



# The Town of Barnstable

## Town Council

367 Main Street, Village of Hyannis MA 02601

508-862-4602 • Fax 508-862-4770

email: Council@town.barnstable.ma.us

www.town.barnstable.ma.us

### TOWN COUNCIL AGENDA

February 1, 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**
    - **COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE**
    - **PILOT Committee Final Report**
    - **UPDATE OF LOCAL COMPREHENSIVE PLAN**
  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 15TH.**

ITEM NO.	INDEX TITLE	PAGE
<b>A. OLD BUSINESS</b>		
2007-067	Town Council Rule Change Re: Agenda Order of Business ( <b>Second Reading</b> )	3 - 4
2007-069	Community Preservation Fund Appropriation for Community Housing and Historic Resources for Assessor Map and Parcel Numbers 326-020 and 326-019 (46 & 50 Pearl St., Hyannis) ( <b>Public Hearing May Be Acted Upon</b> ) ( <b>Roll Call</b> )	5 - 6
2007-074	Appropriation Order for Barnstable Municipal Airport ( <b>To Be Referred To Public Hearing February 15th</b> )	7 - 8
<b>B NEW BUSINESS</b>		
2007-075	Acceptance of Grant of \$5,000 to the Barnstable Senior Center from Cape Cod Five Cents Savings Bank's Charitable Foundation to Support Care for Caregivers Project ( <b>May Be Acted Upon</b> )	9 - 10
2007-076	Council Compensation ( <b>To Be Referred To Public Hearing February 15th</b> )	11 - 12
2007-077	Acceptance of a 2006-2007 Traffic Enforcement Grant From the Governor's Highway Safety Bureau ( <b>May Be Acted Upon</b> )	13 - 14
2007-078	Acceptance of a FY 2007 Community Policing Program Grant Award in the Amount of \$90,356.38 from the Executive Office of Public Safety ( <b>May Be Acted Upon</b> )	15 - 17
2007-079	Acceptance of a 2006 Violence Against Women Stop Grant From the Commonwealth of Massachusetts Executive Office of Public Safety in the Amount of \$13,000 and the Supplemental Appropriation of \$4,336 as Matching Funds ( <b>To Be Referred To Public Hearing February 15th</b> )	18 - 19
2007-080	Acceptance of a 2007 State Grant From the State Department of Housing and Community Development ( <b>May Be Acted Upon</b> )	20 - 21
2007-082	Town of Barnstable Zoning Ordinance for Land-Based Wind Energy Conversion ( <b>To Be Referred To Joint Public Hearing With Planning Board March 1st</b> )	22 - 27

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Minutes of Barnstable Town Council Meeting of January 18, 2007.

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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.

**A. OLD BUSINESS (SECOND READING)**

**BARNSTABLE TOWN COUNCIL**

**2007-067 TOWN COUNCIL RULE CHANGE RE: AGENDA ORDER OF BUSINESS  
INTRO.: 01/04/07; 02/01/07**

**RESOLVED:** that the Town Council 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. Workshops/presentations
5. Public Comment
6. Act on Minutes
7. Order of the Day
  - A. Old Business
  - B. New Business
8. Communication/response from Elected Officials and staff.
9. Adjournment”

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

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____
___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-067  
INTRO: 01/04/07**

**TO:** Town Council  
**FROM:** Henry C. Farnham, Town Councilor  
**DATE:** January 4, 2007  
**SUBJECT:** The order of business at Town Council Meetings

**BACKGROUND:** This latest proposed change to Council Rule 5E, Order of Business, will provide for timely public comment while allowing the council to get to the business part of the agenda in a more expeditious manner. It should improve the flow of council business and thus productivity.

**CHANGES:** Workshops and presentations are now addressed and will be held at the beginning of each council meeting. Council and staff communication and responses are combined into one session at the conclusion of the business portion of the meeting. The second public comment session will be eliminated.

**FISCAL IMPACT:** Adopting this rule change should speed up the council meetings thus reducing the time that the police detail, TV producer, town clerk and other town staff must be present. The result should be direct savings in the case of the clerk, police and TV producer, and indirect savings for the many other town staff who are present.

