



# Town of Barnstable

## Town Council

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### Councilors:

Janet S. Joakim  
President

Frederick Chirigotis  
Vice President

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

Administrator:  
Donald M. Grissom

Administrative  
Assistant:  
Barbara A. Ford

## **TOWN COUNCIL MEETING**

### **AGENDA**

**June 19, 2008**

**7:00 PM**

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
  - **Roads Committee Workshop**
- 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: July 17<sup>th</sup>**

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**A. OLD BUSINESS**

<b>2008-131</b>	Authorization for the Growth Management Department to expend an appropriation and transfer of Community Preservation funds for community housing improvements at 770 Independence Drive, Hyannis <b>(Public Hearing closed) (Roll-call)</b> .....	3 – 4
<b>2008-157</b>	Appointments to a board/committee/commission <b>(Second reading)</b> .....	5

**B. NEW BUSINESS**

<b>2008-159</b>	Acceptance of FY08-09 Grant from the Cape Cod Economic Development Council’s Regional Economic Development Pilot Program in the amount of \$75,000 <b>(May be acted upon)</b> .....	6 - 7
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Minutes – June 5, 2008

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

**A. OLD BUSINESS (Public hearing closed) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-131**

**INTRO: 05/01/08, 05/15/08, 06/19/08**

**2008-131 COMMUNITY PRESERVATION FUND APPROPRIATION FOR COMMUNITY HOUSING IMPROVEMENTS**

**ORDERED:** That, pursuant to the provisions of G.L. c. 44B, the sum of Two Hundred Fifty Thousand and No/100 (\$250,000) Dollars be appropriated and transferred from Community Preservation Housing funds in the Community Preservation Fund on June 21, 2007 under item 2007-162; and that the Town of Barnstable, Growth Management Department is authorized to contract for and expend the amount of \$250,000 with the prior approval of the Town Manager; for the development of 148 apartments, of which 40 units will be affordable rentals and the remaining 108 will be market rate in five (5) buildings located at 770 Independence Drive, Hyannis, MA, Map 332, Parcel 010-001

**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**

## **COMMUNITY PRESERVATION FUND APPROPRIATION FOR COMMUNITY HOUSING – VILLAGE GREEN AT INDEPENDENCE PARK**

**ITEM# 2008-131**

**INTRO: 05/01/08, 05/15/08, 06/19/08**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**DATE:** April 25, 2008  
**SUBJECT:** Community Preservation Fund Appropriation: Village Green Apartments

**BACKGROUND:** The Community Preservation Committee (CPC) met on February 26, 2008 and has recommended that the town support the funding request of \$250,000.00, made by the JDJ Housing Development, LLC (JDJH) for three years of ground rent for a permitted 40B affordable housing development, also known as Village Green Apartments. This development is proposed on town owned land located at 770 Independence Drive, Hyannis, MA, Map 332, Parcel 010-001. The total funds requested for this project is \$250,000.00; and shall be appropriated and transferred from the Community Preservation Funds.

**RATIONALE:** Funding for this project is shared among the following:

\$15,000,000.00 provided through a Citizen's Bank loan  
\$3,000,000.00 in equity provided by Keller Company and Diversified Funding  
\$250,000.00 *requested from CPA funds for three (3) years of ground rent*

The project goal is to help support the creation of 148 units, 40 units will be affordable community housing committed to low and moderate-income households.

This project directly contributes to and supports the town's 10% goal of affordable housing. CPA funds are applicable in bridging the gap between the cost of development and debt, as well as leveraging CPA funds with other public or private funds.

Keller Company as well as the town will monitor all phases of construction and financing. Diversified Funding as leasing agent and property manager will be required to execute a monitoring agreement acceptable to the Town, at its own expense, which would verify that eligible tenants are renting the units at affordable rents. It is required that the developer provide documentation during each phase of this project to the town

Funding will be disbursed in phases, following receipt of project status reports from the developer and inspections of each phase performed by town staff. This development will incorporate a deed restriction to the Town of Barnstable for these units.

