



Town of Barnstable

Town Council

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Councilors:

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President

Harold E. Tobey
Vice President

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Janice L. Barton
Ann A. Canedy
James H. Crocker, Jr.
Leah C. Curtis
Henry C. Farnham
Janet S. Joakim
J. Gregory Milne
James F. Munafo, Jr.
Tom Rugo
James M. Tinsley, Jr.

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

TOWN COUNCIL MEETING

AGENDA

May 21, 2009

7:00 PM

- 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**
 - **Budget workshop to follow regular business**

NEXT MEETING: June 4th

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A. OLD BUSINESS		
2009-103	CPC Appropriation Order for a conservation restriction on a 17 acre parcel on Pine Lane in Barnstable Village (Public hearing) (Roll-call)	3 - 4
2009-104	CPC Appropriation Order for a conservation restriction on a 3.5 acre parcel, 580 Old Post Rd, Cotuit (Public hearing) (Roll-call)	5 - 6
2009-105	CPC Appropriation Order for acquisition of 1.79 acres on Mary Dunn Road for open space (Public hearing) (Roll-call)	7 - 8
2009-106	Amend the General Ordinances establishing an enterprise fund for the Hyannis Youth Community Center operations (Public hearing) (Roll-call)	9 - 10
B. NEW BUSINESS		
2009-127	Authorization for acquiring an access easement on Bog Road, Marstons Mills (First Reading) (Roll-call, 2/3)	11 - 12
2009-128	Appropriation and transfer order for lighting The Walkway to the Sea in Aselton Park (Refer to public hearing 06/18/09) (Roll-call, 2/3)	13 - 14

Minutes – May 7, 2009

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-103
INTRO: 05/07/09, 05/21/09**

**2009-103 COMMUNITY PRESERVATION FUND APPROPRIATION FOR ACQUISITION
OF A CONSERVATION RESTRICTION ON 17 ACRES**

ORDERED, that pursuant to the provisions of G.L. c. 44B, the sum of Two Hundred Thousand and No/100 (\$200,000) Dollars be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on March 30, 2009; and that the Town of Barnstable Growth Management Department is authorized to contract for and expend the amount of (\$200,000) with the prior approval of the Town Manager for the purpose of acquiring a conservation restriction on a 17 acre parcel located at 0 Pine Lane in Barnstable Village, on Map 278 Parcel 048; said land is to be owned by the Barnstable Fire District under the control of the Water Department.

SPONSOR: Town Manager John C. Klimm and Councilor Richard Barry 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

CPF APPROPRIATION

ITEM# 2009-103
INTRO: 05/07/09, 05/21/09

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: April 22, 2009
SUBJECT: Barnstable Fire District / Bush Brown property (17 acres), Map 278 Parcel 048

BACKGROUND: The Community Preservation Committee (CPC) met on March 30, 2009 and has recommended that the town support the funding request in the amount of, and not to exceed \$200,000, made by the Barnstable Fire District to acquire one parcel of land totaling 17 acres of the following lot: Map 278 Parcel 048. The total acquisition for the 17 acres is \$200,000; and is being requested and shall be appropriated and transferred from the Open Space Community Preservation Funds.

RATIONALE: This Barnstable Fire District seeks to purchase the parcel, reducing the number of buildable lots to six, while increasing open space, further increasing the groundwater protection area and permanently protecting the future potential public water supply source.

Acquisition of this parcel will protect and enhance an important wildlife corridor, connecting to approximately 1,000 acres of protected open space, encompassing Barnstable Fire District's wellfields and the Town's Old Jail Lane Preserve; also connecting miles of existing protected public walking trails, and complete a link in the Barnstable County's Cape Cod Pathway's program

The Community Preservation Committee has approved the request contingent on the Barnstable Water District contributing an equal amount of funds. A Conservation Restriction for the 17 acres of the Bush Brown property will be held jointly by the Town of Barnstable and Barnstable Land Trust.

Completion of this acquisition will safeguard the land from development, and ensure that the rural and peaceful character of the area will be preserved indefinitely.

FISCAL IMPACT: The FY09 valuation of lot identified as Map 278 Parcel 048 is \$622,600 and \$4,295.94 paid in annual town taxes.