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

**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 (46 & 50 PEARL ST., HYANNIS)  
INTRO.: 01/04/07; 01/18/07; 02/01/07**

**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

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

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Motion to close public hearing
- Council 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 (46 & 50 Pearl St., Hyannis)

**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 (To Be Referred To Public Hearing February 15th)**

**BARNSTABLE TOWN COUNCIL**

**2007-074 APPROPRIATION ORDER FOR FY 2007 AIRPORT CAPITAL  
AND OPERATING BUDGETS  
INTRO.: 02/01/07**

**ORDERED**, that the Town Council does hereby appropriate the sum of \$915,000.00 for the airport's capital and operational expense budgets as follows: \$200,000.00 to be added to the original amount of \$250,000.00 approved in FY2004 for development of the Airport Master Plan under council order 2003-086; \$387,000 to be added to the original amount of \$175,000.00 approved in FY2006 to fund runway markings and runway and taxiway crack sealing repairs under council order 2006-078; \$200,000.00 to fund the increase in the FY2007 operating budget for jet fuel acquisition costs; \$40,000.00 to fund the increase in the FY2007 operating budget for credit card processing fees; \$70,000.00 to fund the increase in the FY2007 operating budget for utility costs (gas and electric); and \$18,000.00 to fund the increase in the FY2007 operating budget for custodial supplies and associated paper products; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$587,000.00 and that \$328,000.00 be transferred from the airports surplus funds, and furthermore that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

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

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

\_\_\_ Read item

\_\_\_ Discussion

\_\_\_ Move/vote

**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-074**  
**INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**DATE:** January 24, 2007  
**SUBJECT:** FY 2007 Appropriation Order for Airport Capital and Operating Expenses

**BACKGROUND:** This appropriation is necessary for the airport to meet these unexpected increases. All of the requested amounts were unanticipated expenses resulting from mandated federal aviation requirements, ongoing improvements to airport operational infrastructure, and routine day-to-day operations. The increased capital costs resulted primarily from newly mandated federal and state aviation requirements, and consolidation of O&M methodologies to combine and/or expand previously approved capital projects to better coincide with the timeliness of federal and states airport improvement grants. These costs were either unknown project costs or unanticipated due to changing economic trends, and thus were not included in the airport's FY 07 budget.

**ANALYSIS:** The total amount requested for this appropriation will fund budget shortages for the airport's capital program totaling \$587,000 and the airport's operating budget totaling \$328,000. The \$587,000 is being requested to supplement the original amounts appropriated under council order's 2003-086 and 2006-078. The \$328,000 is needed for the following line item accounts in the airport's FY07 operating budget: \$200,000 to fund the increased cost of aviation jet fuel; \$40,000 for the increased cost in credit card processing fees; \$70,000 for utilities and \$18,000 to fund the increase in custodial supplies and associated paper products required for routine maintenance and upkeep of the main terminal building, terminal II, and the operations and maintenance facilities.

**FISCAL IMPACT:** The \$587,000 increase requested for the capital expenditures are reimbursable by federal and state aviation grants. The operating budget items will be funded from the airport's surplus funds with no impact on the town's general fund. The airport's certified surplus funds balance currently is \$5,013,270.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of the appropriation order after the required public hearing.

**STAFF ASSISTANCE:** Doc Mosby, Airport Manager



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

**BARNSTABLE TOWN COUNCIL**

**2007-075 ACCEPTANCE OF GRANT OF \$5,000 TO THE BARNSTABLE SENIOR CENTER FROM CAPE COD FIVE CENTS SAVINGS BANK'S CHARITABLE FOUNDATION TO SUPPORT CARE FOR CAREGIVERS PROJECT  
INTRO.: 02/01/07**

**RESOLVED:** that the Town of Barnstable hereby accept a grant in the amount of \$5,000 to support the Care for Caregivers Project.

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

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

\_\_\_ Read item

\_\_\_ Discussion

\_\_\_ Move/vote

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-075  
INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**DATE:** January 18, 2007  
**SUBJECT:** Acceptance of Grant of \$5,000 to the Barnstable Senior Center from Cape Cod Five Cents Savings Bank's Charitable Foundation to Support Care for Caregivers Project

**RATIONALE:** The Barnstable Senior Center proposes to implement an outreach and access project, through the generosity of Cape Cod Five Cents Savings Bank's Charitable Foundation, for the purpose of educating and supporting caregivers providing them with the information and resources they need to access services in their community. The project, in collaboration with LIFE, Inc. (a non-profit organization whose mission is to create viable employment for the developmentally challenged), will produce "Caregiver Bags" (a canvas tote package) that will serve as a "hands-on" and "visual" outreach tool as well as a caregiver's guide to information and resources. The primary goal of the project is to engage caregivers to access and utilize community services.

