



# Town of Barnstable Town Council

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## MEETING AGENDA TOWN HALL HEARING ROOM June 20, 2013 7:00 PM

Councillors:

Dr. Debra S. Dagwan  
President  
Precinct 8

Jessica Rapp Grassetti  
Vice President  
Precinct 7

Ann B. Canedy  
Precinct 1

Tom Rugo  
Precinct 2

Michael P. Hersey  
Precinct 3

Frederick Chirigotis  
Precinct 4

James H. Cote  
Precinct 5

Janet S. Joakim  
Precinct 6

James M. Tinsley  
Precinct 9

Janice L. Barton  
Precinct 10

June M. Daley  
Precinct 11

John T. Norman  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator to the  
Town Council:  
Barbara A. Ford

Administrative  
Assistant:  
Cynthia A. Lovell

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
  - **Martin J. Flynn Scholarship Award Presentations**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES (Includes Executive Session)**
- 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 REGULAR MEETING: July 11, 2013**

## A. OLD BUSINESS

2013-133	Amending the Zoning Ordinance—providing a new sign code for the Osterville Business A zoning districts <b>(Public hearing) (Roll-call, 2/3)</b> .....	4 – 10
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2013-169	Reappointments to a board/committee/commission <b>(Second reading)</b> ..... <b>Agricultural Commission:</b> Max Kumin, Leslie Spencer, Melissa Caughey; <b>Airport Commission:</b> Ronald Persuitte, Michael Dunning; <b>Board of Health:</b> Wayne Miller; <b>Cable Television Advisory Committee:</b> Nancy Richard; <b>Comprehensive Financial Advisory Committee:</b> Gregory Plunkett; <b>Cultural Council;</b> Mary Carroll-Allen, Rebecca Lawrence; <b>Elderly &amp; Disabled Taxation Aid Committee:</b> William Murdoch; <b>Hyannis Main Street Waterfront Historic District Commission:</b> Marina Atsalis; <b>JFK Memorial Trust Fund Committee:</b> Hugh Findlay; <b>Old King’s Highway Historic District Committee:</b> George Jessop; <b>Planning Board:</b> Paul Curley, David Munsell; <b>Recreation Commission:</b> Joseph O’Brien, Katherine Pina, Richard Sawyer; <b>Registrar of Voters:</b> Kathryn Shaughnessy; <b>Renewable Energy Commission:</b> Amanda Converse, Alison Alessi; <b>Sandy Neck Board:</b> Lynn Heslinga, William Carey; <b>Scholarship Committee:</b> Deborah Hill; <b>Trust Fund Advisory Committee:</b> Gregory Plunkett, William Murdoch; <b>Youth Commission:</b> Reid Hall.	23 - 24

## **B. NEW BUSINESS**

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<b>2013-172</b>	Appointments to a board/committee/commission <b>(First reading)</b> .....	28
	<b>Council on Aging:</b> Taylor D. Cobb; <b>Recreation Commission:</b> William Dado	

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**Approve Minutes-** June 6, 2013 No executive session minutes.

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**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. 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.

Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice.

Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

## **A. OLD BUSINESS (Public hearing) (Roll-call, 2/3)**

### **BARNSTABLE TOWN COUNCIL**

**ITEM# 2013-133**

**INTRO: 04/25/13, 06/06/13, 06/20/13**

#### **2013-133 AMENDING THE ZONING ORDINANCES, CHPT 240, ARTICLE VII, SIGN REGULATIONS PROVIDING A NEW SIGN CODE FOR THE OSTERVILLE BUSINESS A ZONING DISTRICTS**

##### **ORDERED:**

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations is hereby amended by adding a new Section 240-65.1 to apply only to the Osterville Business A Zoning Districts, by amending other sections to acknowledge this new sign code section and by updating the sign code definitions of Open Closed Signs and Neon Signs and to read as follows:

##### **“Section 1**

##### **§240-65.1 Signs in the BA Districts**

##### **A. Business Identification Signs.**

- (1) Each business establishment is allowed two signs.
- (2) The area of all signs for each individual business establishment shall not exceed ten percent (10%) of the area of the building façade associated with the business establishment that contains the establishment’s primary customer entrance or 100 square feet, whichever is the lesser amount.
- (3) In instances where multiple business establishments share a customer entrance on the same façade, the following requirements shall apply:
  - (a) The total square footage for all signs of all business establishments attached to each façade shall not exceed 10% of the total area of the façade associated with the business establishments that contains the establishments’ shared customer entrance or 100 square feet, whichever is the lesser amount.
  - (b) In instances where a building façade with a shared customer entrance does not have a ground-floor window belonging to each and all business establishments within the building, the following additional requirements shall apply:
    - [1] Business establishments with a window on the ground floor of the building façade that includes a shared customer entrance shall be allowed one sign attached to that building façade.
    - [2] Up to two directory signs shall be allowed for all businesses within the building. That sign may have multiple panels for each business tenant within the building. The total size of the directory sign(s) shall not exceed 20 square feet.
- (4) **Additional Standards for Each Sign Type.**

In addition to the number and size limitations of Section (A) (1), signs shall be subject to the following requirements. The most restrictive requirement shall apply.