**STAFF ASSISTANCE:** Theresa Santos, Administrative Assistant, CPC

**SPONSOR:** Community Preservation Committee

**A. OLD BUSINESS (Second reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-157**  
**INTRO: 05/15/08, 06/19/08**

**2008-157 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED**, that the Town appoint the following individuals to a multiple-member board/committee/commission:

**DISABILITY COMMISSION**

Coreen S. Brinckerhoff, 82 Castlewood Circle, Hyannis, as a member to a term expiring 06/30/2011

**ZONING BOARD OF APPEALS**

Laura F. Shufelt, 1696 Osterville-West Barnstable Rd, W. Barnstable, as a member to a term expiring 06/30/2010

Nikolas J. Atsalis, 290 Elliot Road, Centerville, as an associate member to a term expiring 06/30/2009

**Nominated from the floor at the May 15, 2008 Town Council meeting:**

**ZONING BOARD OF APPEALS**

John T. Norman 1625 Old Post Road, Marstons Mills, as a member to a term expiring 06/30/2010

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Council discussion
- Move/vote

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-159  
INTRO: 06/19/08**

**2008-159 ACCEPTANCE OF FY09 GRANT IN THE AMOUNT OF \$75,000 FROM THE  
CAPE COD ECONOMIC DEVELOPMENT COUNCIL'S REGIONAL  
ECONOMIC DEVELOPMENT PILOT PROGRAM**

**RESOLVED:** That the Town Council does hereby accept the grant award in the amount of \$75,000 from the Cape Cod Economic Development Council's Regional Economic Development Pilot Program (REDPP).

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

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

- Read item
- Council discussion
- Move/vote

## **BARNSTABLE TOWN COUNCIL**

### **ACCEPTANCE OF A\$75,000 FY 08-09 GRANT FROM THE CCEDC REGIONAL ECONOMIC DEVELOPMENT PILOT PROGRAM**

**ITEM# 2008-159  
INTRO: 06/19/08**

#### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Patty Daley  
**DATE:** May 30, 2008  
**SUBJECT:** FY09 Regional Economic Development Pilot Program (REDPP) grant acceptance

**BACKGROUND:** The Growth Management Department applied for and has been awarded a third year of funding from the Cape Cod Economic Development Council in the amount of \$75,000 to supplement the efforts to revitalize downtown Hyannis.

**ANALYSIS:** Acceptance of this grant will contribute to the Town's economic development and downtown revitalization efforts.

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

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

**STAFF ASSISTANCE:** Beth Dillen

**B. NEW BUSINESS (Refer to Public Hearing on July 17, 2008) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-160  
INTRO: 06/19/08**

**2008-160 APPROPRIATION ORDER FOR COMMUNITY PRESERVATION FUND FY09  
DEBT SERVICE**

**ORDERED:** That the Town Council hereby appropriate \$2,995,075 for the purpose of paying the FY09 Community Preservation Fund debt service requirements, and to meet such appropriation, that \$2,604,116 be provided from current year revenues of the Community Preservation Fund and that \$390,959 be provided from surplus funds reserved for the open space program within the Community Preservation Fund.

**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**

## **APPROPRIATION ORDER FOR COMMUNITY PRESERVATION FUND FY09 DEBT SERVICE**

**ITEM# 2008-160  
INTRO: 06/19/08**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John Klimm, Town Manager  
**DATE:** June 3, 2008  
**SUBJECT:** Appropriation Order for FY 2009 Community Preservation Fund Debt Service

**BACKGROUND:** Part of the annual budget process includes an appropriation from the Community Preservation Fund to pay for the annual debt service associated with bonds issued under the program including those that were issued under the former Landbank Program.

**ANALYSIS:** The debt service requirements for FY 2009 for the Community Preservation Fund (CPF) are \$2,995,075. The estimated surtax revenue for the CPF in FY 2009 to be billed is \$2,604,116. The difference of \$390,961 will be covered by the fund balance brought forward from the Landbank Program as recommended by the Community Preservation Committee.

**FISCAL IMPACT:** There is no impact to the General Fund budget as a result of this appropriation. This appropriation will be provided from current year estimated revenues from the CPF and a portion of the fund balance generated under the Landbank Program.