Acceptance of this gift will allow the Senior Center to continue to advocate for and support one of Barnstable's most valuable populations: caregivers and the loved ones they care for.

In recognition of their grant, Cape Cod Five Cents Savings Bank Charitable Foundation and Life Impressions Inc., will be recognized appropriately in all promotion materials and media activities.

**B. NEW BUSINESS (To Be Referred To Public Hearing February 15th)**

**BARNSTABLE TOWN COUNCIL**

**2007-076 ORDINANCE AMENDMENT PROVIDING FOR A INCREASE IN  
COMPENSATION FOR MEMBERS OF THE TOWN COUNCIL  
INTRO.: 02/01/07**

**ORDERED,**

**SECTION 1.**

That **Sections 220-12, 220-13 and 220-14 of the Code of the Town of Barnstable** is hereby amended by striking out said sections and substituting in place thereof the following:

**“§ 220-12. Town Councilors.**

The compensation for town councilors shall be \$12,000.00 per year.

**§ 220-13. President.**

The compensation for the president shall be \$16,500.00 per year.

**§ 220-14. Vice President.**

The compensation for the vice president shall be \$14,000.00 per year.”

**§ 220-15. Expense Allowance,**

The Town Council sets the expense allowance at \$ 0.00 (zero dollars).

Upon submitting vouchers and supporting receipts for expenses incurred in carrying out of their duties and specific services previously authorized by the Town Council President, Council members shall be reimbursed from Town Council Budget. Reimbursement and apportionment shall be limited to those allowed by the Town of Barnstable.

Other reimbursable expenses may include the cost of attendance at conferences of municipal associations and other professional meetings or visitations when such attendance and expense payment has had prior Town Council President approval.

**SECTION 2.** That Section 1 shall take effect on January 1, 2008.

**SPONSOR:** James F. Munafo, Jr., Town Councilor and Harold E. Tobey, Town Councilor

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

\_\_\_ Read item

\_\_\_ Discussion

\_\_\_ Move/vote

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-076  
INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** James F. Munafo, Jr., Town Councilor  
**DATE:** January 23, 2007  
**SUBJECT:** Councilor Compensation

**RATIONALE:** As presented the Councilor compensation amount proposed takes into account and not limited to the following;

The Barnstable Town Council last approved a compensation increase in November of 1997, It has been over 9 years since the Barnstable Town Council last approved a compensation increase.

The CFAC and Personnel Advisory Board recommended that the council fulfill it's duties as outlined in the charter

This ordinance will not take effect until January 2008 and the next sitting council.

With constituent services, appearances, mail, phone calls, committee, subcommittee, committee liaison roles, meetings, workshops, hearings, regular & special council meetings, a town councilor's work load is no less than 1 day a week. The proposed regular council compensation of \$12,000 represents one fifth of a middle managers position.

The expense allowance called for in section 2-12 of the Town Charter was set at \$0.00, it is believed that the current increase in salary and the ability for reimbursement of expenses is sufficient at this time.

**2006 BENCHMARK SURVEY**

Municipality	Members	Salary	Population	Budget 06
BEVERLY	9	\$11,700.00	38,807	\$88,004,000.00
REVERE	11	\$13,300.00	47,283	\$105,210,192.00
WALTHAM	15	\$14,015.00	59,226	\$167,061,621.00
MALDEN	11	\$17,500.00	56,000	\$123,463,054.00
MEDFORD	7	\$17,512.00	55,765	\$119,300,848.00

The policy of this and past Town Councils has been to be as prudent as possible. This compensation increase recognizes the expanded time commitment and increased costs incurred by Barnstable Town Councilors made in the execution of their duties.

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

**BARNSTABLE TOWN COUNCIL**

**2007-077 ACCEPTANCE OF A 2006-2007 TRAFFIC ENFORCEMENT GRANT  
FROM THE GOVERNOR'S HIGHWAY SAFETY BUREAU  
INTRO.: 02/01/07**

**RESOLVED:** that the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of \$10,000 from the Governor's Highway Safety Bureau.

