



The Town of Barnstable

Town Council

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TOWN COUNCIL AGENDA

April 5, 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**
4. **PUBLIC COMMENT (May be limited to 2 minutes)**
5. **COUNCIL RESPONSE TO PUBLIC COMMENT**
6. **ACT ON MINUTES**
7. **COMMUNICATIONS FROM ELECTED OFFICIALS,
BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE,
ANNOUNCEMENTS AND COMMITTEE REPORTS**
8. **ORDERS OF THE DAY
A. OLD BUSINESS B. NEW BUSINESS**
9. **TOWN MANAGER COMMUNICATIONS**
10. **ADJOURNMENT**

NEXT MEETING APRIL 26TH.

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Minutes of Barnstable Town Council Meeting of March 15, 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 (SECOND READING)

BARNSTABLE TOWN COUNCIL

2007-081 APPOINTMENTS

INTRO.: 03/15/07; 04/05/07

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

HUMAN SERVICES COMMITTEE APPOINTMENTS:

Estelle Fritzing, Exec. Dir., CACCI, 115 Enterprise Rd., Hyannis, MA 02601, term expires 06/30/2010

Claire Goyer, Exec. Dir., Duffy Health Center, 105 Park St., Hyannis, MA 02601, term expires 06/30/2010

Coreen Brinckerhoff, Cape Organization for the Rights of the Disabled, 1019 Iyanough Rd. #4, Hyannis, MA 02601, term expires 06/30/2010

Marie Segersten, DMH/Tri-City, 77 High School Ext, Hyannis, MA 02601, term expires 06/30/2010

Joseph DaLuz, President, NAACP, Mitchell's Way, Hyannis, MA 02601, term expires 06/30/2010

Rev. Deacon Richard Murphy, St.Francis Xavier, 30 Arborway Hyannis, MA 02601, term expires 06/30/2010

Kathy Quatromoni, Dir. of Community Programs, District Attorney's Office, Box 455, Barnstable, MA 02630, term expires 06/30/2010

Nancy Bacher, National Alliance for the Mentally Ill/Cape Cod, 5 Mark Lane, Hyannis, MA 02601 term expires 06/30/2009

Roy Fogelgren, Cape Cod Council of Churches, Box 758, Hyannis, MA 02601 term expires 06/30/2010

Paul Hebert, President Champ Houses, 82 School St., Hyannis, MA 02601, term expires 06/30/2009

Len Stewart, Dir., Barnstable County Health and Human Services, Box 472, Barnstable, MA 02630, term expires 06/30/2009

David B. Reidy, Execu., Dir., Mid-Upper Cape Community Health Center, 30 Elm Avenue, Hyannis, MA 02601, term expires 06/30/2009

Cynthia Cole, Exec. Dir., Hyannis BID, Box 547, Hyannis, MA 02601, term expires 06/30/2009

Chief Paul MacDonald, Barnstable Police Dept., Box B, Hyannis, MA 02601, term expires 06/30/2009

Rick Brigham, NOAH Shelter HAC, 460 W. Main St., Hyannis, MA 02601, term expires 06/30/2008

Mary Pat Messmer, CEO, Cape Cod Child Development, 83 Pearl St., Hyannis, MA 02601, term expiration 06/30/2008

Bill Doherty, Barnstable County Commissioner, PO Box 427, Barnstable, MA, 02630 term expires 06/30/2008

Merrill Blum, Veterans Transition House, PO Box 2873, 565 Main Street, Hyannis, MA 02601, term expires 06/30/2008

Kim Kalweit, VINFEN Corp., 310 Barnstable Rd., Hyannis, MA 02601, term expires 06/30/2008

Roy Richardson, CHIPs Homes, 9 Park Avenue, Centerville, MA 02632, term expires 06/20/2008

SPONSORS: Appointments Committee

DATE ACTION TAKEN

___ Read item

___ Discussion; ___ Move/vote

A. OLD BUSINESS (Joint Public Hearing with Planning Board May Be Acted Upon) (Roll Call 2/3)

BARNSTABLE TOWN COUNCIL

**2007-083 TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE ZONING ORDINANCE TO EXTEND THE BOUNDARY OF THE HYANNIS GATEWAY ZONING DISTRICT
INTRO.: 02/15/07; 03/01/07; 03/15/07; 04/05/07**

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE MASSACHUSETTS DO ORDAIN AS FOLLOWS:

ORDERED: That Chapter 240, Article II of the Zoning Ordinance, Section 240-6 the Zoning Map, is amended by extending the boundary of the Hyannis Gateway (HG) zoning district within the Hyannis Village Zoning Districts as shown on maps on file with the Town Clerk entitled “Zoning Map of the Town of Barnstable, Massachusetts, Index Map”, and “Sheet 3 of 7, Hyannis”, both maps notated “Proposed Amendment to Modify the HG and RB Zones in Hyannis File Copy Date February 5, 2007” and as shown on “Downtown Hyannis Rezoning Illustration Map Proposed Amendment to Modify the HG and RB Zones in Hyannis” dated 2/6/2007.

SPONSOR: Town Council Vice President Gary R. Brown

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
2007-083
INTRO.: 02/01/07**

TO: Town Council
FROM: Town Councilor Gary Brown
DATE: February 6, 2007
SUBJECT: To see if the town council will vote to amend the zoning ordinance to extend the boundary of the Hyannis Gateway Zoning District

RATIONALE: The following amendments have been identified for adoption within the Hyannis Village Zoning Districts.

The first involves a zoning map amendment to include two small existing lots in the Hyannis Gateway (HG) District. The lots proposed for inclusion in the HG District are in total 7,405 square feet and in common ownership with abutting parcels that are currently included in the HG District.

The current line as it exists in relationship to the properties assumes the development of the road called Washington Avenue Extension, designated on Town maps in 1957. Although developed as a road on the other side of Charles Street, this tiny end of it, now referred to as the butt, was never actually created into a road, and the land parceled as lots with addresses on Washington Ave. Ext. and other proposed lots, 36 Pine Court, and 65 Washington Ave. Ext. by the current arbitrary zoning are rendered completely useless.

