



The Town of Barnstable Town Council

367 Main Street, Village of Hyannis MA 02601

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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

TOWN COUNCIL MEETING AGENDA August 16, 2007 7:00 PM

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **MOMENT OF SILENCE**
 - **BARNSTABLE LIFEGUARD PRESENTATION**
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 SEPTEMBER 6TH.

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The council may act on items in a different order than they appear on this agenda

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

BARNSTABLE TOWN COUNCIL

2007-143 RESOLVE BARNSTABLE TOWN COUNCIL MOVES TO ADOPT PROVISIONS OF G.L. C. 33 SEC 59 EFFECT OF MILITARY SERVICE ON SALARY OR VACATION ALLOWANCE OF PUBLIC EMPLOYEES
INTRO.: 05/24/07; 07/19/07; 08/16/07

RESOLVE, The Barnstable Town Council moves to adopt the provisions of G.L. c. 33 sec 59 Effect of military service on salary or vacation allowance of public employees.

Section 59 Any person in the service of the commonwealth, or of a county, city or town which, by vote of its county commissioners or city council or of its inhabitants at a town meeting, accepts this section, or has accepted similar provisions of earlier law as, shall be entitled, during the time of his service in the armed forces of the commonwealth, under section thirty-eight, forty, forty-one, forty-two or sixty, or during his annual tour of duty of not exceeding 34 days in any state fiscal year and not exceeding 17 days in any federal fiscal year as a member of a reserve component of the armed forces of the United States, to receive pay therefore, without loss of his ordinary remuneration as an employee or official of the commonwealth, or of such country, city or town, and shall also be entitled to the same leaves of absence or vacation with pay given to other like employees or officials.

SPONSOR: Town Councilor Rick Barry

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
2007-143
INTRO: 05/24/07**

TO: Town Council
FROM: Town Councilor Richard Barry
DATE: April 25, 2007
SUBJECT: Resolve the Barnstable Town Council moves to adopt the provisions of G.L. c. 33 sec. 59 Effect of military service on salary or vacation allowance of public employees

RATIONALE: There are approximately ten Town Employees that are currently serving in various branches of the Massachusetts National Guard. When they have training they are forced to use vacation time in order to serve our country. Adoption of this provision would allow these dedicated employees to retain their vacation time and serve our military. The Personnel Board estimates that the fiscal impact would be less than ten thousand dollars.

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

2008-001 APPOINTMENTS

INTRO.: 07/19/07; 08/16/07

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

WATER POLLUTION CONTROL BOARD APPOINTMENT:

Allen W. Morrissey, M.D., M.P.H., 69 Country Club Drive, Cummaquid, MA 02637, term expires 06/30/2009

WATER QUALITY COMMITTEE APPOINTMENT: (VOTE FOR ONE)

Oliver Patrick Cipollini, Jr. 20 Biscayne Drive, Marstons Mills, MA, 02648, term expires 06/30/2009
Herbert McSorley, 117 Hinckley Circle, Osterville, MA 02655, term expires 06/30/2009

SPONSORS: Appointments Committee

DATE

ACTION TAKEN

____ Read item
____ Council discussion
____ Move/vote

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

**2008-002 PROPOSED CHANGES TO THE TOWN'S ADMINISTRATIVE CODE
BY THE COUNCIL ON AGING
INTRO.: 07/19/07; 08/16/07**

Amend Town of Barnstable's Administrative Code Section **241.9 Council on Aging.**

A. Term of office to read as follows:

241-9. Council on Aging.

A. Term of office. There shall be a Council on Aging consisting of three member classifications: 13 regular members, one alternate member, and two associate members. The alternate member may serve on committees and will have voting rights at meetings if there is an absence of a regular member. Associate members may serve on committees, but have no voting privileges if a regular member is absent.

SPONSOR: Town Council President Janet S. Joakim

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Council discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2008-002
INTRO: 07/19/07**

TO: Town Council
FROM: Town Councilor President Janet Joakim
DATE: July 11, 2007
SUBJECT: Proposed changes to the Town's administrative code by the Council on Aging

BACKGROUND: This administrative code change relating to membership was promulgated by the Council on Aging. It is consonant with and reflective of the wishes of the Council on Aging.