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

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

\_\_\_ Read item

\_\_\_ Discussion

\_\_\_ Move/vote

**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-077**  
**INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Paul B. MacDonald, Chief of Police  
**DATE:** January 4, 2007  
**SUBJECT:** Acceptance Of a Traffic Enforcement Grant award in the amount of \$10,000 from the Governor's Highway Safety Bureau

**BACKGROUND:** The Department has been awarded a grant in the amount of \$10,000 to participate in the current round of *Click It or Ticket, You Drink & Drive. You Lose, and Road Rage* mobilizations. According to the National Highway Traffic Safety Administration, traffic enforcement done in conjunction with intense media awareness during a series of two to three week mobilization periods is highly effective in raising safety belt use across the nation. In Massachusetts the safety belt use rate was 51% in June 2002. In June of 2004, the statewide safety belt survey showed Massachusetts not only retained its highest ever one year increase in safety belt use, one extra percent point was added to reach a 63% use rate. In June 2005, the statewide safety belt survey showed an increase to 65% use rate, an all time high. In addition to increasing safety belt use, this grant program aims to assist Massachusetts in these traffic safety challenges:

- Motor vehicle crashes in Massachusetts resulted in 476 fatalities, 5,000 incapacitating injuries, and more than \$6 billion in economic loss in 2004.
- Alcohol-related fatalities represented 43% of all motor vehicle-related fatalities in Massachusetts in 2004, four percent higher than the national average.
- Speeding was the primary factor in 33% of motor vehicle-related fatalities in Massachusetts in 2004.

**ANALYSIS:** Acceptance of this grant will assist the Department in the continuance of our traffic safety programs.

**GRANT DETAIL**

The \$10,000 grant allocation will be directed toward overtime associated with mobilizations as follows: *You Drink & Drive. You Lose* (1/19/07); *Click It or Ticket* (May 14-June 3, 2007); *Drunk Driving. Over the Limit. Under Arrest.* (July 2-15, 2007 and August 17-September 3, 2007); *Road Respect to address speeding, street/drag racing, aggressive driving including red light running* (March 23-April 8, 2007).

**FISCAL IMPACT:** This grant will supplement the currently allocated funds. There is a required match that will be satisfied using currently allocated department resources and in-kind matches.

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

**STAFF ASSISTANCE:** Chief Paul B. MacDonald

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

**BARNSTABLE TOWN COUNCIL**

**2007-078 ACCEPTANCE OF A FY 2007 COMMUNITY POLICING PROGRAM GRANT  
AWARD IN THE AMOUNT OF \$90,356.38 FROM THE EXECUTIVE OFFICE  
OF PUBLIC SAFETY  
INTRO.: 02/01/07**

**RESOLVED:** that the Town Council hereby accepts a FY 2007 Community Police Program Grant award in the amount of \$90,356.38 from the Executive Office of Public Safety.

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

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____
___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-078  
INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Paul B. MacDonald, Chief of Police  
**DATE:** January 4, 2007  
**SUBJECT:** Acceptance of a FY 2007 Community Policing Program Grant award in the amount of \$90,356.38.

**BACKGROUND:** The town has been awarded a Community Policing Program Grant award for FY 2007 in the amount of \$90,356.38. The Department applied for, and was awarded, this amount to support the Mountain Bike patrols, the Citizen's Police Academy, Main Street Sub-station, Community Action Response Team, the Traffic Division, Kid's Day, and Accreditation.