##### **(a) Wall Signs.**

- [1] The maximum size of a wall sign shall not exceed fifty (50) square feet.

##### **(b) Projecting Signs.**

- [1] The maximum size of a projecting sign shall not exceed six (6) square feet.
- [2] The sign may be double-faced.
- [3] The bottom of a projecting sign shall be a minimum of 8 feet from grade and the height of the projecting sign shall not exceed 12 feet where the sign projects over a pedestrian walkway.
- [4] The projecting sign must be secured and located so as to preclude its becoming a hazard to the public.

- [5] Each business establishment may only have one projecting sign on a façade.
- [6] Any sign projecting over Town property must have adequate public liability insurance coverage. Proof of such insurance must be provided to the Building Commissioner prior to the granting of a permit for such sign.

**(c) Roof Signs.**

- [1] The maximum size of a roof sign shall not exceed 20 square feet.
- [2] A roof sign shall be no higher than 1/5 of its length.
- [3] The roof sign shall be located above the eave, and shall not project below the eave, or above a point located 2/3 of the distance from the eave to the ridge.

**(d) Freestanding Signs.**

- [1] One freestanding sign is allowed on each lot where the building is set back a minimum of five feet from the property line.
- [2] The sign may be double-faced.
- [3] The maximum size and height of freestanding signs shall be as follows:
  - [a] For properties that contain one business establishment, a freestanding sign shall not exceed four (4) square feet in area and seven (7) feet in height.
  - [b] For properties that contain two or more business establishments, a freestanding sign shall not exceed eight (8) square feet in area and ten (10) feet in height.
  - [c] For properties that are located in the portion of the BA District south of Osterville-West Barnstable Road and north of Pond Street, a freestanding sign shall not exceed twenty (20) square feet in area and twelve (12) feet in height.
- [4] When a lot is located on two or more public ways, the Building Commissioner may allow a second freestanding sign, provided the second freestanding sign also conforms to the requirements of subsection (4)(d)[3] above.

**(e) Awning Signs.**

- [1] Signage may be displayed on a maximum of two awnings per façade per business establishment.
- [2] For the purposes of this Section, two awnings with signage on the same façade shall constitute one sign.
- [3] When a business establishment elects to put signage on two awnings on the same façade pursuant to subsection (e)[2] above, that business establishment shall be limited to one of the following additional signs:
  - [a] One wall sign, not to exceed six (6) square feet in area; or
  - [b] One projecting sign, subject to the requirements of (A)(4)(b); or
  - [c] One freestanding sign, subject to the requirements of (A) (4) (d).
- [4] Lettering on an awning sign shall not exceed six (6) inches in height.
- [5] Any logo, symbol, graphic, or image incorporated into an awning sign shall not exceed two square feet.

**(5) Special Permit for Dimensional Relief.**

Within the BA Zoning District, the Special Permit Grant Authority (SPGA) may provide relief subject to the provisions of § 240-125C herein from the size and dimensional requirements of Section 240-65.1(A). The grant of any special permit for dimensional relief within the BA District shall require the SPGA to make the following findings:

- (a)** There are unique features affecting the property or structure containing the business establishment that make it distinctly different in character from other development in the district. Such features may include, but are not limited to, the visibility of a structure or primary customer entrance from a public way, the size of the structure

containing the business establishment, orientation of the structure on the lot, access to the structure, or the number of tenants located on a single lot.

- (b) The proposed sign is consistent with the visual character of surrounding neighborhood and the community.

**B. Identification Signs.**

Identification signs shall not count toward the total number of signs allowed for a business establishment in Section 240-65.1(A).

**(1) Identification Signs for secondary customer entrances.**

- (a) Each business establishment with a second customer entrance on a second façade oriented to a public way, parking lot, or publicly used walkway is allowed one identification sign.
- (b) The area of the sign shall not exceed 5% of the area of the building façade associated with the business establishment that contains the establishment's secondary customer entrance or 20 square feet, whichever is the lesser amount.
- (c) The identification sign shall be limited to either a wall sign, projecting sign, or awning sign, subject to the requirements set forth in Section 240-65.1(A)(4) above.
- (d) The sign shall be attached to the building façade containing the second customer entrance.
- (e) In instances where the multiple business establishments share a secondary customer entrance, identification signs shall be subject to the requirements of Section 240-65.1(A)(3) except that size limitations of subsection (B)(1)(c) above shall apply.