The required building specs for developing new residences have changed, making it impossible to ever develop these lots into houses, since there is no room for septic installations. Remaining zoned as residential, but in fact surrounded by and essentially extensions of commercial property, the owner's hands are tied.

The third lot in question, 37 Pine Court, has been assimilated into the back yard of 72 Grove Street. It is surrounded by commercial use, and would be more valuable if it were possible to make it available for that use.

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

**2007-089 ORDER AUTHORIZING SALE OF LAND SHOWN ON ASSESSORS
MAP 194 PARCEL 035, 0 CAP'N CROSBY ROAD, WEST BARNSTABLE
INTRO.: 03/15/07; 04/05/07**

RESOLVED: Notwithstanding the price of \$100,000.00 authorized under agenda item number 2007-054, the Town Manager is authorized to dispose of all right, title and interest in surplus Town land having a street address of 0 Cap'n Crosby Road, West Barnstable, shown on Assessors Map 194 as Parcel 035 for a price not less than \$25,000.00, being the highest and only bid received, and to execute and deliver any and all documents necessary in accordance with the terms of this Order.

SPONSOR: Town Manager John C. Klimm

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

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-089
INTRO.: 03/15/07**

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: February 28, 2007
SUBJECT: Order Authorizing Sale of Land Shown on Assessors Map 194
Parcel 035, 0 Cap'n Crosby Road, West Barnstable

RATIONALE: A request for proposals was duly issued and advertised for disposition of this property as required under c. 30B, and the only proposal received was from an abutting property owner, for a price of \$25,000.00. The parcel is too small to likely be of interest to other than an abutter.

A. OLD BUSINESS (Joint Public Hearing With Planning Board May Be Acted Upon) (Roll Call 2/3)

BARNSTABLE TOWN COUNCIL

**2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF CRITICAL PLANNING CONCERN (PVDCPC)
INTRO.: 03/15/07; 04/05/07**

“NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE MASSACHUSETTS DO ORDAIN AS FOLLOWS:

ORDERED:

SECTION 1

That Chapter 240, Article II of the Zoning Ordinance, Section 240-6 the Zoning Map, is amended by creating a new zoning district known as R-2C which covers the area shown on a reference map entitled “Proposed Pond Village DCPCs 1 and 2, Draft Map” and described as follows: the northerly boundary is Cape Cod Bay/Barnstable Harbor; the easterly boundary includes those parcels on the east side of Scudder Lane; the southerly boundary includes those parcels on the south side of Rte. 6A from the Scudder Lane intersection to the Railroad Overpass; and the westerly boundary follows the property line of the so-called Blair parcel up to the Mass Audubon parcels to Barnstable Harbor.

SECTION 2

That Chapter 240, Article III of the Zoning Ordinance is hereby amended as follows by adding a new Section 240-12, Pond Village (Barnstable) District of Critical Planning Concern (PVDCPC) R-2C. Pond Village is located north of Route 6A in the vicinity of Scudder Lane, Calves Pasture Lane and Hinckley Pond. The district includes those parcels on the easterly side of Scudder Lane and on the southerly side of Rte. 6A from the Railroad Overpass to the Scudder Lane intersection. The purpose of this ordinance is to allow more appropriate land use development to preserve and contribute to the historic, agricultural and/or maritime character of the Pond Village Neighborhood. The ordinance enables the review of development as it relates to pedestrian access and outdoor public spaces to the waterfront and /or pondfront. This ordinance is intended to be used in conjunction with other regulations already adopted by the town, including historic district regulations, site plan review and other local ordinances designed to encourage appropriate land use and environmental protection.

Section 240-12. Pond Village (Barnstable) District of Critical Planning Concern (PVDCPC) R-2C

- A. Principal permitted uses. The following uses are permitted in the R-2C District:
 - (1) Single-family residential dwelling (detached).
- B. Accessory uses. The following uses are permitted as accessory uses in the R-2C District:
 - (1) Family apartments (see section 240-47.1).
 - (2) Keeping, stabling and maintenance of horses subject to the provisions of Section 240-11B(2).
 - (3) Home occupation (see Section 240-46).
 - (4) Renting of rooms to not more than three non-family members by the family residing in a single-family residence.
- C. Special permit granting authority and special permit criteria. Within the R-2C District, the Planning Board shall be the special permit granting authority. The Planning Board shall follow the criteria and procedures set forth in § 240-125C of the Barnstable Zoning Ordinance when acting on a special permit application. In addition to the criteria set forth in § 240-125, the Planning Board shall find that the issuance of the special permit is consistent with one or more of the following criteria:

BARNSTABLE TOWN COUNCIL
2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF
CRITICAL PLANNING CONCERN (PVDCPC)(Continued)
INTRO.: 03/15/07