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

2008-004 REAPPOINTMENTS

INTRO.: 07/19/07; 08/16/07

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

CABLE TV ADVISORY COMMITTEE REAPPOINTMENTS:

J. Douglas Murphy, Esq., 111 Wild Goose Way, Centerville, MA 02632, term expires 06/30/2010
Nancy L. Richard, 4022 Main Street, PO Box 196, Cummaquid, MA 02637, term expires 06/30/2010

COMMUNITY PRESERVATION COMMITTEE REAPPOINTMENTS:

Marilyn Fifield, 49 Colonial Way, PO Box 532, Barnstable, MA 02630, term expires 06/30/2010
Laura Shufelt, 1696 W Barnstable Rd, W. Barnstable MA 02668, term expires 06/30/2010
Joseph O'Brien, 65 Trinity Place, Centerville, MA 02632, term expires 06/30/2010

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE REAPPOINTMENTS:

William S. Brower, 890 Santuit-Newtown Rd, Marstons Mills, MA 02648, term expires 06/30/2010
Thomas Michael, 170 Buckskin Path, Centerville, MA 02632, term expires 06/30/2010

CONSERVATION COMMISSION REAPPOINTMENTS:

Tom Lee, 1081 Old Putnam Avenue, Marstons Mills, MA 02648, term expires 06/30/2010
Peter Sampou, 111 Cedar Street, West Barnstable, MA 02668, term expires 06/30/2010
Louise Riemenschneider Foster, 204 Clamshell Cove Rd, Cotuit MA 02635, term expires 06/30/2010

COUNCIL ON AGING REAPPOINTMENT:

Charlie Fox, 290 West Main Street, Hyannis, MA 02601, term expires 06/30/2010

DISABILITY COMMISSION REAPPOINTMENTS:

Jean Boyle, 24 W Hyannisport Circle, Box 624, W Hyannisport, MA 02672, term expires 06/30/2010
Susan Bethel, 85 Wakeby Road, Marstons Mills, MA 02648, term expires 06/30/2010
Ms. Raffaele L. Kaddy, Box 531, Hyannisport, MA 02647, term expires 06/30/2010

ECONOMIC DEVELOPMENT COMMISSION REAPPOINTMENT:

Howard K. Penn, 21 Lookout Lane, Hyannis, MA 02601-0068, term expires 06/30/2010

ELDERLY & DISABLED TAXATION AID COMMITTEE REAPPOINTMENT:

William Murdoch, 760 South Main Street, Centerville, MA 02632, term expires 06/30/2010

ENOCH COBB TRUST REAPPOINTMENT:

David B. Cole, Esquire, 420 South Street, Hyannis MA 02601, term expires 06/30/2010

GOLF COMMITTEE REAPPOINTMENTS:

Richard Aliberti, 126 Trout Brook Lane, Cotuit, MA 02635, term expires 06/30/2010
David E. Herlihy, 70 Bay Shore Road, Hyannis, MA 02601, term expires 06/30/2010

BOARD OF HEALTH REAPPOINTMENT:

Wayne Miller, 2231 Meeting House Way, Box 711, W Barnstable, MA 02668, term expires 06/30/2010

**BARNSTABLE TOWN COUNCIL
2008-004 REAPPOINTMENTS (CONTINUED)
INTRO.: 07/19/07**

**HYANNIS MAIN ST WATERFRONT HISTORIC DISTRICT COMMISSION
REAPPOINTMENTS:**

Marina Atsalis, 242 Ocean Street, Hyannis, MA 02601 term expires 06/30/2010
George Jessop, 863 Bumps River Road, Centerville, MA 02632, term expires 06/30/2010

JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE REAPPOINTMENT:

Jaci Barton, 87 School Street, Cotuit, MA 02635, term expires 06/30/2010

JFK MEMORIAL TRUST FUND REAPPOINTMENTS:

Henry L. Murphy, Jr., 243 South Street, Hyannis, MA 02601, term expires 06/30/2010
Hugh Findlay, 500 Ocean Street #153, Hyannis, MA 02601, term expires 06/30/2010