**(2) Identification Signs for delivery or service entrances.**

- (a) Each business establishment is allowed one identification sign attached to a building façade oriented to a public way, parking lot, or publicly used walkway, providing that such façade has a delivery or service entrance serving that business establishment.
- (b) The identification sign shall be a wall sign located near the delivery or service entrance.
- (c) The maximum size of an identification sign shall not exceed two (2) square feet.

**C. Trade Signs and Temporary Signs.**

These signs shall be permitted in addition to the signs permitted in subsections A and B above. All trade signs and temporary signs shall be made of high quality materials and kept clean and properly maintained so to avoid peeling, rusting or other forms of decay.

**(1) Menu Signs.**

- (a) Each restaurant or food service establishment may have one menu sign not to exceed three square feet.
- (b) The menu sign shall be attached to the building.

**(2) A-Frame Menu Boards.**

- (a) A-Frame Menu Boards are permitted for restaurants and other food service establishments.
- (b) One A-Frame Menu Board sign per establishment is permitted.
- (c) The maximum size of the A-Frame Menu Board shall not exceed 2 feet by 3 feet. The sign may be double-sided.
- (d) The sign must be A-frame style and the frame must be made out of solid wrought-iron and may incorporate a chalk-board.

Where the A-Frame Menu Board is proposed on private property, proof shall be submitted demonstrating to the satisfaction of the Building Commissioner that explicit

written permission has been given by the owner of the property proposed for locating the A-Frame Menu Board.

- (e) Where the A-Frame Menu Board is proposed on Town property, the following additional criteria shall be met:
  - [1] Proof of receipt of a license from the Town Manager or designee for the sign at the proposed location.
  - [2] Proof of insurance consistent with this license from the Town Manager or designee shall be provided to the Building Commissioner prior to placing any approved sign.
- (f) A-Frame Menu Boards may not be used in conjunction with trade figure/symbols, open/closed signs or menu signs.
- (g) A-Frame Menu Boards must comply with the following performance standards:
  - [1] Shall be secured as necessary so as not to create nuisance or hazard to pedestrians, motorists or business patrons under any conditions.
  - [2] Shall not obstruct safe passage or impede accessibility on the sidewalk.
  - [3] Shall not obstruct views to another business or business sign.
  - [4] Shall be professionally made and well maintained. Hand-lettered signs shall not incorporate informal, irregular hand lettering.
  - [5] Shall not be illuminated.
  - [6] Shall not have lights, banners, flags or similar objects placed on or adjacent to the sign.
  - [7] Shall be placed on the sidewalk leading to the public business entrance.
  - [8] Shall be removed at the close of business each day.
  - [9] Shall not be displayed outside of business hours.

**(3) Trade Figure or Symbols.**

- (a) One trade figure or symbol per business establishment is permitted.
- (b) The trade figure or symbol shall represent the business and/or its services and be based on historic trade representations.
- (c) Trade figures or symbols shall comply with the following requirements:
  - [1] The trade figure or symbol shall be placed at the public entrance immediately abutting the building front or affixed to the front facade of the building in which the business is located. Trade figures or symbols may also be incorporated into a freestanding sign.
  - [2] The maximum size of any trade figure or symbol shall be three cubic feet.
  - [3] The trade figure or symbol shall be secured as necessary so that it does not create nuisance or hazard under any conditions to pedestrians, motorists or business patrons.
  - [4] The trade figure or symbol shall not obstruct safe passage or impede accessibility on the sidewalk and shall not obstruct views to another business or business sign.
  - [5] Trade figures or symbols may not be used in conjunction with A-Frame Menu Boards.
- (d) Proof shall be submitted demonstrating to the satisfaction of the Building Commissioner that explicit written permission has been given by the owner of the property proposed for locating the trade figure or symbol.
- (e) Where the trade figure or symbol is proposed on Town property, the following additional criteria shall be met:
  - [1] Proof of receipt of a license from the Town Manager or designee for the sign at the proposed location.

[2] Proof of insurance consistent with this license from the Town Manager or designee shall be provided to the Building Commissioner prior to placing any approved trade figure or symbol.

**(4) Open Closed Signs.**

- (a) Each business establishment is allowed one open/closed sign on each building façade oriented to a street or parking lot, providing that such façade has a customer entrance serving that business establishment.
- (b) The open/closed sign shall either be attached at the customer entrance, in a display window or door of the building in which the business is located or attached to a freestanding sign. Open/closed signs may also be incorporated into a trade figure or A-Frame Menu Board.
- (c) The maximum size of an open/closed sign shall not exceed 22 inches by 14 inches.

