



The Town of Barnstable

Town Council

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TOWN COUNCIL AGENDA

January 18, 2007

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**
 - **COMMUNITY PRESERVATION COMMITTEE**
 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 FEBRUARY 1ST.**
-

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TITLE**

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Minutes of Barnstable Town Council Meeting of January 4, 2007.

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) (Roll Call)

BARNSTABLE TOWN COUNCIL

2007-042 ALLOCATION OF TAX LEVY

INTRO.: 11/16/06; 12/07/06; 12/21/06; 01/18/07

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.

SPONSORS: Board of Assessors

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

A. OLD BUSINESS (Public Hearing May Be Acted Upon) (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; 01/18/07**

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.

SPONSORS: Board of Assessors

DATE:	ACTION TAKEN
_____	_____
_____	_____

___ Read Item

___ Motion to open public hearing

___ Rationale

___ Public hearing

___ Close public hearing

___ Council discussion

___ Move/vote

A. OLD BUSINESS (Public Hearing May Be Acted Upon) (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; 01/18/07**

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.

SPONSORS: Board of Assessors

DATE:	ACTION TAKEN
_____	_____
_____	_____

___ Read Item

___ Motion to open public hearing

___ Rationale

___ Public hearing

___ Close public hearing

___ Council discussion

___ Move/vote

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

2007-065 APPOINTMENTS

INTRO.: 01/04/07; 01/18/07

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

WATERWAYS COMMITTEE APPOINTMENT:

Frederick Komenda, 65 Elliot Road, Centerville, MA 02632, term expires 06/30/2007

PORT COUNCIL REAPPOINTMENT:

Robert Jones, 65 Pinewood Road, Hyannis, MA 02601, term expires 12/31/2008

SPONSORS: Appointments Committee

DATE

ACTION TAKEN

___ Read item

___ Discussion

___ Move/vote

A. OLD BUSINESS (To Be Referred To Public Hearing February 1st)

BARNSTABLE TOWN COUNCIL

**2007-069 COMMUNITY PRESERVATION FUND APPROPRIATION FOR
COMMUNITY HOUSING AND HISTORIC RESOURCES FOR
ASSESSOR MAP AND PARCEL NUMBERS 326-020 AND 326-019
INTRO.: 01/04/07; 01/18/07**

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of One Hundred Fifteen thousand and No/100 (\$115,000.00) Dollars be appropriated and transferred from the amount set aside for Community Housing in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144 and the sum of Three Hundred Seventy Five thousand and No/100 (\$375,000.00) 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; that the Growth Management Department is authorized to contract for and expend the amount of (\$375,000.00) with the prior approval of the Town Manager for the purpose of acquiring by purchase or taking by eminent domain in order to undertake preservation, rehabilitation or restoration of the Historic Resources contained on the property having the address of 50 Pearl Street, Hyannis, MA, map and parcel number 326-020; that the Growth Management Department is authorized to contract for and expend the amount of (\$115,000.00) with the prior approval of the Town Manager for the purpose of acquiring by purchase or taking by eminent domain in order to undertake preservation, rehabilitation, restoration and creation of Community Housing on the property having the address of 46 Pearl Street, Hyannis, MA, map and parcel number 326-019, consisting of a minimum of two affordable units for low and moderate income persons; and that the foresaid resources be placed under custody and control of the Town Manager and the Town Manager is authorized to carry out the purposes described through appropriate dedication or restriction and accept any gifts or grants in relation to.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Discussion	
___ Move/vote	

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-069
INTRO.: 01/04/07

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Ruth Weil
DATE: December 26, 2006
SUBJECT: Community Preservation Fund Appropriation for Community Housing and Historic Resources for Assessor Map and Parcel Numbers 326-020 and 326-019

RATIONALE: For Affordable Housing and Historic Preservation: The Community Preservation Committee (CPC) met on December 19, 2006 and has recommended that the town support the funding request of \$490,000.00 from the Growth Management Department to acquire two single family historic dwellings at 46 and 50 Pearl Street. \$115,000.00 is requested for Affordable Housing and \$375,000.00 is requested for Historic Preservation.

Both homes are historic, as they were built in 1830 and 1920. The intent is to renovate and restore these properties to create a minimum of two affordable apartments and workspace for artists on site. The acquisition and renovation of these properties would serve both a Historic Preservation and a Community Housing purpose under the Community Preservation Act (CPA). This project will help to preserve the character of the Town by both restoring the historic buildings on the site and by creating affordable housing units, which are both priorities in the Local Comprehensive Plan. In addition, the proximity of these two properties to the Guyer Barn and Barnstable Town Hall creates a unique economic and cultural opportunity for the Town and promises to further promote Hyannis as a regional hub for arts and culture activities.

The use of CPA funds to create affordable housing meets the following criteria: contributes to the goal of 10% affordability, promote a socioeconomic environment that encourages a diversity of income, ethnicity, religion and age, provide housing that is harmonious in design and scale with the surrounding community, promotes the use of existing buildings or construction on previously developed or Town owned sites, and converts market rate to affordable units.

The use of CPA funds for historic preservation meets the following criteria: protect, preserve, enhance and restore a threatened historical resource of significance. The site is located within the Hyannis Main Street Waterfront Historic District and would provide a public benefit.

An additional funding source from the Community Development Block Grant is proposed to cover the remaining acquisition costs of \$260,000.00.