LAND ACQUISITION AND PRESERVATION COMMITTEE REAPPOINTMENT:

Allison Rescigno, 12 Calvin Hamblin Road, Marstons Mills, MA 02648, term expires 06/30/2010

LICENSING AUTHORITY REAPPOINTMENT:

Paul Sullivan, 209 Longview Drive, Centerville, MA 02632, term expires 06/30/2010

MID CAPE REGIONAL CULTURAL COUNCIL REAPPOINTMENT:

Patricia A. Kelly, 333 Megan Rd, Hyannis, MA 02601, term expires 06/30/2010

OLD KINGS HIGHWAY HISTORIC DISTRICT COMMITTEE REAPPOINTMENT:

George Jessop, 863 Bumps River Road, Centerville, MA 02632, term expires 11/30/2010

PERSONNEL ADVISORY BOARD REAPPOINTMENT:

Paul Sullivan, 209 Longview Drive, Centerville, MA 02632, term expires 06/30/2010

PLANNING BOARD REAPPOINTMENT:

David Munsell, 3528 Main Street, Barnstable, MA 02630, term expires 06/30/2010

RECREATION COMMISSION REAPPOINTMENTS:

Andrew Gauthier, 48 Eastwood Lane, Cotuit, MA 02635, term expires 06/30/2010
Joseph O'Brien, Jr., 65 Trinity Place, Centerville, MA 02632, term expires 06/30/2010
Katherine I. Pina, 49 Windmill Lane, Cotuit, MA 02635, term expires 06/30/2010

REGISTRAR OF VOTERS REAPPOINTMENT:

Agnes Sorenson, 187 Flintrock Rd, PO Box 927, Barnstable MA 02630, term expires 06/30/2010

SANDY NECK ADVISORY BOARD REAPPOINTMENTS:

William S.Carey, 171 Harbor Pt. Road, Cummaquid, MA 02637, term expires 06/30/2010
Holly Heaslip, 47 Chole Court, PO Box 905, Barnstable, MA 02630, term expires 06/30/2010

SCHOLARSHIP COMMITTEE REAPPOINTMENT:

Deborah J. Hill, 70 Fernbrook Lane, Centerville, MA 02632, term expires 06/30/2010

SHELLFISH ADVISORY BOARD REAPPOINTMENTS:

Stuart W. Rapp, 601 Lumbert Mill Road, Centerville, MA 02632, term expires 06/30/2010
Robert A. Lancaster, 21 Hannah Circle, Cotuit, MA 02635, term expires 06/30/2010
Barbara Enos, 103 Long Pond Circle, Centerville, MA 02632, term expires 06/30/2010

**BARNSTABLE TOWN COUNCIL
2008-004 REAPPOINTMENTS (CONTINUED)
INTRO.: 07/19/07**

SOUTH CAPE BEACH ADVISORY COMMITTEE REAPPOINTMENT:

Robert Lancaster, 21 Hannah Circle, Cotuit, MA 02635, term expires 06/30/2010

HUMAN RIGHTS COMMISSION FOR BARNSTABLE COUNTY (TOWN REPRESENTATIVE) REAPPOINTMENT:

Rosario Quiroz, 55 Walnut Street, Hyannis, MA 02601, term expires 06/30/2010

TRUST FUND ADVISORY BOARD REAPPOINTMENTS:

Linda Gadkowski, 419 Huckins Neck Road, Centerville, MA 02632, term expires 06/30/2010

William A. Murdoch, 760 South Main Street, Centerville, MA 02632, term expires 06/30/2010

VILLAGE IMPROVEMENT FUND REAPPOINTMENT:

Christina Largay, 69 Shirley Point Road, Centerville, MA 02632, term expires 06/30/2010

WATER POLLUTION CONTROL BOARD REAPPOINTMENT:

Phillip C. McCartin, 10 Hollingsworth Road, Osterville, MA 02655, term expires 06/30/2010

WATER QUALITY ADVISORY BOARD REAPPOINTMENTS:

Thomas Camberari, 62 Joan Road, Centerville, MA 02655, term expires 06/30/2010

Jon Erickson, Box 546, Barnstable, MA 02630, term expires 06/30/2010

WATERWAYS COMMITTEE REAPPOINTMENTS:

Frederick Komenda, 65 Elliot Road, Centerville, MA 02632, term expires 06/30/2010

Guile Wood, 49 Blue Heron Drive, Osterville, MA 02655, term expires 06/30/2010

ZONING BOARD OF APPEALS REAPPOINTMENT (ALTERNATE):

Kelly Kevin Lydon, 8 Preakness Way, Box 244, West Barnstable, MA 02668, Alternate, term expires 06/30/2010

SPONSORS: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

**2008-005 COMMUNITY PRESERVATION FUND APPROPRIATION FOR
COMMUNITY HOUSING
INTRO.: 07/19/07; 08/19/07**

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of Three Hundred Thousand and No/100 (\$300,000.00) 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. The purpose of this appropriation is to partially fund the construction of up to 40 units of low income rental housing; all are to remain affordable in perpetuity. Of the 40 units, 28 will be single family units located adjacent to the YMCA on Route 132 and the 12 remaining units will be senior rental housing located on Route 149 at the old Lombard Farm. Both sites are in the village of West Barnstable. The Town Manager is authorized to acquire restrictions, easements, or other interests or rights in order to secure the purposes established hereunder.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read item
___ Discussion
___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2008-005
INTRO.: 07/19/07**

TO: Town Council
FROM: Community Preservation Committee
DATE: May 18, 2007
SUBJECT: Rationale for Housing Assistance Corp., West Barnstable Communities

BACKGROUND: The Community Preservation Committee (CPC) met on May 15, 2007 and has recommended that the town support the funding request of \$300,000.00 from the Housing Assistance Corporation to go towards the construction and related costs of creating 40 units of affordable rental housing in the village of West Barnstable.

RATIONALE: This project is the result of an RFP issued by the Town of Barnstable in October 2004 which called for 28 units of family rental housing adjacent to the YMCA and 12 units of senior rental housing in West Barnstable Village at the site of the old Lombard Farm. Affordable housing restrictions will be placed on 100% of the units at both locations that are proposed to be affordable. The units will include universal design features and there will be fully handicap accessible units at each site.

The YMCA site will have 18 two-bedroom and 10 three-bedroom units in seven quadraplexes arranged around cul-de-sac. The units have been clustered so as to maximize the amount of remaining open space.

The twelve units at the Lombard site will be contained within a single building that was designed to reflect the historic Lombard House which was razed in the 1970's after serving the Town's poor for decades. There will be 8 units located on the first floor, along with a community room, laundry and mail facilities and a management office. The remaining units will be located on the second floor, accessible by elevator or lift.

The project has received Comprehensive Permits for both sites in December 2006. Low Income Housing Tax Credits were recently awarded.

B. NEW BUSINESS (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2008-013 REQUEST FOR THE BARNSTABLE TOWN COUNCIL'S APPROVAL OF A PRESERVATION RESTRICTION AGREEMENT FOR THE CROWELL-SMITH HOUSE (AKA CROSBY HOUSE) LOCATED AT 33 PINE AVENUE, HYANNIS, MA
INTRO.: 08/16/07**

The Parties to this Preservation Restriction Agreement (this "Agreement") are the **SOCIETY FOR THE PRESERVATION OF NEW ENGLAND ANTIQUITIES, D.B.A. HISTORIC NEW ENGLAND**, a Massachusetts charitable corporation having an address at Harrison Gray Otis House, 141 Cambridge Street, Boston, Massachusetts 02114-2702, (hereafter "Grantee") and **WALTER B. POLLOCK, III**, having an address at 33 Pine Avenue, Hyannis, Massachusetts 02601 (herein together with his heirs, successors, administrators and assigns called "Grantor").

Grantor and Grantee recognize the historic, architectural, cultural, scenic and aesthetic value and significance of the Premises, and have the common purpose of conserving and preserving the aforesaid value and significance of the Premises. To that end, Grantor desires to grant to Grantee, and Grantee desires to accept, the Preservation Restrictions set forth in this Agreement, pursuant to Massachusetts General Laws, Chapter 184, Sections 31-33.