**(5) Incidental business signs.**

- (a) Incidental business signs indicating the business, hours of operation, credit cards accepted, and business affiliations shall be permitted so long as the total area of all signs does not exceed one square foot.
- (b) "Sale" signs and other temporary signs shall be permitted so long as the total area of all such signs does not exceed three square feet.

**(6) Trade Flags.**

Trade flags are prohibited in the BA District.

**D. Illumination, Design and Materials.**

- (1) No neon or LED signs are permitted in the BA District.
- (2) Internally illuminated signs are prohibited in the BA District.
- (3) The lettering, shape, and color employed in a sign shall be compatible with the form, color, and materials of the building housing the business establishment that the sign is identifying. Signs for different businesses within the same building or for multiple business establishments in multiple buildings on the same property shall be of harmonious style and design.
- (4) Wall signs, projecting signs, roof signs, and freestanding signs shall be made primarily of wood, PVC composite, medium density or high density overlay plywood or HDPE sign board.

**Section 2**

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations §240-65, that now reads "Signs in B, BA, UB, HB, HO, S&D and SD-1 Districts" is hereby amended by deleting the reference to the BA District. That section to read: §240-65, Signs in B, UB, HB, HO, S&D and SD-1 Districts.

**Section 3**

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations §240-72, Trade Flags, Provision F, that now reads: "F. In the Osterville BA District, the display of a trade flag shall be limited to antique stores, and the dimensions of trade flags shall not exceed two feet by three feet." is hereby deleted.

**Section 4**

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations §240-60, Definitions is hereby amended by:

- 1. Amending the definition of OPEN/CLOSED SIGN that now reads, "OPEN/CLOSED SIGN - A business in the HVB may display a sign, which may include a neon sign, as defined herein, indicating whether it is open or closed. Open/closed signs are not counted towards the amount of signage allowed. A neon sign is made of glass tubes filled with an inert gas such as neon or argon electrified to produce illumination. This provision is an exception to § 240-24.1.10A (6)."



That definition to now read:

**OPEN/CLOSED SIGN** — A sign indicating whether a business is open or closed. A business in the HVB may display a neon open/closed sign, as defined herein, indicating whether it is open or closed. Open/closed signs are not counted towards the amount of signage allowed.

2. And adding, in alphabetical order, a definition of a Neon Sign to read as follows: **NEON SIGN** – A neon sign is made of glass tubes filled with an inert gas such as neon or argon electrified to produce illumination. This provision is an exception to §240-24.1.10A (6).”

**SPONSOR:** Councilor James Cote

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>04/25/13</u>	<u>Referred to Planning Board for hearing</u>
<u>05/14/13</u>	<u>Planning Board referred to Town Council for the 2<sup>nd</sup> public hearing</u>
<u>06/06/13</u>	<u>Referred to June 20 for Town Council public hearing</u>

\_\_\_\_ Read item and refer to a public hearing on June 20, 2013  
\_\_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2013-133**

**INTRO: 4/25/13, 06/06/13, 06/20/13, 06/20/13**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Councilor James Cote through Growth Management Department  
**SUBJECT:** Amending Chapter 240, Article VII, providing a new sign ordinance in Osterville  
“Business A” Zoning Districts

**ANALYSIS/RATIONALE:** These proposed amendments were crafted in response to a request from the Osterville Business and Professional Association. Their desire was to have sign regulations that reflect the character and scale of Osterville village center. This amendment is the product of a multi-year collaboration between the OBPA, OVA and the Growth Management Department.

The mission was twofold: to support the needs of local businesses and to preserve the unique appearance Osterville’s commercial center.

This amendment recognizes that zoning regulations must be context-sensitive and that a “one size fits all” sign code cannot sufficiently serve the needs of all areas or villages of Barnstable. Osterville has small, independent merchants operating in a pedestrian oriented environment. The existing sign code, as it applies to this zoning district, is more appropriate to business districts serving a more auto oriented land use.

These proposed amendments would provide businesses in Osterville village added flexibility in the types of signage that may be displayed, allowing the ability to respond to the unique orientation and arrangement of storefronts found in Osterville village center.