**ANALYSIS:** Acceptance of this grant will assist the Department in the continuance of our Community Policing efforts.

**GRANT DETAIL**

**FY 2007 COMMUNITY POLICING GRANT BUDGET**

<b>Mountain Bikes</b>	<b>OT</b>	<b>Supplies</b>	<b>Equipment</b>	<b>Total</b>
<b>New Mountain Bike purchase</b>			\$ 8,962.00	\$ 8,962.00
<u>Purchase of 6 new mountain bikes</u>				
<b>OT Programs</b>	\$ 4,224.00			\$ 4,224.00
Two officers to present bicycle safety programs at the 11 elementary schools 88hrs @ \$48/hr				
<b>Reconditioning</b>		\$ 2,400.00		\$ 2,400.00
Reconditioning of 24 Mountain Bikes				
<b>Maint/Supplies</b>		\$ 2,000.00		\$ 2,000.00
Miscellaneous mountain bike unit supplies such as uniforms, tires, lights etc				
<b>OT Patrol</b>	\$ 24,104.38			\$ 24,104.38
Two officers to perform mountain bike patrols 400 hours @ \$48/hr				
			Total	<u>\$ 41,690.38</u>

**Commission for Accreditation of Law Enforcement Agencies**

<b>Dues &amp; Expenses</b>				
Membership dues and fees			\$3,000.00	\$ 3,000.00
			Total	<u>\$ 3,000.00</u>

**Citizen's Police Academy**

<b>OT Salaries</b>	\$7,200.00			\$ 7,200.00
Two officers to conduct two (12 week) sessions of CPA 150 hrs @ \$48/hr				
<b>Supplies</b>		\$2,500.00		\$ 2,500.00
Miscellaneous supplies for CPA				
				<u>\$ 9,700.00</u>



**BARNSTABLE TOWN COUNCIL  
 AGENDA ITEM SUMMARY (CONTINUED)  
 2007-078  
 INTRO.: 02/01/07**

**Traffic Division**

<b>OT Salaries</b>	\$ 4,800.00	\$ 4,800.00
Three officers to perform selective traffic enforcement 100 hrs @ \$48/hr		
<b>Supplies</b>	\$ 3,016.00	\$ 3,016.00
Miscellaneous supplies, radars and equipment maintenance		
<b>Equipment (Lease MC)</b>	\$ 8,000.00	\$ 8,000.00
Lease of two motorcycles for 1 year		
		Total <u>\$ 15,816.00</u>

**Community Policing**

<b>Sub-station Lease/Expenses</b>	\$ 15,650.00	\$ 15,650.00
Lease of community policing substation		
<b>Internet Access/ Web Site Hosting</b>	\$ 2,500.00	\$ 2,500.00
Expenses of website hosting and internet access for police department		
<b>Barnstable Police Kid's Day</b>	\$ 2,000.00	\$ 2,000.00
Expenses for annual kid's day event		
		Total <u>\$ 20,150.00</u>

**Grand Total** \$ 40,328.38 \$ 30,066.00 \$ 19,962.00 **\$ 90,356.38**

**FISCAL IMPACT:** This grant will supplement the currently allocated funds.

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

**STAFF ASSISTANCE:** Chief Paul B. MacDonald

**B. NEW BUSINESS (To Be Referred To Public Hearing February 15th)**

**BARNSTABLE TOWN COUNCIL**

**2007-079 ACCEPTANCE OF A 2006 VIOLENCE AGAINST WOMEN STOP GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY IN THE AMOUNT OF \$13,000 AND THE SUPPLEMENTAL APPROPRIATION OF \$4,336 AS MATCHING FUNDS  
INTRO: 02/01/07**

**ORDERED**, that the Barnstable Town Council does hereby accept a FY 2006 Violence Against Women STOP Grant in the amount of \$13,000, and further, that the amount of \$4,336 is hereby transferred from available funds to an account to be determined by the Town Manager for the purpose of funding the towns share of the matching funds of the grant.

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

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

\_\_\_ Read item

\_\_\_ Discussion

\_\_\_ Move/vote

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-079  
INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Paul B. MacDonald, Chief of Police  
**DATE:** January 4, 2007  
**SUBJECT:** Acceptance of a 2006 Violence Against Women STOP Grant  
in the amount of \$13,000 from the Executive Office of Public Safety

**BACKGROUND:** The Department applied for and received a grant from the Executive Office of Public Safety in the amount of \$13,000 under the Violence Against Women STOP program. The Department is seeking to train six Police Officers in becoming fluent in the Portuguese Language and to further familiarize themselves with the Brazilian culture.

**ANALYSIS:** Acceptance of this grant will contribute to our Violence Against Women Initiatives.

**GRANT DETAIL:** The \$13,000 grant allocation will be directed toward overtime, course cost and books to send 4 officers for Portuguese Language Training at Cape Cod Community College.