Therefore, grantor and grantee agree to the creation of a Preservation Restriction Agreement that shall control the exterior, interior and maintenance of the structure in accordance with the terms of a draft agreement dated June 19, 2007 on file and available for inspection at the office of the town council.

Based on the forgoing, be it resolved that the Town Council hereby approves the within historical preservation restriction.

SPONSOR: Town Council President Janet S. Joakim

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Council discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2008-013
INTRO: 08/16/07**

TO: Town Council
FROM: Town Council President
DATE: July 31, 2007
SUBJECT: Request for the Barnstable Town Council's Approval of a Preservation Restriction Agreement for the Crowell-Smith House (aka Crosby House) Located at 33 Pine Avenue, Hyannis, MA

BACKGROUND: Grantor is the owner in fee simple of certain property known as the Crowell-Smith House (aka Crosby House) and located at 33 Pine Avenue, Town of Barnstable, Village of Hyannis, Massachusetts, which includes certain premises consisting of approximately .22 acres, being more particularly described in Exhibit A attached hereto and in that certain Land Court Certificate of Title No. 61009, filed in the Barnstable Registry District of the Land Court and which property is shown on Land Court Plan 23583-A as LOT 2, together with all improvements thereon (the "Premises"). The Premises are also shown in the photographs and diagrams attached as Exhibits B and C hereto. The building protected by this Agreement consists of the Crowell-Smith House (the "Crowell-Smith House") as labeled and more particularly shown in Exhibits B and C.

Grantee is a charitable corporation created in 1910 and exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code. By its Articles of Organization and By-Laws, Grantee is authorized to create, impose, accept and enforce preservation restrictions to protect sites and structures historically significant for their architecture, archaeology or other associations.

The Crowell-Smith House is historically significant and worthy of preservation. Originally located on the corner of Main Street and Pine Avenue and constructed in the early 19th century, the Crowell-Smith House was built for local sea captain Abner Crowell. In the mid-19th century, the house served as a parsonage for the First Baptist Society in Hyannis before being sold to Abner T. Crowell, another local sea captain. The house passed through a succession of owners in the early-20th century. It was acquired by the Smith family in 1949 and moved to its present location at 33 Pine Avenue in the 1950s. The Crowell-Smith House retains much of its original character and is an important example of transitional Federal and Greek Revival style architecture, materials and workmanship in the State of Massachusetts. In recognition of these qualities, the Crowell-Smith House (aka Crosby House) is listed in the State Register of Historic Places, is located within the locally-designated Hyannis Main Street Waterfront District, and is listed individually in the National Register of Historic Places as part of the Town of Barnstable Multiple Resource Area nomination.

The Crowell-Smith House is comprised of a two-story, five-bay, east facing main block (the "Main Block"), a one-and-a-half-story rear ell (the "Rear Ell") attached to the west elevation of the Main Block, a mid-twentieth century addition (the "Northwest Addition") located at the northwest elevation of the Main Block, and a cellar entry located at the west elevation of the Northwest Addition (the "Cellar Entry"). The Main Block, Rear Ell, Northwest Addition and

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY (Continued)
2008-013
INTRO: 08/16/07

Cellar Entry are part of the Crowell-Smith House for the purposes of this Agreement. A greenhouse addition is located at the south elevation of the Main Block (the “Greenhouse”). The Greenhouse is not part of the Crowell-Smith House for the purposes of this Agreement. The Main Block, Rear Ell, Northwest Addition, Greenhouse, and Cellar Entry are as labeled and more particularly shown in Exhibits B and C.