Growth Management has taken this opportunity to create, in its organization and context sensitivity, a sign code prototype that can be applied to other areas of Town in the future.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM: 2013-144**

**INTRO: 05/16/13, 06/06/13, 06/20/13**

**2013-144 APPROPRIATION OF \$968,435 FOR FY14 GROWTH MANAGEMENT  
DEPARTMENT GENERAL FUND BUDGET**

**ORDERED** That the sum of **\$968,435** be raised and appropriated for the purpose of funding the Town's FY 2014 Growth Management Department budget as presented to the Town Council by the Town Manager:

**SPONSOR:** Town Manager Thomas K. Lynch

<b><u>DATE</u></b>	<b><u>ACTION TAKEN</u></b>
<u>05/16/13</u>	<u>Referred to public hearing- June 6</u>
<u>06/06/13</u>	<u>Public hearing continued to June 20</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM: 2013-147**

**INTRO: 05/16/13, 06/06/13, 06/20/13**

**2013-147 APPROPRIATION OF 1,630,979 FOR FY14 LIBRARY GRANT**

**ORDERED** That the sum of **\$1,630,979** be raised and appropriated for the purpose of funding the Town's FY 2014 Library Grant as presented to the Town Council by the Town Manager.

**SPONSOR:** Town Manager Thomas K. Lynch

<b><u>DATE</u></b>	<b><u>ACTION TAKEN</u></b>
<u>05/16/13</u>	<u>Referred to public hearing- June 6</u>
<u>06/06/13</u>	<u>Public hearing continued to June 20</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM: 2013-148**

**INTRO: 05/16/13, 06/06/13, 06/20/13**

**2013-148 APPROPRIATION OF \$1,286,700 FOR FY 2014 COMMUNITY PRESERVATION FUND PROGRAM SET-ASIDES AND PROGRAM ADMINISTRATION**

**ORDERED:** That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year ending June 30, 2014, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$378,900** for open space; **\$378,900** for historic resources; **\$378,900** for community housing; and that the sum of **\$150,000** 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 Thomas K. Lynch

<b><u>DATE</u></b>	<b><u>ACTION TAKEN</u></b>
<u>05/16/13</u>	<u>Referred to public hearing- June 6</u>
<u>06/06/13</u>	<u>Public hearing continued to June 20</u>
<u>                    </u>	

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM: 2013-149**

**INTRO: 05/16/13, 06/06/13, 06/20/13**

**2013-149 APPROPRIATION OF \$2,576,097 FOR FY 2014 COMMUNITY PRESERVATION FUND DEBT SERVICE**

**ORDERED:** That the Town Council hereby appropriate **\$2,576,097** for the purpose of paying the FY 2014 Community Preservation Fund debt service requirements, and to meet such appropriation, that **\$2,466,403** be provided from current year revenues of the Community Preservation Fund and that **\$109,694** be provided from the reserve for the historic preservation program within the Community Preservation Fund.

**SPONSOR:** Town Manager Thomas K. Lynch

<b><u>DATE</u></b>	<b><u>ACTION TAKEN</u></b>
<u>05/16/13</u>	<u>Referred to public hearing- June 6</u>
<u>06/06/13</u>	<u>Public hearing continued to June 20</u>
<u>                    </u>	

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM: 2013-150**

**INTRO: 05/16/13, 06/06/13, 06/20/13**

**2013-150 APPROPRIATION OF \$2,670,058 FOR THE FY14 COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET**

**ORDERED:** That the sum of **\$2,670,058** be appropriated for the purpose of funding the Town's FY 2014 Community Services Department budget, and to meet such appropriation, that **\$2,356,382** be raised from current year revenue, that **\$291,075** be transferred from the Mooring Fee Special Revenue Fund, and that **\$22,601** be transferred from general fund reserves as presented to the Town Council by the Town Manager.

**SPONSOR:** Town Manager Thomas K. Lynch

<b><u>DATE</u></b>	<b><u>ACTION TAKEN</u></b>
<u>05/16/13</u>	<u>Referred to public hearing- June 6</u>
<u>06/06/13</u>	<u>Public hearing continued to June 20</u>
<u>                  </u>	

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM: 2013-151**

**INTRO: 05/16/13, 06/06/13, 06/20/13**

**2013-151 APPROPRIATION OF \$2,921,692 FOR FY14 COMMUNITY SERVICES DEPARTMENT GOLF COURSE ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$2,921,692** be appropriated for the purpose of funding the Town's FY 2014 Golf Course Enterprise Fund budget; and to meet such appropriation that **\$2,886,692** be raised from current year revenues by the golf course facilities and that **\$35,000** be transferred from the golf course enterprise fund reserves, as presented to the Town Council by the Town Manager.