**TOWN MANAGER RECOMMENDATION:** The Town Manager requests favorable action by the Town Council.

**B. NEW BUSINESS (Refer to Public Hearing on July 17, 2008) (Roll call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-161  
INTRO: 06/19/08**

**2008-161 COMMUNITY PRESERVATION FUND RESERVE SET-ASIDES AND  
APPROPRIATION FOR COMMUNITY PRESERVATION COMMITTEE  
ADMINISTRATIVE EXPENSES**

**ORDERED:** That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year ending June 30, 2009, the following sums, or sums equaling ten percent (10%) of the annual revenues of the Community Preservation Fund if a different amount, be set aside for further appropriation and expenditure for the following purposes: Four Hundred Twenty Five Thousand Five Hundred and Fifty One and No/100 (\$425,551.00) Dollars or ten percent (10%) for open space but not including land for recreational use; Four Hundred Twenty Five Thousand Five Hundred and Fifty One and No/100 (\$425,551.00) Dollars or ten percent (10%) for historic resources; Four Hundred Twenty Five Thousand Five Hundred and Fifty One and No/100 (\$425,551.00) Dollars or ten percent (10%) for community housing; and that the sum of One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars be appropriated from the annual revenues of the Community Preservation Fund to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager, for appraisal, title search, hazardous materials assessment, consulting services, and pre-development costs, and administrative expenses, and to assist in the development and performance of contracts for community preservation.

**SPONSOR:** Town Manager John C. Klimm, at the request of the Community Preservation Committee

**BARNSTABLE TOWN COUNCIL**

**COMMUNITY PRESERVATION FUND RESERVE SET-ASIDES  
AND APPROPRIATION FOR COMMUNITY PRESERVATION COMMITTEE  
ADMINISTRATIVE EXPENSES**

**ITEM# 2008-161  
INTRO: 06/19/08**

**SUMMARY**

**TO:** Town Council  
**FROM:** Town Manager John C. Klimm  
**DATE:** May 15, 2008  
**SUBJECT:** FY09 Community Preservation Fund Reserve Set-Asides and Appropriation for  
Community Preservation Committee Administrative Expenses

**BACKGROUND AND ANALYSIS:** The CPA Committee has met and requested that we make reservations of annual estimated revenues for the three programs under the Community Preservation Fund and an appropriation for the purposes of financing the operating costs of the community preservation program.

**FISCAL IMPACT:** This is a reservation and appropriation from the Community Preservation Fund and has no adverse impact on the general fund.

**B. NEW BUSINESS (First reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-162  
INTRO: 06/19/08**

**2008-162 APPOINTMENT TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED**, that the Town Council appoint the following individual to a multiple-member board/committee/commission:

**PLANNING BOARD**

Paul R. Curley, 27 Lancaster Way, West Barnstable, as a member to a term expiring 06/30/2010

**SPONSOR:** Appointments Committee

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

- \_\_\_ Read item
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**B. NEW BUSINESS (Refer to Public Hearing on July 17, 2008) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-163  
INTRO: 06/19/08**

**2008-163 ADOPTION OF THE TOWN OF BARNSTABLE COMPREHENSIVE PLAN 2008**

**RESOLVED AND ORDERED:** that the Town Council hereby adopts the Town of Barnstable Comprehensive Plan 2008 and instructs the Town Clerk to submit the plan to the Clerk of the Cape Cod Commission for certification that it is consistent with the Regional Policy Plan.

**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**

## **ADOPTION OF THE TOWN OF BARNSTABLE COMPREHENSIVE PLAN 2008**

**ITEM# 2008-163  
INTRO: 06/19/08**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Patty Daley, Growth Management, Interim Director  
**DATE:** June 10, 2008  
**SUBJECT:** Town of Barnstable Comprehensive Plan 2008

**BACKGROUND:** This agenda item is the update of the 1997 Local Comprehensive Plan adopted by Town Council on October 30, 2007 and certified as consistent with the Regional Policy Plan by the Cape Cod Commission on February 12, 1998.