- (1) The development maintains or improves pedestrian access and/or outdoor public spaces specifically to any one of the following: Audubon parcels, Hinckley Pond, and Scudder Lane Landing;
 - (2) The development contributes to the historic, agricultural and/or maritime character of the Pond Village area;
 - (3) The development eliminates or minimizes curb cuts and driveways on Scudder Lane, Calves Pasture Lane, and Sheperds Way;
 - (4) The development provides or preserves views from public ways and spaces to the waterfront and/or pondfront and provides or preserves public access to the waterfront and/or pondfront;
 - (5) The development is consistent with the findings of the PVDCPC.
- D. Special permit uses. The following uses are permitted as special permit uses in the R-2C District provided that a special permit is first obtained from the Planning Board:
- (1) Keeping, stabling and maintenance of horses in excess of the density provisions of 240-11B(2)(b) herein, either on the same lot or adjacent lot as the principal building to which such use is accessory.
 - (2) Windmills and other devices for the conversion of wind energy to electrical or mechanical energy but only as an accessory use. (*See new proposed Section 240-44.1*)
 - (3) Open Space Residential Developments. (*See Section 240-17*)
- E. Dimensional relief. Within the R-2C District, the SPGA may provide relief from minimum lot area, minimum lot frontage, maximum building setback, minimum yard setbacks, floor area ratio limits, when such relief is necessary to ensure that a proposed development is consistent with the PVDCPC findings and Special Permit Criteria.
- F. Bulk regulations:
- | | |
|--|--------|
| Minimum lot area, contiguous upland (square feet) | 87,120 |
| Minimum lot frontage (feet) | 125 |
| Minimum <i>road layout setback</i> (feet) | 50 |
| Minimum <i>property line setback</i> (feet) | 20 |
| Minimum wetland <i>setback</i> (feet) | 50 |
| (except 100 feet from Hinckley’s Pond and the edge of the Coastal Bank along Barnstable Harbor) | |
| Maximum <i>building height</i> in feet | 30 |
| Maximum building height in stories | 3 |
| (Provided that at least one of the allowable stories is either the basement or a <i>habitable attic</i> .) | |
| Floor Area Ratio (FAR): | .06 |
- G. Grandfathering. Within the R-2C District, any lot that met the minimum lot area and minimum lot frontage requirements of the RF-1 or RF-2 Districts respectively, prior to the effective date of the Pond Village DCPC nomination of August 26, 2005 as specified in the Cape Cod Commission Acceptance Decision dated September 15, 2005 shall not be subject to R-2C minimum lot area or minimum lot frontage requirements as specified above in subsection F, but shall be subject to the minimum road layout setback, minimum property line setback, minimum wetland setback, maximum building height, maximum building height in stories, and floor area ratio.

BARNSTABLE TOWN COUNCIL
2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF
CRITICAL PLANNING CONCERN (PVDCCPC) (Continued)
INTRO.: 03/15/07

H. Definitions

Building Height: The vertical distance from the *grade plane* to the average height of the *highest roof plane*.

FAR (floor area ratio): FAR is measured by dividing the gross floor area of all stories above grade of all buildings on site by the total lot area, all upland, including any restricted or unrestricted upland. This shall not limit a single building or the aggregate of multiple buildings on any lot to less than 2000 gross square feet.

Grade Plane: A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. The reference plane shall be established by using the lowest points of grade within the area between the building and a point six feet from the building.

Habitable Attic: The *habitable space* between the rafters of a pitched roof and the floor next below.

Highest Roof Plane: The roof plane having the highest ridge and having the highest average height (exclusive of cupolas or spires) or the flat roof that is higher than any pitched roof.

Property Line Setback: The perpendicular distance between any property line (other than the property line abutting a road layout) and a line running parallel to that property line.

Road Layout Setback: The perpendicular distance between the road layout and a line running parallel to the road layout.

Setback: The area between a road layout or property line and the setback line where no building or structure is allowed except:

1. Accessories such as arbors, garden trellises or clothes poles;
2. Roof eaves projecting not more than 3 feet;
3. Chimneys, window sills, belt courses, rain leaders and similar architectural features projecting not more than 2 feet;
4. Steps and stoops less than 18" in height and 25 square feet in area.

Story: That portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade: Any *story* having its finished floor surface entirely above grade except that a basement shall be considered a *story above grade* where the finished surface of the floor above the basement is:

1. More than four feet above the *grade plane*;
2. More than four feet above the finished ground level for more than 50% of the total building perimeter; or
3. More than eight feet above the finished ground level at any point."

SPONSOR: Ann B. Canedy, Precinct 1 Town Councilor

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
2007-101**

INTRO.: 03/15/07

TO: Town Council
FROM: Ann Canedy, Precinct 1 Town Councilor
DATE: March 5, 2007
SUBJECT: Zoning Ordinance for Pond Village District of Critical Planning Concern (PVDCPC)

BACKGROUND: Pond Village is adjacent to West Barnstable and shares similar topographical characteristics with West Barnstable. However, when the entire town went to two acre lots under the Town wide DCPC several years ago, Barnstable Village (like Hyannis) remained at one acre zoning. As a result, Barnstable Village, especially the Pond Village area, has been subjected to increased and rapid development pressure. Additionally, there was increased evidence of degradation of Hinckley Pond which lies in the center of this neighborhood and increased frequency of closings because of nitrogen loading and high bacteria counts at the Scudder Landing, a site for recreational and commercial fishing. Several permanent residents of Pond Village became concerned about the future of this rural area. At the request of these residents, a neighborhood meeting was held on June 28, 2004 to discuss ways they could protect their neighborhood.

The Pond Village residents wanted to take a comprehensive look at their neighborhood since rules and regulations were seemingly being applied piecemeal. For example the OKH has some limited and largely subjective authority on individual parcels in the area but only if those parcels are in front of them. Zoning only speaks to minimum setbacks and not to building envelopes. There is no protection of view sheds. There is no drainage requirements on or proposed improvements to the private ways leading to the properties being developed. It became apparent to the neighborhood that the existing standards in effect in the area were not going to protect the cultural, historical, environmental and aesthetic environs that made this area unique. One acre lot size, 20' frontage, 30' front yard setback and 15' side/rear yard setback with no lot coverage provided for large unrestrained building envelopes and spec building and development was encroaching into the coastal embankment and pond frontage.

The Pond Village residents saw a DCPC designation as a tool to stop the immediate and rapid development pressure and allow a comprehensive and thoughtful review of land use in this area. The residents elected to hire the environmental engineering firm Horsley & Witten to draft a DCPC nomination for the neighborhood to present to the Planning Board, as a natural conduit to formulating and suggesting zoning changes.

The Planning Board held several public hearings beginning on March 14, and ending on May 9, 2005. It should be noted that a public hearing is not required by the DCPC regs but public input was actively sought. The Planning Board ultimately directed the town planner to prepare a document for review at the May 23, 2005 Planning Board meeting where the document was amended and a final version presented to the Planning Board on June 6, 2005 which was then forwarded to the Cape Cod Commission (CCC).