Massachusetts General Laws, Chapter 184, Sections 31-33, authorizes the creation and enforcement of preservation restrictions appropriate to the preservation of a site or structure for its historical significance and for its natural, scenic and open condition.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2008-014 RESOLVE ACCEPTING AN ITEM PRICING/PRICE VERIFICATION
GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS OFFICE
OF CONSUMER AFFAIRS, DIVISION OF STANDARDS
INTRO.: 08/16/07**

RESOLVED: that the Town Council hereby accepts an Item Pricing/Price Verification Grant in the amount of \$65,000 from the Massachusetts Office of Consumer Affairs, Division of Standards, to be used by the Regulatory Services Department, Consumer Affairs Division, to conduct Item Pricing/Price Verification Inspections throughout Barnstable County utilizing Division of Standards certified staff of the town.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2008-014
INTRO.: 08/16/07**

TO: Town Council
FROM: John Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director Regulatory Services Department
DATE: August 1, 2007
SUBJECT: Request to Accept Item Pricing Grant of \$65,000 Awarded to Town of Barnstable

BACKGROUND: The Commonwealth of Massachusetts Office of Consumer Affairs and Business Regulations, Division of Standards, administers an Item Pricing/Price Verification Grant to support accurate pricing within the Commonwealth. By administering the grant the Division of Standards encourages the local communities to assist the Commonwealth in random inspections of retail stores to ensure pricing accuracy compliance.

ANALYSIS: The Town of Barnstable Regulatory Services Department, Consumer Affairs Division, is committed to maintaining a fair and accurate marketplace, free from errors and overcharges. The Item Pricing/Price Verification Grant will provide for 1.5 staff positions to conduct compliance checks in retail stores to ensure accuracy in posted or advertised prices. Inspections and compliance checks utilizing grant funded staff will be conducted throughout Barnstable County to ensure Barnstable merchants do not unfairly carry the burden of compliance costs.

Retail sales through electronic scanning systems in Barnstable County is estimated to be over 2 billion dollars annually. A one per cent error could represent an annual overcharge to consumers of 20 million dollars. Inspections during 2001 identified an average error of 5.78%. Implementation of this program has reduced the error to 2.8% over the last three years. The Item Pricing/Price Verification Grant program is intended to reduce error and level the marketplace playing field.

FISCAL IMPACT: The grant is for \$65,000 and is intended to cover all costs of the program. Acceptance of the grant will have a positive fiscal impact on the town.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends grant acceptance.

BOARD/COMMITTEE ACTION: N/A

STAFF ASSISTANCE: Lois Lomba, Administrative Assistant to the Director of Regulatory Services
Kim Connors, Weights and Measures Program Manager

B. NEW BUSINESS (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2008-015 AUTHORIZATION TO LEASE FORMER HYANNIS ARMORY
ASSESSORS MAP 326 AS PARCEL 004
INTRO.: 08/16/07**

ORDERED: that the Town Council hereby authorizes the Town Manager to enter into a lease for nominal rent for a term not to exceed ninety-nine (99) years with a non-profit organization seeking to permit, establish and operate a cultural center on land shown on Assessors Map 326 as Parcel 4, being the site of the former Hyannis Armory, having a street address of 225 South Street, Hyannis, and to execute and deliver any documents related thereto on behalf of the Town.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2008-015
INTRO.: 08/16/07

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: August 16th, 2007
SUBJECT: Authorization to lease former Hyannis Armory Assessors Map 326 as Parcel 004

BACKGROUND: The Town of Barnstable has invested considerable resources in its efforts to revitalize downtown Hyannis through land use regulation reforms, streetscape improvements and arts and culture initiatives.

With the launching of the seven artists shanties in the summer of 2005, there was a recognition of the importance of the creative economy to stimulate economic growth. Further cultivation of arts and culture activities will draw visitors and Cape residents to spend more time and money on Main Street. Last summer's successful arts and culture programs underscored the fact that Hyannis' proximity to public transportation, the hospital, commercial centers, local government centers and a working harbor, makes Hyannis the ideal location for a regional cultural destination.

In March 2006, the Town created a Task Force on the Arts to initiate discussions regarding the needs of our local arts organizations and in November, engaged the Arts Consulting Group, Inc. (ACG) to assess the feasibility of a new facility. ACG ascertained that local arts organizations confronted significant challenges with current performance spaces and subsequently determined that our local population of year-round residents and seasonal visitors is sufficient to support a 1,200 seat facility in the downtown Hyannis area.