**SPONSOR:** Town Manager Thomas K. Lynch

<b><u>DATE</u></b>	<b><u>ACTION TAKEN</u></b>
<u>05/16/13</u>	<u>Referred to public hearing- June 6</u>
<u>06/06/13</u>	<u>Public hearing continued to June 20</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote



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

**BARNSTABLE TOWN COUNCIL**

**ITEM: 2013-152**

**INTRO: 05/16/13, 06/06/13, 06/20/13**

**2013-152 APPROPRIATION OF \$2,767,973 FOR FY14 COMMUNITY SERVICES DEPARTMENT  
HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$2,767,973** be appropriated for the purpose of funding the Town's FY 2014 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that **\$1,160,550** be raised from current year revenues by the Hyannis Youth and Community Center operations, and that **\$216,000** be raised from the general fund, and that **\$1,391,423** be transferred from the Capital Trust Fund, presented to the Town Council by the Town Manager.

**SPONSOR:** Town Manager Thomas K. Lynch

<b><u>DATE</u></b>	<b><u>ACTION TAKEN</u></b>
<u>05/16/13</u>	<u>Referred to public hearing- June 6</u>
<u>06/06/13</u>	<u>Public hearing continued to June 20</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM: 2013-153**

**INTRO: 05/16/13, 06/06/13, 06/20/13**

**2013-153 APPROPRIATION OF \$680,231 FOR FY14 COMMUNITY SERVICES DEPARTMENT MARINA ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum of **\$680,231** be appropriated for the purpose of funding the Town's FY 2014 Marina Enterprise Fund budget; and to meet such appropriation that **\$593,000** be raised from current year revenues by the marina facilities, and that **\$63,231** be transferred from the Capital Trust Fund, and that **\$24,000** be transferred from the Bismore Park Special Revenue Fund as presented to the Town Council by the Town Manager.

**SPONSOR:** Town Manager Thomas K. Lynch

<b><u>DATE</u></b>	<b><u>ACTION TAKEN</u></b>
<u>05/16/13</u>	<u>Referred to public hearing- June 6</u>
<u>06/06/13</u>	<u>Public hearing continued to June 20</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote



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

**BARNSTABLE TOWN COUNCIL**

**ITEM: 2013-155**

**INTRO: 05/16/13, 06/06/13, 06/20/13**

**2013-155 APPROPRIATION OF \$7,230,647 FOR FY14 BARNSTABLE MUNICIPAL AIRPORT ENTERPRISE FUND BUDGET**

**ORDERED:** That the sum **\$7,230,647** of be appropriated for the purpose of funding the Town's FY 2014 Airport Enterprise Fund budget, and to meet such appropriation that **\$7,230,647** be raised from current year revenues by the airport as presented to the Town Council by the Town Manager.

**SPONSOR:** Town Manager Thomas K. Lynch

<b><u>DATE</u></b>	<b><u>ACTION TAKEN</u></b>
<u>05/16/13</u>	<u>Referred to public hearing- June 6</u>
<u>06/06/13</u>	<u>Public hearing continued to June 20</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM: 2013-156**

**INTRO: 05/16/13, 06/06/13, 06/20/13**

**2013-156 APPROPRIATION OF \$2,643,229 FOR FY14 REGULATORY SERVICES DEPARTMENT BUDGET**

**ORDERED:** That the sum of **\$2,643,229** be appropriated for the purpose of funding the Town's FY 2014 Regulatory Services Department budget, and to meet such appropriation, that **\$2,545,862** be raised from current year revenue, and that **\$42,840** be transferred from the Wetlands Protection Special Revenue Fund, and that **\$54,527** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town

**SPONSOR:** Town Manager Thomas K. Lynch

<b><u>DATE</u></b>	<b><u>ACTION TAKEN</u></b>
<u>05/16/13</u>	<u>Referred to public hearing- June 6</u>
<u>06/06/13</u>	<u>Public hearing continued to June 20</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2013-168**  
**INTRO: 06/06/13, 06/20/13**

**2013-168 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

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

**CABLE TELEVISION ADVISORY COMMITTEE**

Richard Bacchiocchi, 12 Walley Court, Hyannis, as a member, to a term expiring 6/30/2016

**COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE**

Lillian Woo, 80 Kearsage, West Hyannisport, as a member, to a term expiring 6/30/2016

**CULTURAL COUNCIL**

Elise McMullin, 125 Marquand Drive, Osterville, as a member, to a term expiring 6/30/2014

**HUMAN SERVICES COMMITTEE**

Charles Hetzel, 55 Seabrook Road, Hyannis, as a representative member, to a term expiring 6/30/2015

**SPONSOR:** The Appointments Committee

<u>DATE</u>	<u>ACTION TAKEN</u>
06/06/13 _____	Moved to 2 <sup>nd</sup> reading – Jun 20

- \_\_\_\_ Read Item
- \_\_\_\_ Rationale
- \_\_\_\_ Council discussion
- \_\_\_\_ Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2013-169**  
**INTRO: 06/06/13, 06/20/13**