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY (Continued)
2007-101
INTRO.: 03/15/07

The CCC accepted both the original and revised nominations on September 26, 2005. The Commission voted to approve a decision on the approval of the nominations on October 31, 2005 and approved the DCPC on January 18, 2006. All of these votes were done at public hearings noticed in the local newspapers and were attended by numerous Pond Village residents. While not required to notify abutters, efforts were made to “spread the word” about these public hearings.

Beginning in February 2006 ,CCC staff along with Planning Department Staff and interested residents of Pond Village met informally to establish how the actual crafting of the proposed land use controls outlined in the approved CCC/County Commission decisions could be completed. It was determined that a “Steering Committee” would need to be established that was small enough to actually get work done but broad enough to represent all interests in the area. Members of the public who were for and some who were skeptical and even against the designation were placed on this Committee.

The initial meeting of the “Steering Committee” was March 6, 2006. At that meeting it was decided to keep all Pond Village residents informed of all steering committee meetings via email/direct mailings. Steering Committee meetings were scheduled for the first and third Mondays of each month at the Growth Management Offices at 200 Main Street, Hyannis. Minutes have been kept and were attached to each agenda notice sent out to over 50 neighborhood residents and interested parties.

The regs that have been promulgated are the result of many months of work, many drafts, input from many residents, a neighborhood meeting, input from experts and compromise.

The Steering Committee proposes to continue its work beyond the proposal of this zoning ordinance in the areas of boardwalks and piers, conservation and health issues, the remediation of Hinckley Pond, repair of Route 6A and other issues related to this area.

FISCAL IMPACT: The proposed zoning regulations will positively influence property values which translates into additional property tax revenue and encourages smart growth in the community.

BOARD/COMMITTEE/STAFF ASSISTANCE: Pond Village Steering Committee,
Planning Board

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

BARNSTABLE TOWN COUNCIL

**2007-102 RESOLVE THAT THE TOWN COUNCIL CREATE AN RFP COMMITTEE TO SET PARAMETERS FOR A COMPREHENSIVE STUDY OF THE FIRE SERVICES FOR THE FIVE FIRE DISTRICTS IN THE TOWN OF BARNSTABLE
INTRO.: 03/15/07; 04/05/07**

RESOLVED: That the Town Council create an RFP Committee that mirrors the composition of the Fire District Study Preparation Committee with its geographic and occupational diversity. The purpose of this RFP Committee is to set the parameters for a comprehensive and objective study of the fire services of the five fire districts to answer the question: “Is the Town of Barnstable receiving the services currently provided by the Fire Districts in the most efficient and effective manner possible?”

SPONSORS: Janice L. Barton, Town Councilor, Leah C. Curtis, Town Councilor and Ann B. Canedy, Town Councilor

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
2007-102
INTRO.: 03/15/07**

TO: Town Council
FROM: Janice L. Barton, Town Councilor
DATE: March 6, 2007
SUBJECT: Creation of an RFP Committee to Set Parameters for Comprehensive Study of the Fire Services of the Five Fire Districts

RATIONALE: The Fire District Study Preparation Committee was created at the March 2005 meeting of the Barnstable Town Council by President Gary Brown. The Charge of the Committee was to gather information, determine goals, set parameters, research funding and create a request for proposals for groups to conduct a study, if one was determined to be necessary. The Committee began meeting in May 2005 and met eight times.

The Committee, after a great deal of discussion and deliberation, agreed unanimously that the only way to definitively assess whether some form of reorganization would be beneficial for all of the residents in the Town would be through an objective, independent, professional and comprehensive evaluation.

Based on that conclusion, the Committee recommends that the Town of Barnstable commission a comprehensive study on the state of its fire districts including an examination and recommendations on whether reorganization of the same, in part or in whole or at all, is advantageous.

The Committee has further determined by consensus that it does not have the proper composition to create an RFP.

The composition of a committee to draft a request for proposals to commission a study is vital to the success of this endeavor. Each affected party to this question must be represented in the committee. The composition of the Committee should mirror the composition of the Study Committee, and should include an official from each District, town officials, labor leaders, and a representative of the Town staff knowledgeable in the structuring of RFPs and awarding contracts.

The Committee recommends that care must be taken to select a consulting firm for the Study that has expertise, experience and understanding in fire and advanced life support EMS service work. Also, it is strongly suggested that the company selected to do the study have the credibility to conduct the study in an unbiased, professional manner, and should not be from within the Town of Barnstable. The RFP should state that the consulting firm chosen needs to commit to seeing the project through to completion, and be available on a consultation basis as necessary.

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

2007-103 APPOINTMENTS

INTRO.: 03/15/07; 04/05/07

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

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE APPOINTMENT:

Robert H. Temkin, 294 Millway, PO Box 255, Barnstable, MA 02630, term expires 06/30/2009

WATER QUALITY COMMITTEE APPOINTMENT:

Sheila Mulcahy, 9 Chippingstone Road, Marstons Mills, MA 02648, term expires 06/30/2009

SPONSORS: Appointments Committee

DATE

ACTION TAKEN

___ Read item

___ Discussion

___ Move/vote

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

BARNSTABLE TOWN COUNCIL

**2007-105 TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE
GENERAL ORDINANCE TO EXTEND THE BOUNDARY OF
THE HYANNIS REGULATORY AGREEMENT DISTRICT
INTRO.: 03/15/07; 04/05/07**

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE
MASSACHUSETTS DO ORDAIN AS FOLLOWS:**

ORDERED:

SECTION 1

That Chapter 168, Regulatory Agreement Ordinance, is amended by extending the boundary of the Hyannis Regulatory Agreement District as shown on a map on file with the Town Clerk entitled "Hyannis Regulatory Agreement District Map", dated August 30, 2005, by amending said map as shown on the map entitled "Proposed Amendment Within HG and IND Zone Hyannis Regulatory Agreement District Map", dated 3/9/2007 and as further depicted on a map entitled "Illustration Map for Proposed Amendment Within HG and IND Zone Hyannis Regulatory Agreement District Map", dated 3/9/07.