At their meeting on June 9, 2008 the Planning Board as the Local Planning Committee unanimously voted to send the Comprehensive Plan (CP) to Town Council for review and adoption. Once Town Council approves the CP it will then be submitted to the Cape Cod Commission for certification.

**ANALYSIS:** A comprehensive plan describes Barnstable's land use policy. This CP focuses on the location of new growth where capacity exists to absorb impacts; guidance for areas where investment in redevelopment is desirable and incentives can be provided; support and maintenance of the villages, their character and economy; economic sectors for focused attention; protection, improvement and maintenance of natural resources; and community housing, facilities and infrastructure, heritage preservation and health and human services issues.

**RATIONALE:** The 1997 Local Comprehensive Plan is the certified and approved plan of record for Barnstable. This updated plan reflects conditions, science, data and policies that have changed since 1997. The Comprehensive Plan is a source of information for residents, appointed and elected officials, businesses and other stakeholders as they consider land use options in Barnstable.

**FISCAL IMPACT:** The fiscal impact is neutral. Plan implementation would create an overall positive fiscal impact.

**STAFF ASSISTANCE:** Patricia Daley, Growth Management, Interim Director  
Jo Anne Miller Buntich, Growth Management, Assistant Director  
Jacqueline Etsten, AICP, Growth Management, Principal Planner

**B. NEW BUSINESS (First reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-164  
INTRO: 06/19/08**

**2008-164 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED**, that the Town Council reappoint the following individuals to a multiple-member board/committee/commission:

**AGRICULTURAL COMMISSION**

Mary Knoble, 40 Asa Meigs Rd, Marstons Mills 02648 to a term expiring 06/30/2011

**AIRPORT COMMISSION**

Donald Megathlin, 71 St. Joseph Street, Hyannis, 02601 to a term expiring 06/30/2011

**BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION**

Lois R. Andre, 139 Woodside Road, West Barnstable, MA 02668, term expires 06/30/2011

Jeanine Marshall, 5 Shootflying Hill Road, Centerville, MA 02632 term expires 06/30/2011

Christopher Kehoe, 78 Sylvan Drive, Hyannis, MA 02601 term expires 06/30/2011

**BOARD OF ASSESSORS**

Jeremy Gilmore, 83 Dunaskin Road, Centerville, MA 02632; term expires 06/30/2011

**BOARD OF HEALTH**

Paul Canniff, 106 Hayes Road, Centerville, Ma 02632; term expires 06/30/2011

**CABLE TV ADVISORY COMMITTEE**

Joseph Garodnick, 56 Wild Goose Way, Centerville, MA 02632; term expires 06/30/2011

**COMMUNITY PRESERVATION COMMITTEE**

Terry Duenas, 690 Cedar St, West Barnstable, MA 02668; term expires 06/30/2011

Patrick Princi, (planning board representative) 29 Wayside Lane, West Barnstable, MA 02668; term expires 06/30/2011

**CONSERVATION COMMISSION**

Lawrence Morin, 476 74 Studley Rd., Hyannis, MA 02601; term expires 06/30/2011

John Abodeely, 476 Baxters Neck Road, Marstons Mills, MA 02648; term expires 6/30/2008

**COUNCIL ON AGING**

John Ross, 40 High Street, PO Box 452, West Barnstable, MA 02668; term expires 06/30/2011

Ril Handrick Christin, 46 Bayberry Lane, Cummaquid, MA 02637; term expires 06/30/2011

Edward E. Perron, 85 Outpost Lane, Centerville, MA 02632; term expires 06/30/2011

Haskell Kennedy, 59 Pontiac St, Hyannis, MA 02601; term expires 06/30/2011

**2008-164 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION (CONT'D)**

**DISABILITY COMMISSION**

Jim Berks, 402 Prince Hickley, Centerville, MA 02632; term expires 06/30/2011

Linda Cook, 82 Gleneagle Drive, Centerville, MA 02632; term expires 06/30/2011

**GOLF COMMITTEE**

Terry Duenas, 690 Cedar St, West Barnstable, MA 02668; term expires 06/30/2011

**HISTORICAL COMMISSION**

Jessica Rapp Grasseti, 1611 Main St, Cotuit, MA 02635; term expires 06/30/2011

Barbara Flinn, 104 Pine Avenue, Hyannis, MA 02601; term expires 06/30/2011

Nancy Shoemaker, 21 Meadow Lane, W. Barnstable; MA 02668, term expires 06/30/2011