**FISCAL IMPACT:** This grant requires that the town provide \$4,336.00 in matching funds.

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

**STAFF ASSISTANCE:** Chief Paul B. Mac Donald

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

**BARNSTABLE TOWN COUNCIL**

**2007-080 ACCEPTANCE OF A 2007 STATE GRANT FROM THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
INTRO.: 02/01/07**

**RESOLVED:** that the Town Council hereby accepts a grant award from the state Department of Housing and Community Development for the design, casting and mounting of a statute of President John F. Kennedy to be located on Main St., Hyannis in front of the JFK Museum in the amount of \$75,000.

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

<b>DATE</b>	<b>ACTION TAKEN</b>
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___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-080**  
**INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**DATE:** January 23, 2007  
**SUBJECT:** Acceptance of a \$75,000 grant for the State Department of Housing and Community Development for the design, casting and mounting of a statute of President John F. Kennedy.

**BACKGROUND:** Volunteer efforts have spearheaded a fund raising campaign to raise the funds necessary to erect a statute of President John F. Kennedy in front of the JFK Museum on Main Street, Hyannis. The cost of the project is estimated at \$150,000 which includes the design and sculpting of the image, casting and mounting on a pedestal in the plaza area prepared in front of the JFK Museum, and the unveiling and dedication ceremony.

**FISCAL IMPACT:** The grant is for \$75,000 one-time matching grant. Grant funds shall be matched by private contributions, in-kind contributions, volunteer out-of-pocket expenses and volunteer time devoted to the project.

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

**B. NEW BUSINESS (To Be Referred To Joint Public Hearing With Planning Board March 1st)**

**BARNSTABLE TOWN COUNCIL**

**2007-082 TOWN OF BARNSTABLE ZONING ORDINANCE FOR LAND-BASED WIND ENERGY CONVERSION  
INTRO.: 02/01/07**

**240-44.1 Land-Based Wind Energy Conversion Facilities (WECFs)**

**240-44.1.1 Purpose and Intent**

It is the express purpose of this ordinance to accommodate distributed generation/wind energy conversion facilities in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the facilities. The ordinance enables the review of wind energy conversion facilities by the town's Zoning Board of Appeals, clarifying the criteria for siting such a facility. This ordinance is intended to be used in conjunction with other regulations adopted by the town, including historic district regulations, site plan review and other local ordinances designed to encourage appropriate land use and environmental protection.

**240-44.1.2 Definitions**

Clear area: The distance from the lowest point of the blade tip to the ground.

Height: Height is measured from the grade at the base of the tower to the top of the fixed tower (moveable blades are not included).

Special Permit Granting Authority (SPGA): Shall be the Zoning Board of Appeals.

Wind Energy Conversion Facility (WECF): All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

Wind Monitoring or Meteorological ("test" or "met") Towers: Tower used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground.

Wind turbine: A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft.

**240-44.1.3 District Regulations**

**240-44.1.3.1 Use Regulations**

All wind energy conversion facilities or wind monitoring towers shall require a building permit and may be permitted only as an accessory use to permitted uses in all zoning districts.

**BARNSTABLE TOWN COUNCIL**  
**2007-082 TOWN OF BARNSTABLE ZONING ORDINANCE**  
**FOR LAND-BASED WIND ENERGY CONVERSION (CONTINUED)**  
**INTRO.: 02/01/07**

240-44.1.3.1.1 Wind Energy Conversion Facility and Wind Monitoring or Meteorological Towers  
The construction of any wind energy conversion facility or wind monitoring/meteorological tower shall be permitted in all zoning districts, subject to issuance of a Special Permit and provided the proposed use complies with all Dimensional and Special Permit Regulations set forth in Section 240-125C. (unless waived by the SPGA). Any subsequent change or modification of wind energy equipment shall be subject to review by the Building Commissioner.

**240-44.1.3.2 Dimensional Requirements**

All wind energy conversion facilities shall comply with the requirements set forth in this section, unless waived by the SPGA as part of the Special Permit review process.

240-44.1.3.2.1 Type: Monopole design only, no guy wires allowed, may not be attached to any structure.