SECTION 2

That Chapter 168, the Regulatory Agreement Ordinance, is hereby amended by striking out Section 168-1.A and inserting in place thereof the following:

It is the purpose and intent of this chapter to enable the Town of Barnstable to enter into development agreements (hereinafter "regulatory agreements") in the areas delineated on the attached map, dated March 9, 2007, entitled "Hyannis Regulatory Agreement District."

SECTION 3

That Chapter 168, the Regulatory Agreement Ordinance, is hereby amended by striking out Section 168-1.A.B and inserting in place thereof the following:

This chapter shall apply within the Hyannis Regulatory Agreement District, shown on the attached map.

SPONSOR: Town Councilor Harold Tobey

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

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-105
INTRO.: 3/15/07**

TO: Town Council
FROM: Town Councilor Harold Tobey
DATE: March 9, 2007
SUBJECT: Amendment to Hyannis Regulatory Agreement District

BACKGROUND/ANALYSIS/RATIONALE: The following amendment has been identified for adoption:

This involves a map amendment to the area within which the Town may enter into Regulatory Agreements to include:

- (1) two small, existing lots that were recently added to the Hyannis Gateway (HG) District. The lots proposed for inclusion in the Hyannis Regulatory Agreement District are in total 7,405 square feet and in common ownership with abutting parcels that are currently included in the Hyannis Regulatory Agreement District; and
- (2) approximately 24.21 acres located in the IND Zoning District and more specifically identified as Map 314, Parcels 044 through 049; Map 314, Parcels 036 through 038; and Map 315, Parcel 042.

FISCAL IMPACT: There is no fiscal impact.

STAFF ASSISTANCE: Patricia Daley, Director of Comprehensive Planning and Tom Broadrick, Director of Regulatory Review

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

BARNSTABLE TOWN COUNCIL

<p>2007-090 THROUGH 2007-099 CAPITAL IMPROVEMENT PLAN BUDGET APPROPRIATIONS INTRO.: 03/15/07; 04/05/07</p>

2007-090 APPROPRIATION ORDER

Marina Enterprise Fund Reserve Capital Improvement Plan

ORDERED: That the sum of **\$60,000** be appropriated for the purpose of funding the design and permitting of a replacement for the existing 443 lineal feet of wooden bulkhead along the eastern and southern sides of the Barnstable Harbor Marina as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, **\$60,000** be transferred from available funds within the Marina Reserve Fund, and 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: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

2007-091 APPROPRIATION AND LOAN ORDER

Sewer Enterprise Fund Capital Improvement Plan

ORDERED: That the sum of **\$570,000** be appropriated for the purpose of funding the purchase and installation of a replacement generator used to supply emergency power at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$570,000**, and 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: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
2007-090 THROUGH 2007-099 CAPITAL BUDGET APPROPRIATIONS (Continued)
INTRO.: 03/15/07

2007-092 APPROPRIATION ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$3,250,000** be appropriated for the purpose of funding the repair of the Town's public roads and drainage systems as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, **\$3,250,000** be transferred from available funds within the Town's Capital Trust Fund, and 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: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

2007-093 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$275,000** be appropriated for the purpose of funding the following update and enhancement of the Town's Geographic Information System(GIS): (1) an update of the system's base maps by conducting an aerial photo flyover of the Town in the spring of 2008; and (2) to enhance the system by conducting a LiDAR (Light Detection and Ranging) aerial survey necessary to developing a town-wide digital terrain model and creating new town-wide contour mapping as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$275,000**, and 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: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
2007-090 THROUGH 2007-099 CAPITAL BUDGET APPROPRIATIONS (Continued)
INTRO.: 03/15/07

2007-094 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the construction of sidewalks along town-owned roads as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and 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: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

2007-095 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$297,000** be appropriated for the purpose of funding the following improvements to Municipal buildings: (1) renovation of Joshua's Pond Beach House and the design of a new or renovated Craigville Beach House; and (2) health and safety improvements to Barnstable Town Hall including upgrades to the 4th floor air-conditioning system, insulating chilled water piping and repairs to the elevator as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$297,000**, and 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: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
2007-090 THROUGH 2007-099 CAPITAL BUDGET APPROPRIATIONS (Continued)
INTRO.: 03/15/07

2007-096 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding an on-going program to improve coastal water quality by addressing road runoff and road related water quality problems affecting coastal waters as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and 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: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

2007-097 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the following improvements to the town's lakes and ponds: (1) reestablish a permanent connection from Rushy Marsh Pond in Cotuit to Nantucket Sound; (2) dredging design and permitting of Mill Pond in Marstons Mills to restore the ecology of the pond that will result eventually in limiting the nutrient enrichment of the Three Bays; and (3) design and permitting of an alum treatment to Mystic Lake in Marstons Mills to confine sediment nutrients as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$275,000**, and 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: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-106 AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR BARNSTABLE WEST BARNSTABLE ELEMENTARY SCHOOL
INTRO.: 04/05/07**

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Barnstable West Barnstable Elementary School located at 2463 Main Street, West Barnstable, MA 02668, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

SPONSOR: Janice L. Barton Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read item

___ Discussion

___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-106
INTRO.: 04/05/07**

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton Town Councilor
DATE: March 28, 2007
SUBJECT: Authorization for Superintendent of Schools to Submit Statements of Interest to Massachusetts School Building Authority

BACKGROUND: The School Committee requests that the Town Council join it in authorizing the Superintendent of Schools to submit Statements of Interest to the Massachusetts School Building Authority (MSBA) for the Barnstable West Barnstable Elementary School, Centerville Elementary School, Cotuit Elementary School, Hyannis East Elementary School, Hyannis West Elementary School, Marstons Mills Elementary School, Osterville Elementary School, and Barnstable Horace Mann Charter School. The purpose of the Statements of Interest is to inform the MSBA of deficiencies in these school facilities and to seek the MSBA's assistance in formulating a building plan that either consolidates several small schools into one or two renovated or new buildings or simply renovates and updates all of the Town's current small schools. Submission of Statements of Interest is the first step in a lengthy process of seeking state financial assistance to upgrade the Town's school facilities.