**2013-169 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

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

**AGRICULTURAL COMMISSION**

Max Kumin, 3826 Main Street, Cummaquid, as a member, to a term expiring 6/30/2016  
Leslie Spencer, 151 Main Street, Cotuit, as a member, to a term expiring 6/30/2016  
Melissa Caughey, 35 Fox Hollow Lane, Osterville, as a member, to a term expiring 6/30/2016

**AIRPORT COMMISSION**

Ronald Pursuite, 59 Colonial Way, West Barnstable, as a member, to a term expiring 6/30/2016  
Michael Dunning, 339 Old Jail Lane, Barnstable, as a member, to a term expiring 6/30/2016

**BOARD OF HEALTH**

Wayne Miller, 2231 Meetinghouse Way, West Barnstable, as a member, to a term expiring 6/30/2016

**CABLE TELEVISION ADVISORY COMMITTEE**

Nancy Richard, 4022 Main Street, Cummaquid, as a member, to a term expiring 6/30/2016

**COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE**

Gregory Plunkett, 80 Hyannis Avenue, Hyannisport, as a member, to a term expiring 6/30/2016

**CULTURAL COUNCIL**

Mary Carroll-Allen, 312B Pleasant Pines Avenue, Centerville, as a member, to a term expiring 06/30/2016  
Rebecca Lawrence, 157 Pond View Drive, Centerville, as a member, to a term expiring 6/30/2016

**ELDERLY & DISABLED TAXATION AID COMMITTEE**

William Murdoch, 760 South Main Street, Centerville, as a member, to a term expiring 6/30/2016

**HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION**

Marina Atsalis, 242 Ocean Street, Hyannis, as a member, to a term expiring 6/30/2016  
Brenda Mazzeo, 145 East Bay Road, Osterville, as an alternate member to a term expiring 6/30/2016

**JFK MEMORIAL TRUST FUND COMMITTEE**

Hugh Findlay, 500 Ocean Street, Hyannis, as a member, to a term expiring 6/30/2016

**OLD KING'S HIGHWAY HISTORIC DISTRICT COMMITTEE**

George Jessop, 863 Bumps River Road, Centerville, as an architect, representative member, to a term expiring 6/30/2016

**PLANNING BOARD**

Paul Curley, 27 Lancaster Way, West Barnstable, as a member, to a term expiring 6/30/2016

David Munsell, 3528 Main Street, Barnstable, as a member, to a term expiring 6/30/2016

**RECREATION COMMISSION**

Joseph O'Brien, 65 Trinity Place, Centerville, as a member, to a term expiring 6/30/2016

Katherine Pina, 49 Windmill Lane, Cotuit, as a member, to a term expiring 6/30/2016

Richard Sawyer, 75 Cap'n Crosby Road, Centerville, as a member, to a term expiring 6/30/2016

**REGISTRAR OF VOTERS**

Kathryn Shaughnessy, 72 Stonehedge Drive, Barnstable, as an appointed member, to a term expiring 6/30/2016

**RENEWABLE ENERGY COMMISSION**

Amanda Converse, 558 Lumbert Mill Road, Centerville, as a member, to a term expiring 6/30/2016

Alison Alessi, 120 Chase Street, Hyannis, as a member, to a term expiring 6/30/2016

**SANDY NECK BOARD**

Lynn Heslinga, 1649 Hyannis Road, Barnstable, as a member-at-large, to a term expiring 6/30/2016

William Carey, 171 Harbor Point Road, Cummaquid, as a member-at-large, to a term expiring 6/30/2016

**SCHOLARSHIP COMMITTEE**

Deborah Hill, 70 Fernbrook Lane, Centerville, as a member, to a term expiring 6/30/2016

**TRUST FUND ADVISORY COMMITTEE**

Gregory Plunkett, 80 Hyannis Avenue, Hyannisport, as a member, to a term expiring 6/30/2016

William Murdoch, 760 South Main Street, Centerville, as a member, to a term expiring 6/30/2016

**YOUTH COMMISSION**

Reid Hall, c/o Phinney's Lane, Hyannis, as an advisory member, to a term expiring 6/30/2016

**SPONSOR:** The Appointments Committee

**DATE**

06/06/13 \_\_\_\_\_

**ACTION TAKEN**

Moved to 2<sup>nd</sup> reading – Jun 20  
\_\_\_\_\_

\_\_\_\_ Read Item

\_\_\_\_ Rationale

\_\_\_\_ Council discussion

\_\_\_\_ Move/vote



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2013-170  
INTRO: 06/20/13**

**2013-170 DESIGNATING 65 INDEPENDENCE DRIVE, HYANNIS AS AN ECONOMIC OPPORTUNITY AREA AND AUTHORIZING A TAX INCREMENT FINANCING AGREEMENT**

**RESOLVED:**

That the Town Council of the Town of Barnstable designate the location of the project at 65 Independence Drive in Hyannis and shown as the land described in Barnstable Assessors’ records Map 295, Block 15, Lots X01 and X02 as an Economic Opportunity Area designated as “Southwind/Kohl’s Economic Opportunity Area” (the EOA”).