Similarly, when local residents were asked in the 2007 Town of Barnstable Citizen Survey if they were supportive of the development of a privately funded Performing Arts Center in downtown Hyannis, an overwhelming number of respondents responded positively.

In an attempt to further solicit public input, in January 2007, the Town Manager created a Citizen Advisory Committee to discuss issues related to the development of this proposed facility. After meeting several times and analyzing the data presented to them, the Committee voted to recommend the Armory site as the preferred location for a Cultural Arts Center in Hyannis.

ANALYSIS: This authorization to lease will allow the Town Manager to negotiate specific terms with a local non-profit to use said property as a Cultural Arts Center, thereby contributing to economic development efforts by improving public access to arts and culture activities and opportunities.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends favorable action.

B. NEW BUSINESS (To Be Referred To Public Hearing Sept. 6th)

BARNSTABLE TOWN COUNCIL

**2008-016 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF
\$1,785,000 FOR THE PURPOSE OF A TOWN WIDE COASTAL
ACCESS PLAN
INTRO.: 08/16/07**

ORDERED: That the sum of \$1,785,000 be appropriated for the purpose of funding improvements to the Town's coastal properties and that to meet that appropriation, the Town Treasurer is authorized to borrow \$1,785,000 and that the Town Manager is authorized to contract and expend said appropriation made available for that purpose and is authorized to accept any grants or gifts in relation thereto and furthermore that the town rescind \$1,785,000 of borrowing authorization under Council Order 1998-054 for the purpose of the Barnstable United Transportation and Parking System. (BUTAPS).

SPONSOR: Town Manager John C. Klimm

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
2008-016
INTRO.: 08/16/07**

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: August 8, 2007
SUBJECT: Appropriation and loan order in the amount of \$1,785,000 for the purpose of a town wide coastal access plan

BACKGROUND: People are inherently drawn to Barnstable because of the beautiful ocean, lakes, and ponds. The natural environment and water bodies in particular are an important economic driver and the town has a responsibility to our residents and visitors to maintain and enhance the town's coastal properties. Town-owned Ways to Water include Marinas, Beaches, Landings, Bulkheads, Docks, Parks, Boat Ramps, and other points of access deemed "Ways to Water" generically. Funds are needed for maintenance and capital improvements to improve our collective access to these waterways in a comprehensive manner. The creation of the Town of Barnstable's Coastal Access Plan is a collaborative effort between the Town Manager's office and various impacted town departments to enhance said access town wide.

ANALYSIS: This appropriation will improve access for residents and visitors to bodies of water throughout the town, thereby contributing to economic development efforts by improving public recreation space and opportunities.

FISCAL IMPACT: The Town's Capital Trust Fund includes provisions for annual debt service payments on the remaining \$1,785,000 BUTAPS authorization. This request will transfer these provisions to the CAP instead. Since this provision already exists in the CTF there is no impact to the overall available funds for future projects within the CTF.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation and loan order.

B. NEW BUSINESS (To Be Referred To Public Hearing Sept. 6th)

BARNSTABLE TOWN COUNCIL

**2008-017 COMMUNITY PRESERVATION FUND APPROPRIATION FOR
COMMUNITY HOUSING
INTRO.: 08/16/07**

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of Fifty Thousand and No/100 (\$50,000.00) Dollars be appropriated and transferred from the amount set aside for Community Housing in the Community Preservation Fund on June 21, 2007 under agenda item number 2007-162; and that the Town of Barnstable Human Services Committee is authorized to contract and expend the amount for the contracting of project management services in establishing and implementing specifications for site, layout, design and organization of a wellness center for exceptionally low income and service needy persons.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2008-017
INTRO.: 08/16/07

TO: Town Council
FROM: Community Preservation Committee
DATE: August 2, 2007
SUBJECT: Rationale for the funding of a Wellness Center Project Manager

BACKGROUND: The Community Preservation Committee (CPC) met on July 31, 2007 and has recommended that the town support the funding request of \$50,000.00 from the Town of Barnstable Human Services Committee to fund a Wellness Center Project Manager.