STAFF ASSISTANCE: Project Coordinator Alisha L. Stanley

A. OLD BUSINESS (Public Hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-104
INTRO: 05/07/09, 05/21/09**

2009-104 COMMUNITY PRESERVATION FUND APPROPRIATION FOR THE ACQUISITION OF A CONSERVATION RESTRICTION ON 3.5 ACRES

ORDERED, that pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Thousand and No/100 (\$100,000) Dollars be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on March 30, 2009; and that the Town of Barnstable Growth Management Department is authorized to contract for and expend the amount of (\$100,000) with the prior approval of the Town Manager for the purpose of acquiring a conservation restriction on a 3.5 acre parcel located at 580 Old Post Road in Cotuit, on Map 054 Parcel 007.

SPONSOR: Town Manager John C. Klimm and Councilor Richard Barry 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

CPF APPROPRIATION

ITEM# 2009-2009-104
INTRO: 05/07/09, 05/21/09

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: April 22, 2009
SUBJECT: Galloway Conservation Restriction, 580 Old Post Road, Cotuit, Map 054 Parcel 007

BACKGROUND: The Community Preservation Committee (CPC) met on March 30, 2009 and has recommended that the town support the funding request of \$100,000, made by Barnstable Land Trust to have the town acquire a Conservation Restriction on 3.5 acres of property, Map 054 Parcel 007. The total requested amount is \$100,000 and is being requested and shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: This project seeks to assist Barnstable Land Trust in the acquisition 3.5 acres of the Galloway property located at 580 Old Post Road, Cotuit; Map 054 Parcel 007. Permanent protection and preservation by a Conservation Restriction will be acquired for the 3.5 acres to be held by the Town of Barnstable. The Town of Barnstable would also be identified as a partner with the Barnstable Land Trust in helping to preserve the Eagle Pond Sanctuary which is likely the most heavily used conservation land in the Mashpee / Cotuit area.

The Galloway property fronts on Old Post Road, which is used by bicyclists, walkers and joggers. The goal is to keep the land in its natural state and create a new pedestrian entrance from the south into the Eagle Pond Sanctuary. The new entrance will hopefully eliminate roadway pedestrian traffic. The installation of an educational kiosk would include a map and provide a sense of place for people.

Between the changes to the Resource Protection Overlay District and continued protection of the 'headwaters' of the Little River Corridor; protection of this property would further reduce nitrogen, maintain the numerous aquatic usages of the area and aide in the reduction of eutrophication of shellfish beds.

This project is consistent with the Local Comprehensive Plan; preserves the essential character of the Town; saves resources that would otherwise be threatened; demonstrates financial feasibility; produces advantageous benefits; endorsed by other municipal entities; and serves more than one CPA purpose.

The overall benefit of this parcel will enhance existing wildlife habitat and enhanced preservation of the aquifer which lies beneath that provides drinking water and interconnects with the rich surface waters and kettlehole ponds.

FISCAL IMPACT: The valuation of lot Map 054-007 is \$497,200. There is no tax ramification since it is owned by an exempt entity going into the FY2010 tax year as it was purchased by The Compact of Cape Cod in December 2008.

STAFF ASSISTANCE: Project Coordinator Alisha L. Stanley

A. OLD BUSINESS (Public Hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-105
INTRO: 05/07/09, 05/21/09

2009-105 TRANSFER & APPROPRIATION ORDER - ACQUISITION TO CREATE OPEN SPACE AT 864 MARY DUNN ROAD & 0 MID-CAPE HIGHWAY

ORDERED, That the sum of Forty Six Thousand Six Hundred and No/100 (\$46,600) Dollars is appropriated for the acquisition and creation of open space and recreation, to wit, parcels of land located at 864 Mary Dunn Road (Map 332 Parcel 005) and 0 Mid Cape Highway (Map 348 Parcel 036); that in order to meet this appropriation the sum of \$46,600.00 be appropriated and transferred pursuant to the provisions of G.L. c. 44B from the amounts set aside for Open Space and Recreation under the Community Preservation Fund on August 21, 2008 under agenda item number 2008-161 and that the Growth Management Department is authorized to contract for and expend the amount of \$46,600.00 with the prior approval of the Town Manager.