240-44.1.3.2.2 Setback: The base of any WECF shall be set back from any property line or road layout line and/or wetland demarcation line, including cranberry bogs, by not less than one and one half (1½) times the proposed height of the tower if abutting residentially zoned properties and one times (1) the proposed height of the tower if abutting non-residentially zoned properties. The SPGA may allow the setback to be reduced as part of the special permit process if the project proponent can demonstrate that additional height is needed and that the additional benefits of the higher tower outweigh any increased adverse impacts.

**240-44.1.4 Special Permit Regulations**

The SPGA shall grant a Special Permit only if it finds that the proposal complies with the provisions of this zoning ordinance (unless waived) and is consistent with the applicable criteria for granting Special Permits.

**240-44.1.4.1 General**

Proposed wind energy conversion facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.

**240-44.1.4.1.1 Economic Benefit**

The proponent shall demonstrate through a cost/benefit analysis that the project is economically feasible and sustainable.

**240-44.1.4.2 Design Standards**

**240-44.1.4.2.1 Visual Impact**

The proponent shall demonstrate through project siting and proposed mitigation that the wind energy conversion facility minimizes any impact on the visual character of surrounding neighborhoods and the community. This may include, but not be limited to, information regarding site selection, turbine design, buffering, lighting. All electrical conduit shall be underground.

**BARNSTABLE TOWN COUNCIL**  
**2007-082 TOWN OF BARNSTABLE ZONING ORDINANCE**  
**FOR LAND-BASED WIND ENERGY CONVERSION (CONTINUED)**  
**INTRO.: 02/01/07**

240-44.1.4.2.2 Color

Wind energy conversion facilities shall be painted non-reflective muted colors that blend with the sky, without graphics or other decoration.

240-44.1.4.2.3 Equipment Shelters

All equipment necessary for monitoring and operation of the wind energy conversion facilities should preferably be contained within the turbine tower. If this is infeasible, ancillary equipment may be located outside the tower, provided it is contained either within an underground vault, or enclosed within a separate structure or behind a year-round landscape or vegetated buffer.

240-44.1.4.2.4 Lighting and Signage

- a) Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure.
- b) Lighting of equipment structures and any other facilities on site (except lighting required by the FAA) shall be shielded from abutting properties.
- c) No signage allowed.

240-44.1.4.3 **Environmental Standards**

240-44.1.4.3.1 Noise

The wind energy conversion facility and associated equipment shall conform to the standard of ten (10) decibels (DB) above ambient noise level at the property line. The applicant shall provide an analysis prepared by a qualified engineer, to be presented to the SPGA to demonstrate compliance with these noise standards and shall be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.

240-44.1.4.3.2 Shadowing/Flicker

Wind energy conversion facilities shall be sited in a manner that does not result in significant shadowing or flicker impacts. The proponent has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

240-44.1.4.3.3 Safety Standards

- a) No hazardous materials or waste shall be discharged on the site of any wind energy conversion facility. If any hazardous materials or wastes are to be used on site, there shall be provisions for full containment of such materials or waste.
- b) Climbing access to tower shall be limited by placing climbing apparatus no lower than ten (10) feet from the ground.
- c) The clear area shall be no less than ten (10) feet.
- d) The wind turbine shall conform to FAA Safety Standards, as amended.

240-44.1.4.4 **Abandonment or Discontinuation of Use**

240-44.1.4.4.1 At such time that a wind energy conversion facility is scheduled to be abandoned or discontinued, the applicant will notify the town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.



**BARNSTABLE TOWN COUNCIL  
2007-082 TOWN OF BARNSTABLE ZONING ORDINANCE  
FOR LAND-BASED WIND ENERGY CONVERSION (CONTINUED)  
INTRO.: 02/01/07**

In the event that an applicant fails to give such notice, the facility shall be considered abandoned or discontinued if the facility is inoperable for 180 days. In the case of a multi-turbine facility, the SPGA shall determine in its decision what proportion of the facility would be inoperable for the facility to be considered abandoned.

240-44.1.4.4.2 Upon abandonment or discontinuation of use, the owner shall physically remove the wind energy conversion facility within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the operator and at the discretion of the SPGA. "Physically remove" shall include, but not be limited to:

- a) Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers and all appurtenant structures from the subject property;
- b) Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations;
- c) Restoration of the location of the wind energy conversion facility to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-condition.