RATIONALE: The project goal is to fund wellness center project management services in establishing and implementing specifications for site, layout, design and organization of a wellness center for exceptionally low income and service needy persons. The Wellness Center will be a 24/7 facility for anyone in the community that is homeless or about to enter homelessness. The individuals that enter the system will be provided with emergency housing, any necessary medical care and will be assessed for their current situation by a case manager that is assigned to them. Once the individual is ready they will be linked with the services that they need to begin their transition back into society.

The goal is to provide a continuum of care that will move clients through the process in a progressive manner. The Human Services Committee is working with various Social Service agencies with in the community that currently serve the homeless population. The Wellness Center will bring together local and state social services for a collaborative and comprehensive approach.

Funds allotted for the project management services will be matched by a host of local entities in the form of in-kind contributions that assist in the development of the Wellness Center. Funds for the construction of the building will originate with a variety of sources in future stages of the project.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2008-018 RESOLVE THAT THE BARNSTABLE TOWN COUNCIL CONFIRM
THE APPOINTMENT BY TOWN MANAGER JOHN C. KLIMM OF
PAUL MACDONALD AS CHIEF OF POLICE
INTRO.: 08/16/07**

RESOLVE, that the Barnstable Town Council confirm the appointment by Town
Manager John C. Klimm of Paul MacDonald as Chief of Police.

SPONSOR: Town Manager John C. Klimm

DATE

ACTION TAKEN

- Read item
- Discussion
- Move/vote

B. NEW BUSINESS (To Be Referred To Public Hearing Sept. 6th)

BARNSTABLE TOWN COUNCIL

**2008-020 APPROPRIATION ORDER FOR REFUNDS TO BE ISSUED TO
QUALIFYING FY2006 RESIDENTIAL EXEMPTION TAXPAYERS
THAT MISSED THE ABATEMENT FILING DEADLINE
INTRO: 08/16/07**

ORDERED: that the Town Council hereby appropriates the sum of \$30,000 from available funds for the purpose of issuing refunds to taxpayers who qualify for the FY2006 residential exemption but did not receive it.

SPONSOR: John C. Klimm Town Manager

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
2008-020
INTRO.: 08/16/07

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: August 7, 2007
SUBJECT: FY2008 Appropriation Order for Refunds to be Issued to Qualifying FY2006 Residential Exemption Taxpayers That Missed the Abatement Filing Deadline

BACKGROUND: In FY2006 the Town Council voted to implement for the first time a residential exemption. Due to the timing of the vote and the subsequent issuance date of the tax bills the assessing operations had to quickly implement procedures to attempt to identify those properties which qualified for the exemption. This included a mass mailing from the Assessor's office to all property owners requesting they apply for the exemption if they believed they were qualified. The mailing resulted in a portion of these letters going directly to mortgage companies or other addressees who failed to forward this information to the affected taxpayer. Other taxpayers simply failed to understand what was being offered to them and neglected to act on the information at all, even though they might qualify.

ANALYSIS: Needless to say the aforementioned procedures were not anticipated to provide for 100 percent accuracy. The abatement process was expected to clear up the inaccuracies. Some taxpayers who were eligible for the exemption and did not receive it, did not file an abatement. Subsequently, they became aware of their eligibility but it was beyond the abatement application time period. Mass General Finance Laws do not permit the Board of Assessors to grant abatements beyond the statutory time limits so there is no recourse for the taxpayer unless this appropriation is approved. The assessing operation will require a copy of the FY2005 Federal tax return and a secondary supporting document in order to qualify any taxpayer seeking a refund who had not been issued one already. If this appropriation is approved public notice will be provided of this opportunity for taxpayers with instructions for filing.

FISCAL IMPACT: The town anticipates having an excess overlay reserve for abatements and exemptions of over \$1 million for the FY2005. Essentially all Appellate Tax Court cases have been resolved for this tax year and this excess amount will close to the General Fund reserves. This appropriation is asking for \$30,000 of this excess reserve to be used for issuing refunds to qualifying taxpayers who missed the abatement filing period.

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

STAFF ASSISTANCE: Jeff Rudziak, Director of Assessing and Mark Milne, Director of Finance