it shall suffice that the president or the vice-president be present to call the meeting to order and preside.

At the time established for public comment, any member of the public desiring to address the public comment session may be recognized by the chair, and shall state his/her name and address for the record. Time allowed for public comment will be at the discretion of the chair. For the most part, public comment shall be limited to three minutes for each individual speaking.”

**SPONSOR:** Town Councilor Henry C. Farnham

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

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

**BARNSTABLE TOWN COUNCIL**

**2007-057 ORDER AMENDING THE ADMINISTRATIVE CODE RELATING TO PUBLIC COMMENT**  
**INTRO.: 12/07/06; 12/21/06**

**ORDERED,**

That Section 401-20, Citizen Access, of the Administrative Code is hereby amended by striking out numbered paragraph “(5)” of sub-paragraph ‘A.’ and inserting in place thereof the following:

**“§401-20 Citizen access.**

(5) Public testimony in connection with Council meeting.

The president shall provide in connection with each regular meeting of the

Council for a period of public comment. Said public comment shall be conducted in

accordance with Council Rule 5F.”

**SPONSOR:** Town Councilor Henry C. Farnham

**DATE**

**ACTION TAKEN**

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

**BARNSTABLE TOWN COUNCIL**

<p><b>2007-058 ORDER AMENDING SECTION 220-10 OF THE GENERAL ORDINANCES</b> <b>INTRO.: 12/07/06; 12/21/06</b></p>
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**ORDERED,**

That section 220-10 of the general ordinances is hereby amended by inserting after the word “all” and before the word “meetings” in the first line as it appears in the Barnstable Code, the word “regular”.

**SPONSOR:** Town Councilor Henry C. Farnham

**DATE**

**ACTION TAKEN**

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

**BARNSTABLE TOWN COUNCIL**

**2007-062 ACCEPTANCE OF GRANT OF \$4,000 TO THE BARNSTABLE SENIOR CENTER  
FROM THE FRIENDS OF THE OLD SCHOOL HOUSE TO SUPPORT MEALS AT  
THE ADULT SUPPORTIVE DAY PROGRAM  
INTRO.: 12/21/06**

**RESOLVED:** that the Town of Barnstable hereby accept a grant in the amount of \$4,000 to support the ongoing provision of meals at the Adult Supportive Day Program.

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

**DATE**

**ACTION TAKEN**

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**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-062  
INTRO.: 12/21/06**

**TO:** Town Council  
**FROM:** Town Manager  
**DATE:** December 11, 12006  
**RE:** Acceptance of Grant of \$4,000 to the Barnstable Senior Center from the friends of the old school house to support meals at the adult supportive day program

**RATIONALE:** The Adult Supportive Day Program offered by the Town of Barnstable through the Senior Center offers a vital link for local seniors and their care givers. Through the program, seniors, who either choose not to remain at home alone during the day or who may need additional care, are provided a safe, nurturing environment. For many caregivers or adult children who are caring for an aging parent, this respite allows them to continue to meet the necessary everyday tasks of working, caring for children or having a few free hours to run errands.

A nutritious lunch is provided each day as part of this program, and the grant from the Friends of the Old Schoolhouse allows the Senior Center to keep the cost of this lunch affordable.

Acceptance of this gift will allow the Senior Center to continue to provide this invaluable community service to elders and their caregivers at the lowest cost possible.

In recognition of their grant, the Friends of the Old School House will be appropriately mentioned in all publicity materials.

**B. NEW BUSINESS (To Be Referred To Public Hearing January 4th) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-063 LOAN ORDER FOR REFUNDING BONDS**

**INTRO.: 12/21/06**

**ORDERED:** that in order to reduce interest costs, the Treasurer with the approval of the Town Manager is authorized to issue refunding bonds pursuant to G.L. c.44, §21A to refund all or a portion of the remaining amounts of any of the Town's bonds outstanding as of the date hereof; that the refunding bonds shall be issued in an amount not to exceed \$50,000,000, in order to pay the principal, redemption premium and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including a refunding trust agreement with a bank or trust company.

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

**DATE**

**ACTION TAKEN**

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**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-063**  
**INTRO.: 12/21/06**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Debra Blanchette – Treasurer  
**DATE:** December 21, 2006  
**SUBJECT:** Refunding General Obligation Bonds

**BACKGROUND:** As a general matter in the bond market, blocks or lots of bonds maturing in the early years are charged lower rates of interest at the time of sale while those maturing in the later years are charged a higher rate of interest at the time of sale. As economic conditions change, so do interest rates. The Treasury is always alert to opportunities to refund (refinance) outstanding bonds to achieve future interest savings.

**ANALYSIS:** Authorization of this item will position the Town to act quickly to changing economic conditions that may result in interest savings on the Town's outstanding general obligations bonds dated 1999 through 2004. As with any other borrowing authorization, this refunding authorization will not be effective until 30 days after its final passage. The Town is actively researching this opportunity and is targeting February 2007 as the next potential refunding date.

**FISCAL IMPACT:** Impact will be favorable to future annual debt service. The issuance costs associated with any refunding will be factored into projected savings and are paid for from a premium charged to the buyer of these refunded bonds at the time of sale.

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

**STAFF ASSISTANCE:** Debra Blanchette, Town Treasurer