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

BARNSTABLE TOWN COUNCIL

**2007-071 COMMUNITY PRESERVATION FUND APPROPRIATION FOR HISTORIC REHABILITATION (COURTYARD ENTRY AREA OF TOWN HALL)
INTRO.: 01/04/07; 01/18/07**

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of Forty Thousand and No/100 (\$40,000.00) 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; that the Department of Public Works is authorized to contract for and expend the amount of (\$40,000.00) for the purpose of rehabilitation of the New Town Hall, including courtyard entry area contained on the property having the address of 367 Main Street, Hyannis, MA, map and parcel number 326-021.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Motion to open public hearing	
___ Rationale	
___ Public Hearing	
___ Close public hearing	
___ Council discussion	
___ Move/vote	

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-071
INTRO.: 01/04/07

TO: Town Council
FROM: Town Manager John C. Klimm
THROUGH: Lindsey Counsell, Chairman Community Preservation Committee
DATE: December 29, 2006
RE: Community Preservation Fund Appropriation for Historic Rehabilitation

RATIONALE: The Community Preservation Committee (CPC) met on December 19, 2006 and has recommended that the town support the funding request of \$40,000.00 from the Structures & Grounds Division (S&G) of the Department of Public Works, for rehabilitation of the New Town Hall, including the courtyard entry area.

The Town Hall was built in the late 1800's and is on the National Register of Historic Buildings and within the Hyannis Main Street Waterfront Historic District. The current doors are heavy and in poor condition. The positioning of the hand rails and steps are a hazard to the many visitors to the building. The design has been approved by the Historic Commission and is compatible to the historic architecture of the existing building by matching the design of adjacent period doors, windows and wainscot paneling which aid in tastefully integrating the vestibule into the fabric of the building.

The use of CPA funds for historic preservation meets the following criteria: protect, preserve, enhance, restore and/or rehabilitate town-owned properties, features or resources of historical significance; This project is a public benefit in that it allows for easy and safe access to the building by the public.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

2007-072 GRANT ACCEPTANCE

INTRO.: 01/18/07

ORDERED: that the Town Council hereby accepts a Cape Cod Cooperative Extension Wildfire Assessment and Preparedness Program Land Management and Wildfire Grant in the amount of \$10,000.00 to continue to clear and maintain access roads within the West Barnstable conservation area and to reduce fuel loadings at residential interface areas in Barnstable along the Barnstable / Sandwich town line.

SPONSOR: Town Manager John C. Klimm

DATE

ACTION TAKEN

___ Read item

___ Discussion

___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-072
INTRO.: 01/18/07**

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director, Regulatory Services Department
DATE: January 02, 2007
SUBJECT: Grant Acceptance for Cape Cod Cooperative Extension's
Wildfire Assessment and Preparedness Program Land Management
and Wildfire Grant

BACKGROUND: Cape Cod Cooperative Extension grant funding has been secured to continue work as listed in the Wild Fire Preparedness Plan for West Barnstable Conservation Area and Adjacent Open Space Lands. Initial work started under the same grant program last year. This round of funding will be used at the West Barnstable Conservation Area to continue selective tree removal and brushing back sections of Popple Bottom road, keeping the road open for emergency rapid response. Grading and repairing potholes on Crocker Road will continue. These repairs are imperative to provide for rapid response and fire suppression. Reducing fuel loadings, along a residential interface zone, will commence immediately after approval by the council, by clearing understory and undesirable trees. This entails clearing a 100' swath in Barnstable behind houses that abut the Barnstable / Sandwich town line.

ANALYSIS: The Cape Cod Cooperative Extension grant funding provides the Town with cost-effective means to address and combat wildfire hazards on town-owned or town administered open space tracts.

FISCAL IMPACT: The local match requirement for the grant is \$3,680, to be provided through the Conservation Division's Land Management line item.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends favorable action.

BOARD AND COMMISSION ACTION: Clearing and maintaining roads and reduction of fuel loadings at residential interface zones was approved by the Conservation Commission as part of our Wildland Fire and Preparedness Plan. No further board action is required.

STAFF ASSISTANCE: Darcy Karle, Conservation Division

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-073 ACCEPTANCE OF A REGIONAL ECONOMIC DEVELOPMENT PILOT PROGRAM GRANT FOR FY 2007-2008 FROM BARNSTABLE COUNTY'S CAPE COD ECONOMIC DEVELOPMENT COUNCIL (CCEDC) AND THE BARNSTABLE COUNTY COMMISSIONERS IN THE AMOUNT OF \$75,000.
INTRO.: 01/18/07**

RESOLVED: That the Town Council hereby accepts a Regional Economic Development Pilot Program (REDPP) Grant for FY 2007-2008 from Barnstable County's Cape Cod Economic Development Council (CCEDC) in the amount of \$75,000.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-073
INTRO.: 01/18/07**

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Ruth Weil
DATE: January 8, 2007
SUBJECT: Acceptance of the Regional Economic Development Pilot Program (REDPP) Grant for Fiscal Years 2007-2008 in the amount of \$75,000 from the Cape Cod Economic Development Council (CCEDC) and the Barnstable County Commissioners.

BACKGROUND: The Growth Management Department applied for a second year of funding to assist in the implementation of the Town Council's recent initiatives to revitalize downtown Hyannis. The awarding of the second year grant in the full amount requested is recognition by the County and the Cape Cod Economic Development Council of the exciting and innovative approaches to economic development that are being undertaken in Hyannis in conjunction with our public and private partners.

ANALYSIS: Acceptance of this grant will continue our revitalization efforts in downtown Hyannis by providing the services of a design consultant for the implementation of the Design and Infrastructure Plan for Downtown Hyannis. It is envisioned that the consultant, in addition to reviewing private development plans and town development projects, will be involved with public art projects, a signage plan, green space plan and the implementation of a lighting plan for downtown Hyannis.

FISCAL IMPACT: This grant will allow the Town to provide additional support and services to residents, businesses, organizations and stakeholders in downtown Hyannis. The match of funds for this grant comes from monies which have already been appropriated.

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

STAFF ASSISTANCE: Ruth J. Weil