240-44.1.4.4.3 If an applicant fails to remove a wind energy conversion facility in accordance with this section of this bylaw, the town shall have the authority to enter the subject property and physically remove the facility. The SPGA may require the applicant to provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the SPGA's election at the time of construction to cover costs of the removal in the event the town must remove the facility. The amount of such surety shall be equal to 150 percent of the cost of compliance with this section. The

applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years.

240-44.1.4.4.4 Professional Fees

The town may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a technical expert/consultant will be at the expense of the applicant.

**SPONSOR:** Ann B. Canedy, Town Councilor

<b>DATE</b>	<b>ACTION TAKEN</b>
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___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-082**  
**INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** Ann Canedy, Precinct 1 Town Councilor  
**DATE:** January 24, 2007  
**SUBJECT:** Zoning Ordinance for Land-Based Wind Energy Conversion Facilities

**BACKGROUND:** With the demand for alternative energy sources at an all time high and with the smattering of applications for both residential and commercial wind turbines here on Cape Cod, the Planning Board Subcommittee on Zoning decided to be pro-active in the permitting of Land-Based Wind Energy Conversion Facilities or WECFs. The initial impetus to the Subcommittee was the permitting of two residential wind turbines in the Town of Sandwich. The Sandwich Zoning Board of Appeals was asked to review the application and found they had no clear criteria with which to review an application. A quick read of the Town of Barnstable Zoning Ordinances indicated that neither did Barnstable: while turbines were allowed in residential districts by special permit, no criteria was listed to aid in review.

For over five months the Subcommittee researched WECF bylaws and ordinances in towns both on Cape and off Cape: Bourne, Dracut, Fairhaven, Falmouth, Gloucester, Harwich, Hull, Lynn, Orleans, Salem, Scituate, Westport and Williamstown. The Subcommittee examined model bylaws posted on both the Massachusetts Division of Energy Resources (DOER) and the Cape Cod Commission (CCC) websites. In addition to reviewing the proposal for Cape Cod Community College, several members visited existing wind turbine sites: Town of Hull's turbine near the High School; IBEW turbine off Rte. 93 South Boston; Mass Maritime's turbine in Buzzard's Bay; and Cape Tech's turbine in Harwich. The Subcommittee invited proponents of both small scale residential and large scale commercial turbines to its meetings to learn more about the technology. After reviewing the information, the Subcommittee drafted an ordinance that addresses some of the key issues in siting turbines: height, economic viability, noise, visibility, and abutter impacts related to location.

**ANALYSIS:** According to the language in the proposed ordinance one would need a parcel of land that would allow the turbine to be 1 and 1/2 times the height of the tower AWAY from any abutting property line. This accomplishes the goal of having the turbine sited toward the middle of the lot and not on the abutter's boundary. Therefore if the tower is 70 feet tall in order to catch the wind, then the tower needs to be located 105 feet away from any property line which translates into a parcel of land at least 210 feet wide plus the width of the tower, possibly 10 more feet, which equals a parcel of land 220 feet wide and 220 feet long which is 48,400 square feet, over an acre of land. A 30 foot tower is not going to be efficient as it will be difficult to catch the wind at such a low height. In Barnstable, the maximum height allowed for a single family home is 30 feet. A 30 foot tower fits on a 10,000 square foot lot (30' height x 1.5 setback factor = 45' x 2 since it has to be 45' from each side of the parcel which equals 90' plus 10' for the base of the tower = 100 x 100 or 10,000 square feet. Similarly a 1/2 acre (square) lot would be restricted to a 50 foot height limit which is right in the middle of the height of most trees, and therefore would not be acceptable. It may not be cost effective to erect such a turbine.

As a point of reference, the turbine at Cape Cod Tech in Harwich is on a 127 foot tower, the turbine at Upper Cape Tech in Bourne is on an 80 ft. tower.

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY (CONTINUED)  
2007-082  
INTRO.: 02/01/07**

**FISCAL IMPACT:** Requiring the demonstration of “economic viability” will provide for turbines that are positively influencing property values which translates into additional property tax revenue and potentially encourages smart business growth in the community, as well as supporting existing business.

**BOARD/COMMITTEE/STAFF ASSISTANCE:** Planning Board Subcommittee on Zoning,  
Steve Shuman, Subcommittee Chair