**HOUSING COMMITTEE**

Larry Gordon, 97 Loomis Lane, Centerville, MA 02632 term expires 06/30/2011

Paul Hebert, (BHA representative) 142 Strawberry Hill Rd, Centerville MA 02632 term expires 06/30/2011

Michael Schulz, 81 Meadow Lark Lane, Osterville, MA 02655 term expires 06/30/2011

**HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION**

David Dumont, 298 Main St, STE 7, Hyannis, MA 02601; term expires 06/30/2011

Joseph Dunn, 30 Chestnut St, Hyannis, MA 02601; term expires 06/30/2011

Barbara Flinn, (historical commission rep) 104 Pine Avenue, Hyannis, MA 02601; term expires 06/30/2011

**LICENSING AUTHORITY**

Richard L. Boy, 50 Sterling Road, Hyannis, MA 02601 as an alternate member; term expires 06/30/2011

Martin Hoxie, 367 Nottingham Drive, Centerville, MA 02632; term expires 06/30/2011

**MID CAPE REGIONAL CULTURAL COUNCIL**

Patricia Austin, 82 Woodland Avenue, Hyannis, MA 02601; term expires 06/30/2011

**PLANNING BOARD**

Raymond B. Lang, 4 Jason's Lane, Osterville, MA 02655; term expires 06/30/2011

**PUBLIC WORKS COMMISSION**

Paul J. Canniff, 106 Hayes Road, Centerville, MA 02632; term expires 06/30/2011

**RECREATION COMMISSION**

Rene King, 192 Zeno Crocker Rd, Centerville, MA 02632; term expires 06/30/2011

Clyde Takala, 31 Cherry Tree Rd, Cotuit, MA 02632; term expires 06/30/2011

**REGISTRAR OF VOTERS**

John Sheehan, 100 Marston Lane, Cummaquid, MA 02675; term expires 06/30/2011

**SANDY NECK ADVISORY BOARD**

Nason F. King, 523 Whistleberry Drive, Marstons Mills, MA 02648; term expires 06/30/2011

Peter Sampou, (ConCom rep) 111 Cedar St, West Barnstable, MA 02668; term expires 06/30/2011



**2008-164 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION (CONT'D)**

**SCHOLARSHIP COMMITTEE**

Janice Cliggott, 6 Tidale Lane, Hyannis, MA 02601; term expires 06/30/2011

**SHELLFISH COMMITTEE**

Matthew Ostrowski, (commercial permit) 91 Old Toll Road, W. Barnstable, MA 02601; term expires 06/30/2011

Andre P. Sampou, (family permit) 375 Cedar St, W. Barnstable, MA 02668; term expires 06/30/2011

**TRUST FUND ADVISORY BOARD**

Frances S. Parks, 1441 Old Post Road, Marstons Mills, MA 02648; term expires 06/30/2011

Jayne Scanlon, 160 South Main St, MA, 02655; term expires 06/30/2011

**WATER QUALITY COMMITTEE**

Robert B. Wood, 216 Church Street, W. Barnstable, MA 02668; term expires 06/30/2011

**WATERWAYS COMMITTEE**

Steven Swain, 414 Phinney's Lane, Centerville, MA 02632; term expiring 06/30/2011

**ZONING BOARD OF APPEALS**

Daniel Creedon, III, 49 Links Lane, West Barnstable, MA 02668; term expires 06/30/2011

James Hatfield, 47 Chole Court, Hyannisport, MA 02672; term expires 06/30/2011

John T. Norman, 1625 Old Post Rd, Marstons Mills, MA 02648, as an associate member; term expires 06/30/2011

**SPONSOR:** Appointments Committee

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

- \_\_\_ Read item
- \_\_\_ Council discussion
- \_\_\_ Move/vote