SPONSOR: Town Manager John C. Klimm and Councilor Richard Barry 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

CPF APPROPRIATION

ITEM# 2009-105
INTRO: 05/07/09, 05/21/09

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: April 24, 2009
SUBJECT: Acquisition for open space on Mary Dunn Road

BACKGROUND: The Community Preservation Committee (CPC) met on March 30, 2009 and has recommended that the town support the funding request of \$46,600, made by the Growth Management Department to acquire two parcels of land totaling 1.79 acres of the following two lots: Map 332 Parcel 005 and Map 348 Parcel 036. The total acquisition cost for the 1.79 acres is \$46,600 for the parcel purchase, closing costs and legal fees, and shall be appropriated and transferred from the Community Preservation Funds Open Space set aside. The Town has obtained appraisals that support the purchase price.

RATIONALE: The first parcel, located at 864 Mary Dunn Road, Hyannis, abutting Israel Pond, (Map 332 Parcel 005) consists of approximately 0.59 acres of open land and is located entirely within the Wellhead Protection Overlay District. The acquisition of this parcel will be dedicated to Open Space and water supply protection as it directly abuts the Hyannis Water Supply Division property.

The second parcel, located at 0 Midcape Highway, Hyannis (Map 348 Parcel 036) consists of approximately 1.2 acres of open land and is landlocked within the 350 +/- acres of land owned by the Commonwealth of Massachusetts Division of Fish and Game. The acquisition of this parcel will also be dedicated to Open Space.

The acquisition of both parcels will allow for the permanent protection of the many rare plant and animal species habitat that live within the surrounding lands by deterring future development. Further protection of the public drinking water supply wells off Mary Dunn Road will be achieved with the acquisition of the parcel abutting Israel Pond.

FISCAL IMPACT: The appraised value of lot identified as Map 332 Parcel 005 is \$85,300 and the lot identified as Map 348-036 is \$192,000. There is no tax ramification for FY2010 tax year, the property already having been owned by the Town of Barnstable for a length of time.

STAFF ASSISTANCE: Project Coordinator Alisha L. Stanley

A. OLD BUSINESS (Public Hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-106
INTRO: 05/07/09, 05/21/09

2009-106 AMEND GENERAL ORDINANCES ESTABLISHING AN ENTERPRISE ACCOUNT FOR THE HYANNIS YOUTH & COMMUNITY CENTER OPERATIONS

ORDERED, that §86-6 of the General Ordinances is hereby amended by inserting at the end thereof the following new paragraph:

“H. The Department of Community Services Hyannis Youth and Community Center facility, as an enterprise thereunder.”

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

ESTABLISHING AN ENTERPRISE FUND FOR HYCC OPERATIONS

ITEM# 2009-106
INTRO: 05/07/09, 05/21/09

SUMMARY

TO: Town Council
FROM: John C. Klimm
DATE: April 26, 2005
SUBJECT: Ordinance Amendment-establishing an enterprise fund for HYCC operations

RATIONALE: An Enterprise Fund is a separate fund established to account for operations (a) that are financed and operated in a manner similar to private business enterprises – where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes. It is the town's intent that these operations are self-sufficient, and that user fees are set at appropriate levels to cover all operating and capital costs.

Massachusetts general finance law, Chapter 44; Section 53F1/2 allows communities to establish Enterprise Funds for a utility, health care, recreational or transportation facility. The town currently has seven enterprise funds consisting of the Barnstable Municipal Airport, Olde Barnstable Fairgrounds and Hyannis Golf Courses, the transfer station in Marstons Mills, the Hyannis Water Supply Division, the Water Pollution Control Plant, the town owned marinas and Sandy Neck Recreational Park.

As part of the FY10 budget proposal; the town is proposing to create a new enterprise fund operation for the Hyannis Youth and Community Center recreational facility. The Community Services Department has created a business plan and developed user fee charges that will cover the operational cost; excluding debt service, for this facility. A conservative revenue projection has been developed for fiscal year 2010 as it will be the first year of operations for the new facility. It is projected in year two of the operations that the revenue generated will exceed the operating costs and a portion of the debt service payments on the facility's construction can be covered. In fiscal year 2010 the debt service on the construction of the facility will be covered by a transfer from the Capital Trust Fund. The fiscal year 2010 budget proposal provides the estimated operating costs and associated revenue.