FINANCIAL IMPACT: Submission does not guarantee state funding, nor does it require expenditure of local funds or commit the Town to filing an application for funding with the MSBA should the Town be invited to do so.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-107 AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF
BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO
MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR CENTERVILLE
ELEMENTARY SCHOOL
INTRO.: 04/05/07**

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Centerville Elementary School located at 658 Bay Lane, Centerville, MA 02632, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

SPONSOR: Janice L. Barton Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-107
INTRO.: 04/05/07**

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton Town Councilor
DATE: March 28, 2007
SUBJECT: Authorization for Superintendent of Schools to Submit Statements of Interest to Massachusetts School Building Authority

BACKGROUND: The School Committee requests that the Town Council join it in authorizing the Superintendent of Schools to submit Statements of Interest to the Massachusetts School Building Authority (MSBA) for the Barnstable West Barnstable Elementary School, Centerville Elementary School, Cotuit Elementary School, Hyannis East Elementary School, Hyannis West Elementary School, Marstons Mills Elementary School, Osterville Elementary School, and Barnstable Horace Mann Charter School. The purpose of the Statements of Interest is to inform the MSBA of deficiencies in these school facilities and to seek the MSBA's assistance in formulating a building plan that either consolidates several small schools into one or two renovated or new buildings or simply renovates and updates all of the Town's current small schools. Submission of Statements of Interest is the first step in a lengthy process of seeking state financial assistance to upgrade the Town's school facilities.

FINANCIAL IMPACT: Submission does not guarantee state funding, nor does it require expenditure of local funds or commit the Town to filing an application for funding with the MSBA should the Town be invited to do so.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-108 AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF
BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO
MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR COTUIT
ELEMENTARY SCHOOL
INTRO.: 04/05/07**

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Cotuit Elementary School located at 140 Old Oyster Road, Cotuit, MA 02635, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

SPONSOR: Janice L. Barton Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-108
INTRO.: 04/05/07**

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton Town Councilor
DATE: March 28, 2007
SUBJECT: Authorization for Superintendent of Schools to Submit Statements of Interest to Massachusetts School Building Authority

BACKGROUND: The School Committee requests that the Town Council join it in authorizing the Superintendent of Schools to submit Statements of Interest to the Massachusetts School Building Authority (MSBA) for the Barnstable West Barnstable Elementary School, Centerville Elementary School, Cotuit Elementary School, Hyannis East Elementary School, Hyannis West Elementary School, Marstons Mills Elementary School, Osterville Elementary School, and Barnstable Horace Mann Charter School. The purpose of the Statements of Interest is to inform the MSBA of deficiencies in these school facilities and to seek the MSBA's assistance in formulating a building plan that either consolidates several small schools into one or two renovated or new buildings or simply renovates and updates all of the Town's current small schools. Submission of Statements of Interest is the first step in a lengthy process of seeking state financial assistance to upgrade the Town's school facilities.

FINANCIAL IMPACT: Submission does not guarantee state funding, nor does it require expenditure of local funds or commit the Town to filing an application for funding with the MSBA should the Town be invited to do so.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-109 AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF
BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO
MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR HYANNIS
EAST ELEMENTARY SCHOOL
INTRO.: 04/05/07**

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Hyannis East Elementary School located at 165 Bearses Way, Hyannis, MA 02601, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 2: Elimination of Overcrowding
- Priority 4: Prevention of Overcrowding
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

SPONSOR: Janice L. Barton Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Discussion
- Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-109
INTRO.: 04/05/07**

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton Town Councilor
DATE: March 28, 2007
SUBJECT: Authorization for Superintendent of Schools to Submit Statements of Interest to Massachusetts School Building Authority

BACKGROUND: The School Committee requests that the Town Council join it in authorizing the Superintendent of Schools to submit Statements of Interest to the Massachusetts School Building Authority (MSBA) for the Barnstable West Barnstable Elementary School, Centerville Elementary School, Cotuit Elementary School, Hyannis East Elementary School, Hyannis West Elementary School, Marstons Mills Elementary School, Osterville Elementary School, and Barnstable Horace Mann Charter School. The purpose of the Statements of Interest is to inform the MSBA of deficiencies in these school facilities and to seek the MSBA's assistance in formulating a building plan that either consolidates several small schools into one or two renovated or new buildings or simply renovates and updates all of the Town's current small schools. Submission of Statements of Interest is the first step in a lengthy process of seeking state financial assistance to upgrade the Town's school facilities.

FINANCIAL IMPACT: Submission does not guarantee state funding, nor does it require expenditure of local funds or commit the Town to filing an application for funding with the MSBA should the Town be invited to do so.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-110 AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF
BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO
MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR HYANNIS
WEST ELEMENTARY SCHOOL
INTRO.: 04/05/07**

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Hyannis West Elementary School located at 549 West Main Street, Hyannis, MA 02601, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

SPONSOR: Janice L. Barton Town Councilor

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

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-110
INTRO.: 04/05/07**

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton Town Councilor
DATE: March 28, 2007
SUBJECT: Authorization for Superintendent of Schools to Submit Statements of Interest to Massachusetts School Building Authority

BACKGROUND: The School Committee requests that the Town Council join it in authorizing the Superintendent of Schools to submit Statements of Interest to the Massachusetts School Building Authority (MSBA) for the Barnstable West Barnstable Elementary School, Centerville Elementary School, Cotuit Elementary School, Hyannis East Elementary School, Hyannis West Elementary School, Marstons Mills Elementary School, Osterville Elementary School, and Barnstable Horace Mann Charter School. The purpose of the Statements of Interest is to inform the MSBA of deficiencies in these school facilities and to seek the MSBA's assistance in formulating a building plan that either consolidates several small schools into one or two renovated or new buildings or simply renovates and updates all of the Town's current small schools. Submission of Statements of Interest is the first step in a lengthy process of seeking state financial assistance to upgrade the Town's school facilities.