And Further, Resolved:

That the Town Council approves:

- The Tax Increment Financing Agreement (the “TIF Agreement”), between the Town, OCW-Retail Hyannis, LLC and Kohl’s Illinois, Inc., substantially in the form as presented to the Town Council
- The Tax Increment Financing Plan pursuant to GL c. 40, §59,

And:

That the Town Manager is authorized to submit an Economic Opportunity Area Application, Tax Increment Financing Plan and TIF Zone, TIF Agreement, and Certified Expansion Project Application to the Massachusetts Economic Assistance Coordinating Council all relating to the project as described in the TIF Agreement to be located in the Southwind/Kohl’s Economic Opportunity Area and to take such other actions as may be necessary to obtain approval of the Certified Expansion Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan, TIF Agreement and TIF Zone and to implement the TIF Agreement.

**SPONSOR:** Councilor Jen Cullum

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2013-170**  
**INTRO: 06/20/13**

## SUMMARY

**TO:** Town Council  
**FROM:** Councilor Jennifer Cullum  
**DATE:** May 31, 2013

**RATIONALE:** This Tax Increment Financing (TIF) Agreement between the Town of Barnstable and OCW Retail LLC (the owner) and Kohl's of Illinois LLC (Lessee) TIF agreements are authorized by GL c. 40, §59. This ordinance allows the Town to enter into this Agreement with the property owner and the operating business to support new development that produces new jobs through investment in structures and/or equipment. The TIF Agreement does not abate existing property taxes. It exempts a small percentage of the increase in valuation resulting from the new investment for the period described in the Agreement

The TIF Agreement is a contract between the municipality, the property owner and the job-creating business, whereby each party agrees to undertake certain actions for the benefit of the other in order to achieve the common goal of having the business locate or expand within the Town and receive the local and State tax benefits available to it as a Certified Project. The TIF Agreement sets forth the amount of the tax exemption and the duration of the benefits, and describes the responsibilities of the business towards the municipality that has made these benefits available.

The co- applicants, OCW Retail and Kohls's of Illinois, have worked closely with the Town to develop this Agreement through their consultant Hal Davis, New England Economic Development Inc. The Growth Management Department began the process at the applicant's request. An agreement on the TIF structure was reached between the applicant and the TIF Committee. The TIF committee members are the Finance Director, the Assessing Director, the Town Attorney, the Director of Growth Management, two members of the Economic Development Commission and two members of the Town Council.

**FISCAL IMPACT:** By approving this TIF agreement the Town agrees to forgo the collection of a total of \$26, 363 in net tax gain over a period of 20 years in return for the creation of 10 new full time jobs and 10 part-time jobs over 5 years.

**STAFF ASSISTANCE:** Mark Milne, Finance Director  
Jeff Rudziak, Assessor  
Jo Anne Miller Buntich, Director Growth Management.  
Ruth J. Weil, Town Attorney  
Charles McLaughlin, Assistant Town Attorney

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2013-171  
INTRO: 06/20/13**

**2013-171 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

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

**COUNCIL ON AGING**

Eleanor Letterie, 14 Janes Way, Osterville, as a member to a term expiring 6/30/2016  
Thomas Pelish, 73 Brant Way, Hyannis, as a member to a term expiring 6/30/2016  
Paul Curley, 27 Lancaster Way, West Barnstable, as member to a term expiring 06/30/16

**HUMAN SERVICES COMMITTEE**

Heidi Nelson, c/o Duffy Health Center, 94 Main Street, Hyannis, as a representative member to a term expiring 6/30/2016

**RENEWABLE ENERGY COMMISSION**

Stephen Thomas, 535 South Street, Hyannis, as a member to a term expiring 6/30/2016

**SPONSOR:** The Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2013-172  
INTRO: 06/20/13**

**2013-172 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

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

**COUNCIL ON AGING**

Taylor Cobb, 1135 Santuit-Newtown Road, Cotuit, as a member to a term expiring 6/30/2014

**RECREATION COMMISSION**

William Dado, 200 Camelback Road, Marstons Mills, as a member to a term expiring 6/30/2014

**SPONSOR:** The Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move/vote