STAFF ASSISTANCE: Finance Director Mark Milne

B. NEW BUSINESS (First reading) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-127
INTRO: 05/21/09**

2009-127 AUTHORIZING THE TOWN MANAGER TO ACQUIRE AN EASEMENT ON BOG ROAD, MARSTONS MILLS

ORDERED, That the Town Manager is authorized to purchase, take by eminent domain, or otherwise acquire for the purpose of construction of roadway improvements, easements over three (3) parcels of land located on Bog Road in Marstons Mills consisting of 2,533 square feet, 109 square feet and 128 square feet respectively, as shown on a plan entitled "Definition and Taking Plan of Bog Road in Barnstable (Marstons Mills) MA dated Dec. 7, 2003, Scale 1" = 50', a copy of which is on file with the Town Clerk; that purposes for which the appropriation was made under council agenda number 2004-082 be and hereby are modified to include acquisition of easements as stated herein; and that the Town Manager is authorized to accept any gifts or grants in relation thereto subject to Town Council approval.

SPONSOR: John C. Klimm, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ACQUIRING AN EASEMENT ON BOG ROAD

ITEM# 2009-127
INTRO: 05/21/09

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
VIA: Mark S. Ells, Director
DATE: May 7, 2009
SUBJECT: Authorization for acquisition of an easement

BACKGROUND: Bog Road has been identified as in need of repair by the Town's Pavement Management System. The present PCI value on the roadway is 50. In 2006 Bog Road was identified as a section of road to be improved as part of the \$1,000,000 Capital Improvement Project effort. Design work and permitting has been ongoing since 2006 and is now complete. It was determined during the design process that certain parcels of private land would be needed to facilitate a safe design; those parcels are the subject of this request.

ANALYSIS: Bog Road intersects River Road to the south and Old Mill/ School Street to the north. In order to provide adequate turning capabilities and sight distance for vehicles exiting Bog Road, minor roadway realignment and increased radii have been designed. The proposed works impinge on private properties and taking easements are proposed to accommodate this.

FISCAL IMPACT: The amount for the easement is \$11,000.00, plus \$3,925.00 for land appraisal, legal and recording fees, will be taken from town council order 2004-082, FY05 Pavement Management. This account has \$40,143.48 available.

STAFF ASSISTANCE: Mark S. Ells, Director
Roger Parsons, Sr. Project Manager

B. NEW BUSINESS (Refer to public hearing 06/18/09) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-128

INTRO: 05/21/09

2009-128 APPROPRIATE & TRANSFER FOR LIGHTING IN ASELTON PARK

ORDERED: That the Barnstable Town Council hereby appropriates \$150,000 for the continuation of the lighting of the walkway to the sea through Aselton Memorial Park and to meet the appropriation that the town transfers a sum of money from the embarkation fee special revenue fund

SPONSORS: Town Councilors James F. Munafo, Jr., James M. Tinsley, Jr., Harold E. Tobey, J. Gregory Milne and the 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

LIGHTING FOR THE WALKWAY TO THE SEA ASELTON PARK

ITEM# 2009-128

INTRO: 05/21/09

SUMMARY

TO: Town Council
FROM: Town Councilor James M. Munafo, Jr.
DATE: May 14, 2009
SUBJECT: Lighting for the Walkway to the Sea through Aselton Park

BACKGROUND: This item is the next stage in a follow-up to the lighting study adopted in September of 2007 by the Town Council. That same study led to the new lighting on Main Street and in the new Pleasant Street Park. Lighting in the Walkway to the Sea though the Village Green has been designed and will be installed this year.

Under this project lighting will be installed in Aselton Park to complete the link from the Village Green over to Pleasant Street. Currently the walkway to the sea from Ocean Street to the waterfront through Aselton Park is unlit.

FISCAL IMPACT: There is no fiscal impact. The total amount of monies is to come from embarkation fees, which is appropriately directed to the Hyannis Waterfront area.

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