FINANCIAL IMPACT: Submission does not guarantee state funding, nor does it require expenditure of local funds or commit the Town to filing an application for funding with the MSBA should the Town be invited to do so.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-111 AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF
BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO
MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR MARSTONS
MILLS ELEMENTARY SCHOOL
INTRO.: 04/05/07**

Resolved: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Marstons Mills Elementary School located at 2095 Main Street, Marstons Mills, MA 02648, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 2: Elimination of Overcrowding
- Priority 4: Prevention of Overcrowding
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

SPONSOR: Janice L. Barton Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-111
INTRO.: 04/05/07**

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton Town Councilor
DATE: March 28, 2007
SUBJECT: Authorization for Superintendent of Schools to Submit Statements of Interest to Massachusetts School Building Authority

BACKGROUND: The School Committee requests that the Town Council join it in authorizing the Superintendent of Schools to submit Statements of Interest to the Massachusetts School Building Authority (MSBA) for the Barnstable West Barnstable Elementary School, Centerville Elementary School, Cotuit Elementary School, Hyannis East Elementary School, Hyannis West Elementary School, Marstons Mills Elementary School, Osterville Elementary School, and Barnstable Horace Mann Charter School. The purpose of the Statements of Interest is to inform the MSBA of deficiencies in these school facilities and to seek the MSBA's assistance in formulating a building plan that either consolidates several small schools into one or two renovated or new buildings or simply renovates and updates all of the Town's current small schools. Submission of Statements of Interest is the first step in a lengthy process of seeking state financial assistance to upgrade the Town's school facilities.

FINANCIAL IMPACT: Submission does not guarantee state funding, nor does it require expenditure of local funds or commit the Town to filing an application for funding with the MSBA should the Town be invited to do so.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-112 AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF
BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO
MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR OSTERVILLE
ELEMENTARY SCHOOL
INTRO.: 04/05/07**

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Osterville Elementary School located at 350 Bumps River Road, Osterville, MA 02655, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Modernization of School Systems
- Priority 2: Elimination of Overcrowding
- Priority 4: Prevention of Overcrowding
- Priority 5: Heating System Replacement; and
- Priority 7: Addition for Program Space;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

SPONSOR: Janice L. Barton Town Councilor

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

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-112
INTRO.: 04/05/07**

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton Town Councilor
DATE: March 28, 2007
SUBJECT: Authorization for Superintendent of Schools to Submit Statements of Interest to Massachusetts School Building Authority

BACKGROUND: The School Committee requests that the Town Council join it in authorizing the Superintendent of Schools to submit Statements of Interest to the Massachusetts School Building Authority (MSBA) for the Barnstable West Barnstable Elementary School, Centerville Elementary School, Cotuit Elementary School, Hyannis East Elementary School, Hyannis West Elementary School, Marstons Mills Elementary School, Osterville Elementary School, and Barnstable Horace Mann Charter School. The purpose of the Statements of Interest is to inform the MSBA of deficiencies in these school facilities and to seek the MSBA's assistance in formulating a building plan that either consolidates several small schools into one or two renovated or new buildings or simply renovates and updates all of the Town's current small schools. Submission of Statements of Interest is the first step in a lengthy process of seeking state financial assistance to upgrade the Town's school facilities.

FINANCIAL IMPACT: Submission does not guarantee state funding, nor does it require expenditure of local funds or commit the Town to filing an application for funding with the MSBA should the Town be invited to do so.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-113 AUTHORIZATION VOTE OF THE TOWN COUNCIL OF THE TOWN OF
BARNSTABLE TO SUBMIT STATEMENT OF INTEREST TO
MASSACHUSETTS SCHOOL BUILDING AUTHORITY FOR BARNSTABLE
HORACE MANN CHARTER SCHOOL
INTRO.: 04/05/07**

RESOLVED: Having convened in an open meeting on April 5, 2007, the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2007, for the Barnstable Horace Mann Charter School located at 730 Osterville-West Barnstable Road, Marstons Mills, MA 02648, which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority 1: Correction to School Systems; and
- Priority 5: Additional HVAC Equipment Installation;

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

SPONSOR: Janice L. Barton Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read item

___ Discussion

___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-113
INTRO.: 04/05/07**

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton Town Councilor
DATE: March 28, 2007
SUBJECT: Authorization for Superintendent of Schools to Submit Statements of Interest to Massachusetts School Building Authority

BACKGROUND: The School Committee requests that the Town Council join it in authorizing the Superintendent of Schools to submit Statements of Interest to the Massachusetts School Building Authority (MSBA) for the Barnstable West Barnstable Elementary School, Centerville Elementary School, Cotuit Elementary School, Hyannis East Elementary School, Hyannis West Elementary School, Marstons Mills Elementary School, Osterville Elementary School, and Barnstable Horace Mann Charter School. The purpose of the Statements of Interest is to inform the MSBA of deficiencies in these school facilities and to seek the MSBA's assistance in formulating a building plan that either consolidates several small schools into one or two renovated or new buildings or simply renovates and updates all of the Town's current small schools. Submission of Statements of Interest is the first step in a lengthy process of seeking state financial assistance to upgrade the Town's school facilities.

FINANCIAL IMPACT: Submission does not guarantee state funding, nor does it require expenditure of local funds or commit the Town to filing an application for funding with the MSBA should the Town be invited to do so.

B. NEW BUSINESS (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2007-114 STRIKING SECTION RELATIVE TO LAUNCHING OF JET
SKIS FROM BOAT RAMP ON SHOOT FLYING HILL ROAD
INTRO.: 04/05/07**

ORDERED,

That Item 2007-012, as adopted by the Council on August 17, 2006, is hereby amended by striking out section 2.

SPONSOR: Gary R. Brown, Town Council Vice President and Tom Rugo Town Councilor

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

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-114
INTRO.: 04/05/07**

TO: Town Council
FROM: Robert Smith, Town Attorney
DATE: March 27, 2007
SUBJECT: Striking Section Relative to Launching of Jet Skis From Boat Ramp
On Shoot Flying Hill Road

RATIONALE: The Legal Division of the Massachusetts Waterways Access Board has opined that their approval of the Town's local ordinance restricting launching of jet skis from the Town boat ramp on Shoot Flying Hill Road, is not legally required. Therefore, this amendment is a corrective amendment which eliminates a requirement calling for that approval.

B. NEW BUSINESS (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2007-115 ORDER AUTHORIZING RESTRICTION OF INTEREST IN THE
CREATION OF GOLF COURSE OR ATHLETIC FIELD WITHIN
THE WILLIAM AND HILMA DANFORTH RECREATION AREA
(DANFORTH PROPERTY) ASSESSORS MAP /PARCEL 84/2,
83/7, 104/2
INTRO.: 04/05/07**

ORDERED: the Town Manager is authorized to restrict by means of recorded or other instruments any interest in the creation of golf, athletic field and motorized vehicle recreational improvements in areas outside of the envelope shown on the attached sketch plan of property purchased by the Town on November 4, 2003 under the provisions of the Cape Cod Open Space Land Acquisition Program, more commonly known as the Land Bank, depicted on Assessors Maps/Parcels 84/2, 83/7 and 104/2, and to execute, deliver and record any deeds or other instruments pursuant to this authorization. No grant of any interest or right is authorized and no other interest purchased under the Land Bank is affected or restricted by this order or any instrument pursuant to it.

SPONSORS: Town Councilors Leah Curtis, Henry Farnham and Janice Barton

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

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-115
INTRO.: 04/05/07**

TO: Town Council
FROM: Town Councilors Leah Curtis, Henry Farnham, and Janice Barton
DATE: March 29, 2007
RE: The Danforth Recreation Area Dedication for Certain Purposes

RATIONALE: The Danforth Recreation Area having significant wildlife and conservation values is worthy of additional protection in order to maintain those values. To maintain those interests certain activities on the property are proposed to be restricted in certain areas. The intent is to define the uses that are inconsistent and potentially in conflict with the purposes under the Land Bank Act that the property was purchased for. Those uses include for example active recreation activities that would harm important wildlife habitat and thus endanger the animals and plants that live in those areas.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-116 ACCEPTANCE OF AN FY2007 GRANT FROM THE BILEZIKIAN
FAMILY FOUNDATION IN THE AMOUNT OF \$14,232.00.
INTRO.: 04/05/07**

RESOLVED: That the Town Council hereby accepts the grant award in the amount of \$ 14,232.00 from the Bilezikian Family Foundation for the purpose of purchasing a new Boston Whaler motorboat that will support the John F. Kennedy Memorial Sailing Program.

SPONSOR: Town Manager John C. Klimm

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

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-116
INTRO.: 04/05/07**

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: David Curley, Director of Recreation
DATE: March 27, 2007
SUBJECT: Acceptance of a 2007 Bilezikian Family Foundation Grant Award

BACKGROUND: With the assistance of the John F. Kennedy Memorial Trust Committee, the Town of Barnstable Recreation Division sponsors a youth sailing program. The John F. Kennedy Memorial Sailing Program provides a safe, affordable, and instructional sailing program to approximately 125 Town residents between the ages of 10-15. The Town of Barnstable offers this program at the low cost of \$75.00 while adhering to the guidelines of the following Associations: United State Sailing Association, National Parks and Recreation Association, and the American Red Cross.

The Sailing Program's inventory of boats include: five (5) 14-foot 6-inch Hunter sailboats and one (1) 13-foot Boston Whaler chase boat. When sailing, an instructor is in the boat with students. The chase boat is used every day during the program. There is additional time for set-up and breakdown. A quality, functional chase boat is a vital part of providing safety for this program. All Emergency Action Plans include the operation of the chase boat. The Town of Barnstable is financially responsible for all personnel costs while the John F. Kennedy Memorial Trust Fund covers all of the annual equipment needs. The Kennedy Memorial Sailing Program continues to be extremely popular.

ANALYSIS: The Town of Barnstable looks forward each year to the Town's sailing program as the activity is most attractive and affordable to our Town's youth. A financial concern for the Recreation Division during the season would be any unforeseen expenditures required for boats needing emergency repair. During last season, our chase boat was down four (4) times and we had to reach out to the community a number of times with requests for assistance. Most of the time, we were able to continue the program; however, there were a couple of times instruction took place on land. Certainly, this was not a desirable situation.

The Town of Barnstable works closely with the John F. Kennedy Memorial Trust Committee in delivering this quality program. With the assistance of the Committee, the Recreation Division was able to apply for funding through the Bilezikian Family Foundation for the purpose of purchasing a new chase boat. The Recreation Division was grateful for this opportunity as organizations must receive a special invitation to apply for foundation funds.

An acquisition of a new chase boat will ensure the Kennedy Sailing Program will maximize the time on the water. It is our goal and objective to provide quality instructional sailing in a safe environment. The chase boat will assist the sailors and their boats during the class sessions. There have been situations when the chase boat has had to tow a boat in or bring in a participant for health reasons. The bottom line is the chase boat must always be reliable to ensure a safe, successful program.

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY (CONTINUED)
2007-116
INTRO.: 04/05/07**

With the assistance from the Kennedy Trust Committee, the Town was successful with the grant application in the amount of \$14,232. The funds will be used to purchase a 13-foot Boston Whaler equipped with a 40 HP outboard motor and trailer. Barnstable Recreation and the sailing staff are indeed excited about receiving these grant monies.

FISCAL IMPACT: The grant is for \$14,232.00. There will be no negative financial impact to the Town.

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

BOARD/COMMITTEE ACTION: The Recreation Commission unanimously supports grant acceptance.

STAFF ASSISTANCE: Lynne M. Poyant, Community Services Director; David Curley, Recreation Director; Patti Machado, Assistant Recreation Director.